



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION TUESDAY, NOVEMBER 20, 2018 SPECIAL MEETING 7:00 P.M. CANOE BROOK SENIOR CENTER 11 CHERRY HILL ROAD

Commissioners Present: J. Lust, J. Vaiuso, P. Higgins, D. Dyer, C. Andres

Commissioners Absent: M. Palluzzi, J. Chadwick, F. Russo

Staff Present: H. Smith- Town Planner, Attorney William Aniskovich,  
M. Martin- Clerk

Chairperson Andres introduced the Commission and staff.

### **PUBLIC HEARINGS:**

1. Dr. Norman Dahl III-Applicant  
BBL Enterprises LLC, c/o  
Luigi Cenicola-Owner  
906-930 West Main Street  
Special Exception Modification-Dental Office  
**Application #18-11.1**  
**A/R 11/1/18, PH continued from 11/15/18**

Luigi Cenicola was present and spoke for his father, who is ill.

Also present was Dr. Norman Dahl. Dr. Dahl is relocating his dental practice to the second floor of 906-930 West Main Street.

Mr. Cenicola stated he was working with landscapers to determine what plantings would be best for the location. He has planted many items previously and they have not survived due to the lack of soil depth on the property.

H. Smith reviewed the Staff Report, noting there are no exterior changes proposed.

He spoke briefly regarding the landscaping requirement from the previous approvals. He then reviewed the four conditions for approval from his Staff Report that would bring the property into conformance with the previously approved Site Plans.

### PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

### **J. Lust made a motion to approve the application with the 4 conditions listed below:**

1. No additional signage or new or replacement lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.
2. All conditions of previous approvals regarding this property shall remain in full force and effect as they may still apply.
3. Prior to the issuance of a Zoning Permit or zoning authorization for the issuance of a building permit for the work and or use authorized by this approval the submittal of a floor plan indicating the location and

extent of the area proposed for the *Medical and dental office, clinic or laboratory* and the following shall be addressed to the satisfaction of the Town Planner or an appropriate bond posted as provided for in Section 9.6.G.3 of the Zoning Regulations:

- a. the removal of any non-conforming lighting on-site or its replacement with conforming lighting.
  - b. replacement of landscaping as shown on the 1987 modified Site Plan and the parking lot configuration corrected to also conform to that shown on the 1987 modified Site Plan.
4. To ensure continued compliance with the Zoning Regulations, all required landscaping shown on the approved plan must be maintained as necessary to ensure its survival. If the landscaping element does not survive or is irreparably damaged, it must be replaced in kind.

**D. Dyer seconded the motion which passed unanimously.**

#### **EXECUTIVE SESSION**

1. Discuss strategy in the matter of *Housing Authority of the Town of Branford vs. Town of Branford Planning and Zoning Commission. (Trial Docket No. 18 60914665)*

Chairperson Andres then said the Commission is going into Executive Session to discuss strategy in the matter of the Housing Authority of the Town of Branford vs. Town of Branford Planning & Zoning Commission. He stated that in addition to the Commission members, the Town Planner and Attorney William Aniskovich were being invited into the Executive Session.

**D. Dyer made a motion to go into Executive Session. P. Higgins seconded the motion.**

Chairperson Andres then asked the audience members to leave the room. They went into Executive Session at 7:11 pm and returned at 7:45 pm. He then stated for the record that no votes were taken in the Executive Session.

Chairperson Andres said they had a thorough discussion of possible strategies regarding the court's decision.

#### **OTHER BUSINESS:**

1. To consider and, if appropriate, approve the submittal of a petition appealing the 10/24/18 State of Connecticut Superior Court decision (Trial Docket No. 18 60914665) in the matter of *Housing Authority of the Town of Branford vs. Town of Branford Planning and Zoning Commission.*

**D. Dyer made a motion to consider and, if appropriate approve the submission of a petition appealing the 10/24/18 State of Connecticut Superior Court decision (Trial Docket # 1860914665) in the matter of the Housing Authority of the Town of Branford vs. Town of Branford Planning & Zoning Commission.**

**J. Lust seconded the motion.**

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Then Chairperson Andres said they will have a roll call vote. He explained that a yes vote meant they want to appeal this and a no vote means they do not want to appeal.

The roll call vote was as follows: J. Lust - no  
J. Vaiuso- no  
P.Higgins - no  
D.Dyer - no  
C. Andres – no

Chairperson Andres repeated that the Commission is not going to appeal the Superior Court's decision.

The meeting adjourned at 7:47 pm