



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
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MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 4, 2023 REGULAR MEETING 7:00 p.m.

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres, M. Palluzzi, J. Chadwick, J. Vaiuso, M. Liguori, F. Russo, S. Huttner (left meeting at 7:30 pm)

Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner), M. Martin(Clerk)

Chairperson Andres introduced the commission and staff.
Secretary F. Russo read the public hearing notice into the record.
E. Breining reviewed the procedures to participate in the public hearing.

PUBLIC HEARINGS:

1. McDonalds Corp. c/o Brian Sheedy (Senior Counsel)-Applicant
RHC Associates c/o CRE Asset Management LLC c/o Stefan Cushman-Owner
424-436 West Main Street
Special Exception Modification- Drive-thru for a fast food restaurant
Application #23-1.6
A/R 1/5/23 & PH continued from 4/20/23

Attorney Keith Brown (Brown, Altman, & Dileo, Melville NY) represented the applicant and gave a brief
Review of the application explaining the proposal was to replace the single drive thru with a double drive thru at the restaurant as well as pedestrian improvements.

He also noted other team members were also present for any questions. They are:
Geoffrey Fitzgerald (Project Engineer at Bohler).
Paul Going, PE (Traffic Engineer)
Jefferson Murphee AICP (Project Consultant)

Attorney Brown requested that the meeting minutes and materials from March 2, 2023 meeting be included in the record.

Paul Going displayed an aerial photo and reviewed it.

Jefferson Murphee spoke next and the commissioners asked a few questions.

H. Smith made a few comments. He also noted he had reviewed the staff report and as an AICP Planner, he endorses it. His resume is also included in the file.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

2. Vincent Federico-Applicant
Jennifer Federico- Owner
18-19 Etzel Road
Special Exception & Coastal Site Plan –Demolition of the Existing Home
and construction of a new home.

Application #23-3.2
A/R 3/16/23 & PH continued from 4/20/23

J. Pretti (Criscuolo Engineering) represented the applicant and displayed a site plan. The project consists of the demolition of the existing home and the construction of a new single family home.

E. Breining reviewed the staff report.
PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

3. Kate Walbert & Rafael Pelli-Applicants & Owners
11 Rextile Road
Special Exception-Oversized Accessory Building & Major Home Occupation
Application #23-3.9
To be A/R & PH set for 5/4/23

Jennifer Huestis (Huestis Tucker Architects) represented the applicants and displayed the site plan. She explained the project is a second story to the garage to make two offices since both the applicants work from home and need more office space. She noted that they received the necessary variances and received a positive recommendation from the Stony Creek review board.

E. Breining reviewed the staff report.
PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

MINUTES: 4/20/23

- J. Vaiuso made a motion to approve the meeting minutes as written.**
F. Russo seconded the motion which passed unanimously.

CORRESPONDENCE:

Cell tower on Leetes Island Road correspondence received notifying the commission of the addition of a back up generator at the base of the tower.

RETURN TO TABLE:

4. McDonalds Corp. c/o Brian Sheedy (Senior Counsel)-Applicant
RHC Associates c/o CRE Asset Management LLC c/o Stefan Cushman-Owner
424-436 West Main Street
Special Exception Modification- Drive-thru for a fast food restaurant
Application #23-1.6
A/R 1/5/23 & PH continued from 4/20/23

The commission discussed this and the consensus was they would approve it with the conditions that were previously discussed.

H. Smith will propose possible conditions for approval and they can discuss it at the next meeting.

5. Vincent Federico-Applicant
Jennifer Federico- Owner
18-19 Etzel Road
Special Exception & Coastal Site Plan –Demolition of the Existing Home
and construction of a new home.
Application #23-3.2
A/R 3/16/23 & PH continued from 4/20/23

F. Russo made a motion to approve the application with the conditions listed below:

FINDINGS:

1. The Coastal Site Plan is consistent with the goal 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.
2. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
2. Prior to the issuance of a Zoning Permit or the zoning authorization of the issuance of a Building Permit the following shall be addressed to the satisfaction of the Town Planner or his designee:
 - a. A soil and erosion control bond shall be established per Section 6.10.E.4 of the Zoning Regulations.
3. To reduce glare, all fixtures shall be demonstrated to meet the IES full cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output- less than an incandescent 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). Information on all building mounted and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
4. The applicant shall revise the Site Plan to show a vegetative buffer and landscaping schedule of salt tolerant plantings to protect adjacent coastal resources and stabilize the fill to the satisfaction of the Town Planner or his designee as they may be advised by other Town Staff. The revisions and plantings or any additional seeding to stabilize the fill shall be completed in six months from the approval and approved by the Town Planner or his designee prior to the issuance of a certificate of compliance. The width of the vegetative buffer shall be determined by the applicant and approved by the Town Planner or his designee.

5. Due to the presence of tidal wetlands the following additional measures regarding site and soil stabilization shall be undertaken during construction (time period between the issuance of a zoning/building permit and the issuance of the final Certificate of Compliance/Occupancy:
 - a. The applicant shall provide monthly progress reports per Section 6.10.F.4 on the status of the proposed soil and erosion control measures to the Zoning Enforcement Officer, unless waived by the Zoning Enforcement Officer, who may reinstitute it as s/he may determine necessary

J. Chadwick seconded the motion which passed unanimously.

6. Kate Walbert & Rafael Pelli-Applicants & Owners
11 Rextile Road
Special Exception-Oversized Accessory Building & Major Home Occupation
Application #23-3.9
To be A/R & PH set for 5/4/23

J. Chadwick made a motion to approve the application with the findings and conditions below:

FINDINGS:

- 1) Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

- 1) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. Joseph Tammaro – Applicant and Owner
245 (formerly lot between 233 & 249) East Main Street
Special Exception Modification - Multi-Unit Residential Building
Application #23-4.4
A/R 4/20/23 & PH set for 5/18/23
2. Shirley McCarthy & Peter Hentschel - Applicants
Zoning Regulation Amendment – Revise Section 6.3 Landscaping and add Definitions to Dections2.2, add new Section 6.13 regarding fencing, and add/re-designate Appendices
Application #23-4.5
A/R 4/20/23 & PH to be set

Staff will set the public hearing

3. John & Jennifer Sullo-Applicants & Owners
117 Flax Mill Road
Special Exception- Section 6.8 Grading for a pool
Application #23-4.7
A/R 4/20/23 & PH set for 5/18/23

4. Anthony Capasso-Applicant
Walter Maguire Jr. - Owner
66, 76-82 Totoket Rd. & 0 Tweed Road (Pine Orchard)
4 Lot Resubdivision
Application #23-4.8
A/R 4/20/23 & PH to be set

Staff will set the public hearing

5. Adam Greenberg-Applicant
Kristen Peck Marottolli-Owner
6 Partridge Lane
Special Exception- Grading (Sec 6.8) for a recreation area
Application #23-4.9
A/R 4/20/23 & PH set for 5/18/23

6. Matt Sahintepe- Applicant & Owner
5 Spice Bush Lane
Special Exception- Grading (Sec 6.8) for a pool
Application #23-4.10
A/R 4/20/23 & PH set for 5/18/23

NEW BUSINESS:

1. Michael & Nancy Guiliani-Applicant & Owner
37 Brainerd Road
Special Exception- Grading (Sec. 6.8) Single Family Dwelling
Application #23-4.11
To be A/R & PH to be set

Staff will set the public hearing

OTHER BUSINESS:

1. Informal Discussion-Proposed Planned Development District-49 & 81-111 Commercial Pkwy

Attorney John Knuff (Milford, CT) represented the purchaser of the property. He gave a brief history of the site and said the goal of this meeting is to be informative and noted that the developer has an impeccable reputation in every town that he has built in.

Howard Rappaport (Principal of Continental Properties) spoke next and gave a brief history of his company. He noted they build modern, rentals with many amenities. They are the gem of each town they are located in. He stated they are long term property owners, they rarely, if ever sell the properties. He talked of the many amenities they offer.
The proposed development is for 436 rental units done in 2 phases.

John Knuff then displayed an aerial photo of the site.

Colored sketches of the project were displayed.

John Mancini (BL Companies) gave a few comments.

The commissioners asked a few questions and discussed it briefly.

2. CGS 8-24 –Land Donation (210 Pine Orchard Rd)

H. Smith said we received a request from the First Selectman for a land donation at 210 Pine Orchard Road. He displayed a drawing showing the location of the parcel. It is being offered by Janet Ryan at no cost.

J. Chadwick made a motion for a positive 8-24 report.

J. Vaiuso seconded the motion which passed unanimously.

3. Planners Report

H. Smith noted that F. Russo attended the affordable housing seminar. H. Smith said he will keep the commission informed of future training opportunities.

The meeting adjourned at 10:22 pm