



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 6, 2021 REGULAR MEETING 7:00 P.M.

To Be Held by remote technology as authorized by Executive Orders 7B and 7I.

Commissioners Present: C. Andres, J. Lust, F. Russo, J. Chadwick, M. Liguori, M. Palluzi
Commissioners Absent: P. Higgins, J. Vaiuso
Staff Present: H. Smith- Town Planner, E. Breining-Asst. Town Planner, M. Martin-Clerk

Chairperson Andres reviewed the Public Hearing procedures.
E. Breining reviewed the process to participate in the meeting.

Chairperson Andres introduced the Commission and Staff.
Secretary M. Palluzzi read the Public Hearing notice into the record.

PUBLIC HEARINGS:

1. 56 Stony Creek Rd. Inc. c/o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception- Grading (Section 6.8)
Application #21-1.5
A/R 1/28/21 & PH opened 2/18/21 & continued to 5/6/21
2. 56 Stony Creek Rd. Inc. c/o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception Modification
Application #21-4.3
A/R 4/15/21 & PH waiver requested

The Commission discussed Item #1 and #2 together.

Leigh Small (Applicant) spoke first explaining this is the final phase of construction at this site and it is a replacement of the septic system. He reviewed the site plan that was displayed.

E. Breining reviewed the Staff Report.

PUBLIC INPUT:

1. Kate Galambos- she suggested that the applicant use native plants in the landscaping plan and use no invasive plants.

Chairperson Andres closed the Public Hearing for Public Hearing #1.

3. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #20-11.3
A/R 11/5/20 & PH opened 4/15/21 & continued to 5/6/21

4. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Subdivision Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #21-3.12
A/R 4/1/20, PH opened 4/15/21 and continued to 5/6/21

The Commission heard Public Hearing #3 and #4 together.

Chairperson Andres gave a brief history of this project. Town Planner H. Smith explained that the town has engaged Mr. Tim Carr (Licensed Environmental Professional LEP) to review the testimony that was submitted by the applicant to address the environmental issues. He has not had sufficient time to review it yet but will attend the May 20 Planning & Zoning Meeting. He also noted that the Applicant has agreed to a one day time extension to the May 20 meeting. He suggested continuing the Public Hearing without further testimony to the May 20 meeting.

Chairperson Andres agreed and announced these two items will be continued to the May 20 meeting.

5. Sound Real Estate LLC, c/o Dan Merriam-Applicant
101 West Main St. Branford LLC c/o Jeanne Tahnk-Owner
101 West Main Street
Special Exception- Car Storage Parking Lot
Application #21-3.6
A/R 3/4/21 & PH set for 5/6/21

J. Pretti (Criscuolo Engineering) represented the applicant and explained the applicant proposed to remove the existing buildings and turn the space into a parking lot for car storage.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. Rod Keith (neighbor) said he likes what Sound Auto has done with the property but he has safety concerns. He's worried about foot traffic going back and forth across the street. He also asked; where will the car carriers unload the cars? And, will there be parking on Rose Hill Road?
2. Kate Galambos- Said she hopes the applicant is using native plantings, and asked if maybe that could be a condition of approval? She then asked about crushed gravel being used or is there any other alternatives that would be more environmentally friendly?
3. Erik Anderson- He seconded Mr. Keith's comments regarding Sound Auto and noted he is also concerned about safety. He spoke of the dumpster company and the width of the road. He also said when trucks come up the road from the Transfer Station it can become an obstacle to other drivers. He asked if an environmental impact study was done and if not, maybe one should be done.

Chairperson Andres asked if the Regional Water Authority was notified and the Public Hearing can be continued until that's verified as well as more information on landscaping.

Chairperson Andres repeated that the Public Hearing will be continued to the 5/20/21 Planning & Zoning Meeting.

6. Emily Abruzzo- Applicant
Gerald John Bodziak & Emily Abruzzo- Owners
28 Pine Tree Drive
Special Exception- Accessory Apartment
Application #21-3.10
To be A/R & PH set for 5/6/21

H. Smith explained that the abutters notice did not get mailed in time so this item will need to be TABLED to the May 20 meeting.

7. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment –Amend Sections 5.10 & 6.5 (Parking Requirements)
Application #21-4.2
A/R 4/15/21 & PH set for 5/6/21

H. Smith displayed the possible wording for the proposed amendment. He said this item is an outgrowth from a conversation the Commission had at previous meetings about what they may want to do regarding the parking requirements for restaurants in the Main Street Overlay District. In that area, right now the requirements for parking are reduced 25% from what would otherwise be required. This proposal would reduce it further. This change would allow an 80% reduction in parking for restaurants. He then reviewed the proposed wording for the changes to the Regulation.

He then reviewed the Staff Report and as Staff he recommended approval with an effective date of May 20, 2021.

PUBLIC INPUT:

1. Emilie Penner Greene- She is the applicant for the next item. She requested this application be heard because the Parking Regulations are limiting. She wants this Zoning Regulation change to pass.
2. Perry Maresca- (Chairman of the Economic Development Comm) said this is a good idea. We want to encourage people to come to the Town Center.

Chairperson Andres closed the Public Hearing.

8. Emilie Penner Greene-Applicant
Scott Penner –Owner
1136-1040 Main Street
Special Exception- Restaurant
Application #21-2.6
A/R 2/18/21 & PH set for 5/6/21

Emilie Penner Greene (Applicant) spoke saying she wants to open a wine bar. She thinks this would be a great fit for Branford since there is nothing like this in the area. She then displayed the floor plan of the wine bar and said they will have a small plate menu as well as desserts. She gave a brief overview of her experience saying she has over 15 years' experience in the restaurant business.

H. Smith reviewed the Staff Report.

PUBLIC INPUT:

1. Scott Penner-(Applicants Sister)-He said when he bought the building, the plan was to have office space but decided this was a better use of the space.

Chairperson Andres closed the Public Hearing.

MINUTES: 4/01/21, 4/15/21

H. Smith said these are not ready for approval yet.

CORRESPONDENCE:

1. Correspondence regarding Cell tower modification at 50 Maple Street.

2. Correspondence regarding Cell tower modification at 21 Acorn Road.
3. A letter was submitted by Kate Galambos (regarding Exit 56) and it was distributed to the Commission.

RETURN TO TABLE:

For the record, J. Vaiuso was absent so M. Ligouri is seated for him.

1. 56 Stony Creek Rd. Inc. c/o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception- Grading (Section 6.8)
Application #21-1.5
A/R 1/28/21 & PH opened 2/18/21 & continued to 5/6/21

J. Lust made a motion to approve the application with no conditions.
J. Chadwick seconded the motion which passed unanimously.

2. 56 Stony Creek Rd. Inc. c/o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception Modification
Application #21-4.3
A/R 4/15/21 & PH waiver requested

J. Lust made a motion to approve the application with the Conditions listed below:

CONDITIONS:

1. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit, the following shall be addressed to the satisfaction of the Town Planner or his designee.
 - a. 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). 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 degrees Kelvin (K).
 - b. Changes to the Landscaping Plan to modify the sight triangles of the entrances/exits onto Stony Creek Road as may be determined necessary by the Town Engineer to achieve adequate sight distance and comply with the Front Yard Landscaping Requirements of Section 6.3 and preferably include native plants and not include invasive plants.
2. The conditions of all previous approvals shall remain in full force and effect as that may still apply.

J. Chadwick seconded the motion which passed unanimously.

3. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment –Amend Sections 5.10 & 6.5 (Parking Requirements)
Application #21-4.2
A/R 4/15/21 & PH set for 5/6/21

Chairperson Andres briefly discussed the application and asked the Commission for their thoughts on this. The consensus of the Commission was that this text change is a good thing for the downtown area.

J. Chadwick made a motion to approve the Zoning Text Amendment with the Finding below:

FINDING:

The Commission finds the zoning regulation amendment to be consistent with the Comprehensive Plan and has considered the Plan of Conservation and Development and in its decision to approve this amendment with an effective date of May 20, 2021.

M. Palluzzi seconded the motion which passed unanimously.

4. Emilie Penner Greene-Applicant
Scott Penner –Owner
1136-1040 Main Street
Special Exception- Restaurant
Application #21-2.6
A/R 2/18/21 & PH set for 5/6/21

M. Palluzzi made a motion to approve the application with the Findings and Condition below with the effective date of May 21, 2021.

FINDINGS -

- 1) With respect to the requirements of Section 6.5.1 for reducing the otherwise applicable parking requirements, the Commission finds that a reduction of five spaces is warranted and also finds (1) that such modifications are being proposed for sites that, historically, have accommodated uses that do not comply with parking standards; and (2) that such historical use patterns have not created an unreasonable risk to public health or safety.
- 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.

CONDITION -

- 1) No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval, or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.

M. Liguori seconded the motion which passed unanimously.

OLD BUSINESS:

1. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Accessory Apartment & Oversized Accessory Structure
Application #21-3.4
A/R 3/4/21 & PH set for 5/20/21
2. Montowese Development Group, LLC-Applicant
John R. & Anne Hines-(Owners of 14 Buckley Rd.)
Branford Building Supplies-(Owners of 16 Buckley Rd)
Branford Building Supplies – (Owners of 0 Buckley Rd)
14, 16 & 0 Buckley Road
Special Exception & Coastal Site Plan –Open Space Residential Development
Application #21-3.11

A/R & PH to be set

NEW BUSINESS:

1. Branford Electric RR Assn, Inc. c/o John Proto-
Applicant & Owner
45-55 & 46-52 Alex Warfield Rd.
Special Exception- Grading (Section 6.8)
Application #21-4.7
To be A/R & PH to be set
2. DeMartino Development & Construction LLC,
c/o Dominick DeMartino-Applicant & Owner
102 & 104 Stony Creek Road
Special Exception – Grading (Section 6.8)
Application #21-4.8
To be A/R & PH to be set
3. Martha McDowell-Applicant & Owner
8 Holly Lane
Special Exception – Grading (Section 6.8)
Application #21-4.9
To be A/R & PH to be set
4. Amy Sherman (Trustee)-
Applicant & Owner
130 Pawson Road
Special Exception for Grading (Section 6.8) &
Coastal Site Plan – In ground pool
Application #21-5.1
To be A/R & PH to be set
5. Guy Ferraro- Applicant
Kaminskas R & L Trustees,c/o Romualdas A. Kaminskas Jr.-
Owner
Special Exception- Wholesale Furniture with 20% Retail Use
Application #21-5.2
To be A/R & PH to be set

H Smith noted he would set these public hearing dates after speaking with Chairperson Andres.

OTHER BUSINESS:

1. Discussion of possible changes to the Zoning Regulations re: Residential Solar

H. Smith said Daniel Rabin and Diana McCarthy Bercury are present .He noted that they have previously met and discussed the need and possibility of how to word proposed changes to the zoning Regulations to concretely address to allow solar energy (especially small scale residential) into the Regulations as an allowed accessory use.

Diana McCarthy Bercury spoke next (Staff member for the Clean Energy Ad Hoc Committee) saying the town is participating in a program called “Sol Smart” and have achieved the Bronze award and is working toward the Silver award status. To do this, the town ordinances need to be brought up to a certain level to make renewable energy more affordable to people.

Dan Rabin spoke saying there are 3 main reasons for the Zoning Regulation change:

The first is to keep Branford an attractive place for people interested in renewable energy. Another reason is that this is the last piece in order to obtain the "silver" level in the Sol Smart Program. He noted that this change supports the goals of 100% renewable electricity by 2040.

The third reason is that this fits into a portfolio of projects the Clean Energy Committee is working on. He then spoke of the different projects that the Commission is working on. He stated the point of these efforts is to make Branford a friendly place for renewable energy and save money for the residents and business owners alike. He also said that when different businesses are going before the Planning & Zoning Commission, he encourages them to contact the Energy Committee since they have many programs available that may be of benefit to them.

He mentioned that there is a draft of the Regulation but it is not ready to go before the Planning & Zoning Commission quite yet.

Diana McCarthy Bercury noted that they are still working out the details with H. Smith but the primary focus is to make solar accessible to everyone; residential and commercial as well as non-profits.

Wayne Cooke spoke next saying he has been to many Clean Energy Committee meetings and they are extremely biased and in his opinion not to be trusted. He noted that there are a few RTM members that would like to join the committee but they are refused membership because their prospective differ. He said when you talk to the Clean Energy Group or the Coastal Vulnerability Group, know who you are talking to. This is the "Green Cult" that he's talking about. The people see one thing, that Branford is Green and they don't let you talk, they mute you.

He did say that he does have some positive things to say about some of their projects, which he has noted.

Chairperson said this item will be a Public Hearing and it will give people an opportunity to comment.

2. Interpretation Confirmation of Section 4.8H & Section 2.2

H. Smith said he wanted to confirm a previous interpretation that the Commission made back in 2019. He said it has to do with the BR (Restricted Business) zone. In February 2019, there was a discussion of the definition of a single family dwelling and a two family dwelling. His understanding is that the BR zone allows several different uses on a property unlike residential zones which allow only one principal use per property. He explained in this particular case, there was a grandfathered 2 family and a small outbuilding and the owner wanted to make it a single family home, and then that would make 3 dwelling units on the property. He noted there is a portion of BR zoning that limits the multi-unit dwelling with 3 units or more to properties that have 120,000 sq. feet.

But, he noted this isn't a multi-family, it's a single family and a 2 family. He then went back to the definition section of the regulations and reviewed them for the Commission.

He thinks the definition lead the Commission to the conclusion that you could have a 2 family dwelling in one structure and a one family in another structure without having 120,000 sq. feet on the property and that was in compliance with the BR Zoning Regulations.

He then said there is a similar property that has this identical arrangement. He wanted to check with the Commission that this interpretation still stands.

After a brief discussion, the Commission agreed to continue with the previous interpretation they made.

3. Bond Establishment for 93 Todds Hill Rd (Lot 9) for \$3,800.00

J. Lust made a motion to establish the bond at 93 Todds Hill Rd.

J. Chadwick seconded the motion which passed unanimously.

4. Bond Establishment for 155 Cherry Hill Rd (Lot 14) for \$3,635.00

J. Lust made a motion to establish the bond at 155 Cherry Hill Rd.
M. Liguori seconded the motion which passed unanimously.

5. Exit 56 Discussion (update)

H. Smith gave a quick update saying he was approached by P. Maresca (Chair of EDC) saying he wants to establish an Ad Hoc committee to further discuss the changing of the old Costco PDD to IG-2. The group will be made up of a couple of interested town residents and a few members of the Economic Development Commission and possibly one or two Planning & Zoning Commissioners.

Chairperson Andres commented he thought it was a good idea to form a committee and have it be representative of a few groups. He said if any of the PZ Commissioners were interested, please contact H Smith.

Wayne Cooke agreed with the EDC approach. The people that are opposed will be helpful to be on the committee. He said he has met with three high end developers and asked them for ideas for the area since it is an interesting area. He said he wants to move forward and if the right people are on board this area can be a point of pride for decades to come.

6. Planner's Report

H. Smith noted the Executive orders are set to expire on May 20. There is a bill in the legislation that may provide for hybrid meetings. The next meeting is the last one authorized in the current fashion as far as he knows. He suggested perhaps holding in person meetings, he told the Commission to give that some thought.

H. Smith said the Commission should formally appoint John Rusatsky as the temporary Zoning Enforcement Officer. He said that the former ZEO will work remotely for a while.

**J. Chadwick made a motion to add this item to the agenda.
J. Lust seconded the motion which passed unanimously.**

**J. Lust made a motion to appoint John Rusatsky as the temporary Zoning Enforcement Officer.
J. Chadwick seconded the motion which passed unanimously.**

The meeting adjourned at 9:28 p.m.