



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
Tel: (203) 488 - 1255, Fax: (203) 315 - 2188

MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 2, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Chadwick, J. Lust, J. Vaiuso, F. Russo, P. Higgins,
C. Andres (Chairperson), M. Palluzzi (Secretary)

Commissioners Absent: D. Dyer

Staff Present: H. Smith-Town Planner, R. Stoecker- Asst. Town Planner,
M. Martin- Clerk

Secretary Palluzzi read the Public Hearing Notice into the record.

PUBLIC HEARINGS:

1. Danby Gasoline Marketers, Inc. c/o
Kevin Curry- Applicant
Charles J. Pepe, Executor of Estate of Anthony C. Pepe-Owner
165 & 195 Main Street
Special Exception-Modification of Parking Requirements for property with existing
Auto Service with Gas, Liquor Store and Office on which is proposed a New
Convenience Store.
Application #19-2.7
A/R & PH opened for 3/21/19, Time Extension received & continued to 5/16/19
2. Beacon Communities Development LLC,
c/o Attorney Timothy Hollister-Applicant
Town of Branford Housing Authority-Owner
Application for a Site Plan Modification/Coastal Site Plan) under CGS Section 8-30g
Affordable Housing Land Use Appeals for property located at 115 South Montowese
Street (Parkside Village I) for (1) deletion of Condition #3a of the amended Resolution
adopted on 1/3/2019 approving application #17-9.6 and (2) a revision of the approved
Site Plan to show use of Sliney Road as a supplemental emergency access to the
redeveloped building.
Application #19-2.4
A/R 2/21/19 & PH continued to 5/02/19
Decision Required by 6/27/19 (includes offer and acceptance of the Time
Extensions totaling 60 days)

Chairman Andres stated that additional information is still needed and the Public Hearing is being continued to the 5/16/19 meeting.

3. Audra Nuzzo- Applicant
Zoning Regulation Amendment- Addition of new use category” Farm Event Venue proposed to include liquor and food service” as a Special Exception use in the BC,BR,BL,MU,IG1,IG2,and CP zones
Application #19-3.4
A/R & PH set for 4/22/19 & continued to 5/16/19

4. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment to modify Section 7.4 (Line 11)
(Accessory Apartment)
Application #19-3.3
A/R 4/4/19& PH set for 5/2/19

R. Stoecker reviewed the proposal and his staff report. He stated that the change was being proposed to allow new accessory apartments in Branford to be listed on the Affordable Housing Appeals list –(nonexempt municipalities listing for the State of CT) To do this, the wording of the deed restriction requirement for the apartment needs to be changed from Section 8-39A to 8-30G.

He said that in reviewing this text amendment change, the Commission is required to look at both the Comprehensive Plan of zoning and the Plan of Conservation & Development.

He said that DEEP was notified because the amendment will affect properties in the Coastal Zone but had no comments, stating it was an administrative matter.

Chairperson Andres added to the explanation by saying he believed there is both legal and moral imperative to supply some type of affordable housing in the town. One of the ways to do this is government programs, another way is to get the market to provide housing that is inexpensive and one way it can happen is thru affordable housing (Accessory Apartments). If this can be done in a way that doesn't disrupt your neighbors, it's a good thing. He noted that Branford has had accessory apartment regulations for over 20 year and at one point the deed restriction requirement was added stating 8-39A (which provides a definition of affordable housing). However, it was found that that does not qualify for credit for affordable housing on the Affordable Housing Appeals list kept by the Dept. of Housing. The goal is to have good market driven inexpensive housing and make it deed restricted so Branford gets the credit from the Dept. of Housing. He said the only thing that this Zoning Regulation Amendment does is change the statute that is being referenced.

The Commission then asked a few questions.

PUBLIC INPUT:

J. L. Pottenger – (Branford Resident) Spoke and stated that 8-30G is not a government program. It is a private sector market driven developers' remedy which was passed by the legislature. It encourages the private sector to step in and develop affordable housing. He noted it is important to distinguish there are lots of government

programs relating to affordable housing but 8-30G is a private sector remedy and it's driven by that philosophy.

Chairperson Andres closed the Public Hearing.

5. Sherry Purvis Torello & Nick Torello-Applicants & Owners
43 Hotchkiss Grove Road
Special Exception for an Accessory Apartment
Application #19-4.2
A/R & PH set for 5/2/19

Architect Billy Bud spoke as the representative of the applicants who were also present. He explained this cottage is proposed as an in-law apartment and it is situated 30 feet below Hotchkiss Grove Road, so it is not visible from the road. He gave details of the apartment.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

MINUTES: 4/22/19

Commissioner Higgins pointed out two name misspellings.

**P. Higgins made a motion to approve the minutes with the corrections as noted.
J. Lust seconded the motion which passed unanimously.**

CORRESPONDENCE:

H. Smith stated he received a copy of a petition in the office. Fourteen people signed it, primarily with addresses on Short Beach Road, with two persons signing it from Brockett's Point Road. He said it concerned their opposition to any expansion or change of use by AIR Inc. at 171 Short Beach Rd. and cited several alleged zoning violations.

Chairperson Andres said they previously discussed the addition of an employee training room and whether it should be considered an allowed intensification of the pre-existing nonconforming use or an illegal expansion. He said they had offered their opinion to the Zoning Enforcement Officer that if it was just used as a training room for the employees of AIR Inc. it should be considered an intensification.

The Commission briefly discussed this. H. Smith said he will speak to the Zoning Enforcement Officer regarding the alleged zoning violations outlined in the petition and will report back at a future meeting.

RETURN TO TABLE:

1. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment to modify Section 7.4 (Line 11)
(Accessory Apartment)
Application #19-3.3
A/R 4/4/19& PH set for 5/2/19

The Commission had a brief discussion.

H. Smith said that the revised wording proposed in the staff report for Section 7.4.A (Line 11) contained some extraneous words and needed to be revised to read *“The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented, be rented at or below prices that would qualify the apartment as an “affordable housing unit” as defined in C.G.S. Section 8-30g.”*

J. Chadwick made a motion to approve the text change as modified with an effective date of May 20, 2019 with the finding that it is both consistent with the Plan of Conservation & Development as well as the Comprehensive Plan (of zoning) embodied within the Zoning Map and Zoning Regulations.

J. Vaiuso seconded the motion which passed unanimously.

2. Sherry Purvis Torello & Nick Torello-Applicants & Owners
43 Hotchkiss Grove Road
Special Exception for an Accessory Apartment
Application #19-4.2
A/R & PH set for 5/2/19

M. Palluzzi made a motion to approve the application with the conditions below and included the waiver of the requirement for 24” x 36” size plans to allow 18” x 24” prints.

Conditions:

1. Prior to the issuance of a Zoning Permit or the Zoning authorization for the Issuance of a Building Permit the owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented, be rented at or below prices that would qualify the apartment as “affordable housing” as defined in CGS Section 8-39a. The deed restriction is to be reviewed by the Town Counsel with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel.
2. Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement and maintained throughout the project.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. Joseph Tamaro-Applicant & Owner
Lot between 233 & 249 East Main Street
Special Exception & Coastal Site Plan-Multi-Unit Residential Building
Application #19-4.3
A/R & PH set for 5/16/19

2. Tidal Basin LLC & Branford Land Development ,LLC-
Applicants & Owners
2, 5, 4-6 Indian Neck Avenue
Zoning Map Amendment-to add Food Preparation for on-site consumption as an
accessory use.
Application #19-4.4
A/R 4/22/19 & PH set for 6/6/19

3. Matthew Cassella - Applicant
Larysa Maria Cassella - Owner
11 Prospect Hill Road
Coastal Site Plan - single family home
Application #19-4.5
A/R 4/22/19 & PH set for 6/6/19

H. Smith said the applicant has made changes to the plan. They are rebuilding the house with a slight change in location (within 2 feet of the previous house footprint). He noted the Special Exception is not required, only the Coastal Site Plan since the driveway location has been modified to fall within the footprint of the previously approved driveway.

R. Stoecker reviewed the Staff report.

J. Lust recused himself from this application and P. Higgins was seated for him.

M. Palluzzi made a motion to approve the Coastal Site Plan with the finding and conditions below:

Finding:

1. The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

Conditions:

1. Prior to the start of construction, the anti-tracking pad, temporary topsoil stockpile area with silt fence enclosure and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.
2. All conditions from previous approvals shall remain in full force and effect as they may apply.

NEW BUSINESS:

1. Trinity Episcopal Church, c/o Martin Hallier-Applicant
Town of Branford/First Congregational Church-Owners
1109 Main Street
Special Exception Modification-Outside Stairs Relocation
Application #19-4.6
To be A/R

Martin Hallier was present and represented the applicant. He explained that the outside stairs are moving from landing 2 to landing 3 because of the unexpected location of a gas line. This is only a slight modification.

The Town Center Review Revitalization Board had no issues with this change. The applicant is seeking a waiver of the Public Hearing.

M. Palluzzi made a motion to waive the Public Hearing and approve the application with the Condition "All conditions from previous approvals shall remain in full force and effect as they may still apply."

J. Lust seconded the motion which passed unanimously.

2. Ali Akdeniz—Applicant & Owner
31 Brainerd Road
Special Exception modification (filed as a Site Plan Modification) -Deck Extension
Application #19-4.7
To be A/R

The applicant spoke and explained he wants to extend the second floor deck in order to create another form of egress.

R. Stoecker reviewed the Staff Report.

This application should have been filed as a Special Exception modification and the applicant is requesting a waiver of the Public Hearing.

M. Palluzzi made a motion to approve this application and waive the Public Hearing requirement.

J. Chadwick seconded the motion which passed unanimously.

OTHER BUSINESS:

1. Discussion of possible changes to meeting dates in July

H. Smith asked the Commission if they wanted to reschedule the upcoming July 3 Meeting due to the Holiday the following day. He also mentioned that Chairperson Andres will be absent for the June 20 meeting. He suggested a few possible meeting dates and the Commission discussed the options. H. Smith then suggested setting a few meeting dates to give the Commission adequate time to deliberate on the Parkside application. After some discussion, the final dates for the remainder of the year were determined as follows:

May 16 - Regularly Scheduled Meeting-Fire Headquarters

May 30 - Special Meeting-7pm-Fire Headquarters

June 6 - Regularly Scheduled Meeting-Fire Headquarters

June 13 - Canoe Brook Senior Center

June 27 - Canoe Brook Senior Center

July 11 - Canoe Brook Senior Center

July 25 - Fire Headquarters

August - **NO MEETINGS**

September 5, 19 Fire Headquarters

October 3, 17 Fire Headquarters

November 7, 21 Fire Headquarters

December 5 Fire Headquarters

2. Planner's Report

There was nothing additional reported.

The meeting adjourned at 8:24 pm