



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 NOVEMBER 5, 2020 REGULAR MEETING 7:00 P.M.

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

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

The meeting started at 7:02 p.m.

Chairperson Andres noted that the Commission will go into Executive Session first then proceed thru the agenda as usual.

Chairperson Andres then introduced the Commission and the Staff present.

M. Palluzzi read the Public Hearing notice into the record.

Chairperson Andres reviewed the Public Hearing procedures.

K. Piazza explained the "zoom" meeting procedures.

OTHER BUSINESS:

1. **EXECUTIVE SESSION** – To discuss strategy in the pending matter of Housing Authority of the Town of Branford, et al. v. Town of Branford Planning and Zoning Commission, Docket Nos. HHD-CV-19-6115394-S and HHD-CV-20-6122425-S

F. Russo made a motion to go into Executive Session regarding the above referenced matter.

M. Palluzzi seconded the motion which passed unanimously. The Chairperson asked the following persons to attend: J. Lust, F. Russo, P. Higgins, Chairperson C. Andres, M. Palluzzi, J. Vaiuso, Town Planner H. Smith, Town Counsel Bill Aniskovich, Town Counsel Danielle Bercury, and First Selectman Jaime Cosgrove.

Commissioner J. Chadwick stated that he had recused himself from this item, Commissioner F. Russo had been seated for him.

The Commission went into Executive Session at 7:05 p.m. and exited the Executive Session at 7:42 p.m. No votes or action were taken and they returned to the regular session at 7:44 p.m.

J. Lust made a motion to authorize Attorney Aniskovich and Attorney Bercury to file a petition for Certification to the Appellate Court with respect to the Housing Authority Appeal.

M. Palluzzi seconded the motion which passed unanimously

PUBLIC HEARINGS:

1. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street

3 Lot Resubdivision

Application # 20-6.2

A/R 6/4/20, PH opened 7/16/20, continued from 10/15/20 from 9/17/20

Public Hearing must close by: 11/17/20 (35 +90 days-EO 71)

Attorney Marjorie Shansky was present along with Sal Marotelli, Mike Ott, Dave Sullivan, Robert Sachs and Ken Borson and Ryan Chmielowski. She said that this application and the other two applications for this project are linked together and she considers them to all have one record in terms of the plans and documentation submitted.

She noted that members of the team had met with John Gaucher (DEEP) and the outstanding issues have been resolved. She then responded to H. Smith (Town Planner) comments.

Mike Ott spoke next and responded to the DEEP comments.

Ryan Chmielowski then spoke briefly about the revisions to the public access to the waterfront. He displayed a color rendering which was submitted at the start of the meeting. He also responded to the Town Planner's comments.

H Smith displayed the petition in support of the project that was recently submitted and signed by 40 business owners. He then reviewed his staff report. He then listed the recent items that were submitted and entered into the record.

PUBLIC INPUT:

Michael (President of Anchor Reef Condo Assn.)-He said the unit owners there are overwhelmingly supporting the project. He noted that they have been waiting for the additional buildings to come for almost 12 years. The property has been unkempt and this project seems to be the beset for Anchor Reef and the town. He feels it is a beautiful project.

Jeanette Redensky-She repeated that this project is too large coupled with other projects that are pending or approved. She noted that the qualities that make Branford what it is take years she asked the Commission and the developer most feverently to please make the project smaller.

Gia Polio-48 Harding Ave-She said many neighbors wrote letters in opposition of the project and she read a few lines from the letters. She urged the Commission to consider the residents in the surrounding neighborhoods.

Albert Carroci- (Operator of Shoreline Deli Rt.1) He said the project is magnificent and to scale. The demographics of the project is just right and will help Branford thrive.

Jim S. (Owner of Donovan's Reef)-He echoed the prior gentleman's comments. The virus has put a strain on businesses and the property tax will be a welcome addition to the grand list.

Pat Dugan-51 Harding Ave-She talked of the Anchor Reef project and how it was not completed. That project was 70 units vs 147 for this one. That project was 2 buildings vs 4 for this one. She hopes the Commission will think of the neighbors that live in the area. She noted that 2 buildings are more tolerable than 4

David Plumy-He has been a business owner for 12 years (Shoreline Athletics) and said he is excited about this project, noting it will help his business. He thought the plans looked fantastic.

Chairperson Andres suggested keeping the public hearing open awaiting pending materials that need to be submitted. He asked the Commission and the consensus was to keep the public hearing open.

Attorney Marjorie Shansky granted a time extension thru the next Commission meeting on 11/19/20 to keep the public hearing open.

H. Smith noted for the record that all the emails that were received by the public have been sent to the Commission and entered into the dropbox.

The Commission took a break at 9:10 p.m. and returned at 9:18 p.m.

2. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
PDD Modification/Master Plan Amendment- Mixed Use Development
Application # 20-6.3
A/R 6/4/20, PH opened 7/16/20, continued from 10/15/20 from 9/17/20
Public Hearing must close by: 11/17/20 (35 +90 days-EO 7I)

This application was discussed with the prior one.

3. Vox Church c/o Tom Holeva-Applicant
131 Commercial Pkwy LLC c/o Robert Sachs-Owner
131 Commercial Pkwy- Bldg. 4
Special Exception- House of Worship
Application #20-8.4
A/R 9/3/20 & PH opened 10/1/20, continued from 10/15/20

Attorney Marjorie was present along with Jim Pretti(Criscuolo Engineering), Dave Sullivan, Larry Appleton and Mr. Holeva (Vox Church). She then gave a brief overview of the application.

J. Pretti then displayed colored photos of the proposed project and reviewed a site plan.

Larry Appleton spoke next reviewing the landscaping plan.

Joe Rimiller (Beta Group) responded to comments made at the last meeting.

PUBLIC INPUT:

No one spoke.

Chairperson Andres noted that Beta Group will submit a final analysis and Attorney Shansky will submit lighting information as requested.

He noted that this item is continued to the 11/19/20 Planning & Zoning Meeting.

4. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
367,373-375 & 377 East Main Street
PDD/ Master Plan Amendment-Mixed Use Development
Application #20-8.9
A/R on 9/3/20 & PH opened 10/1/20, continued from 10/15/20

Items 4, 5, and 6 are being discussed together.

Attorney John Knuff, David Golebiewski and the Applicant (Bob Smith) were present.

D. Golebiewski reviewed their responses to the Town Planner's previous remarks.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the combined Public Hearings on Items 4,5 and 6.

5. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
367,373-375 & 377 East Main Street
Site Plan - Mixed Use Development
Application #20-8.10
A/R 9/3/20 & PH opened 10/1/20, continued from 10/15/20

6. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
367,373-375 & 377 East Main Street
Special Exception- Grading & Earth Removing Activities (Section 6.8)
Application #20-10.1
A/R 10/1/20 & PH opened 10/15/20

7. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
Zoning Regulation Amendment to Section 5.4.E (Maximum Bldg. Height)
Application #20-8.12
A/R on 9/3/20 & PH continued from 10/15/20

H. Smith reviewed the Staff Report.

After discussion on the proposed amendment, the applicant proposed changing the amendment to read as follows:

Notwithstanding anything in these regulations to the contrary, when the proposed building incorporates a gable roof design the maximum building height shall be forty-two feet (42').

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the combined Public Hearings on Items 4,5 and 6.

8. Debra Gottschalk-Applicant & Owner
31 Buena Vista Road
Special Exception-Home Occupation
Application #20-10.2
A/R 10/15/20 & PH set for 11/5/20

The Applicant was present and reviewed her application explaining she wants to provide counseling services in a separate home office studio space. She noted there will be no outside signage.

K. Piazza reviewed the Staff Report.

PUBLIC INPUT:
No one spoke.

MINUTES: 10/15/20

H. Smith said they need some revisions. He suggested tabling them to the next meeting.

CORRESPONDENCE:

1. Notice of a cell phone tower equipment swap at 272 East Main Street.
2. Notice of a radio equipment swap at the Branford Substation.
3. Notice of a cell phone tower equipment swap at Pine Orchard Road.

RETURN TO TABLE:

1. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
367,373-375 & 377 East Main Street
PDD/ Master Plan Amendment-Mixed Use Development
Application #20-8.9
A/R on 9/3/20 & PH opened 10/1/20, continued from 10/15/20
2. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
367,373-375 & 377 East Main Street
Site Plan - Mixed Use Development
Application #20-8.10
A/R 9/3/20 & PH opened 10/1/20, continued from 10/15/20
3. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
367,373-375 & 377 East Main Street
Special Exception- Grading & Earth Removing Activities (Section 6.8)
Application #20-10.1
A/R 10/1/20 & PH opened 10/15/20
4. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Metro 375 LLC & Jai Sai LLC-Owners
Zoning Regulation Amendment to Section 5.4.E (Maximum Bldg. Height)
Application #20-8.12
A/R on 9/3/20 & PH continued from 10/15/20

Chairperson Andres asked the Commission for their input on these applications. The Commission discussed the applications and directed H. Smith to draft resolutions for Approval.

5. Debra Gottschalk-Applicant & Owner
31 Buena Vista Road
Special Exception-Home Occupation
Application #20-10.2
A/R 10/15/20 & PH set for 11/5/20

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

FINDING:

1. Subject to compliance with the adopted 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.

CONDITIONS:

- 1) Any exterior modification or expansion of use shall require approval from the Planning and Zoning Commission for a Special Exception Modification.
- 2) A zoning permit application for a Home Occupation shall be required.
- 3) Prior to the issuance of a home occupation permit, any comments from the Fire Department shall be incorporated to the satisfaction of the Fire Marshall.
- 4) No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. 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 shall be no greater than 3,000 degrees Kelvin.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. Tidal Basin, LLC., c/o Edward Crowley-Applicant & Owner
4-6 Indian Neck Avenue
PDD Modification/Master Plan Amendment- Residential Development as a use in place of an approved hotel use
Application #20-5.4
A/R 6/4/20, PH opened on 7/2/20, PH closed on 9/17/20, Tabled from 10/1/20
Decision Required by Date (w/o time extension) 11/21/20
2. Tidal Basin, LLC. c/o Edward Crowley-Applicant & Owner
4-6 Indian Neck Avenue
Site Plan Modification & Coastal Site Plan- Residential Development as a use in place of an approved hotel use
Application #20-5.3
A/R 6/4/20, Tabled from 10/1/20
Decision Required by Date: same as Application #20-5.4

J. Lust made a motion to grant the remaining 77 day of the 90 day extension time provided by Executive Order 71 to decide Application #20-5.3 and Application #20-5.4

Chairperson Andres noted the Tidal Basin Applications and the Mariners Landing Applications will be discussed at the next meeting.

3. Mariners Landing LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
Site Plan & Coastal Site Plan- Mixed Use Development
Application # 20-6.1
A/R 6/4/20, Decision Required by Date: same as Application #20-6.3
4. Statewide Development LLC, c/o
Robert Pesapane-Applicant & Owner
41 Brainerd Road
Special Exception for Grading (Section 6.8) for Lot 2
Application #20-9.6
10/15/20 & PH set for 11/19/20
5. Statewide Development LLC, c/o
Robert Pesapane-Applicant & Owner
41 Brainerd Road & 54 Kenyon
Special Exception for Grading (Section 6.8) for Lot 3
Application #20-9.7
A/R 10/15/20 & PH set for 11/19/20
6. Statewide Development LLC, c/o
Robert Pesapane-Applicant & Owner
41 Brainerd Road & 54 Kenyon
Special Exception- Grading (Section 6.8) for Lot 4
Application #20-9.8
A/R 10/15/20 & PH set for 11/19/20
7. Dennis & Lisa Bozzuto-Applicants & Owners
87 & 91 Stony Creek Road
Subdivision Modification
Application #20-10.3
A/R 10/15/20, Tabled to 11/5/20

J. Pretti (Criscuolo Engineering) represented the applicant and reviewed the application. He said the applicant plans to build a house on one lot and sell the other lot.

K. Piazza reviewed the staff report.

J. Chadwick made a motion stating the Lot Line change does not constitute a Subdivision or a ReSubdivision and approving the change to the Subdivision.

J. Lust seconded the motion which passed unanimously.

NEW BUSINESS:

1. Goodsell Point, LLC c/o Sal Marottoli-
Applicant & Owner
61,65-71,67 & 73 Goodsell Point Road
PDD Master Plan- Mixed Use (Marina & Residential)
Application #20-10.4
A/R 10/15/20 & PH to be set

The Commission approved setting of the public hearing date by Staff and Commission Chairperson.

2. Halstead LLC c/o Dominic Scarano Jr.-Applicant & Owner
1 Halstead Lane
Coastal Site Plan-FEMA Compliant House
Application #20-10.5
To be A/R

J. Pretti represented the applicant and noted that Pine Orchard zoning was approved.
K. Piazza reviewed the staff report.

J. Lust made a motion to approve the application 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. Per section 9.7.E., one (1) set of Final Plans (24" x 36") bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and containing a signature block where the Chairman of the Commission or Zoning Enforcement Officer can indicate the approval of the Commission shall be submitted.
2. Prior to the start of construction erosion control measures shall be installed.

J. Vaiuso seconded the motion which passed unanimously.

3. Indian Neck Yacht Club c/o Carl Berlepsch-
Applicant & Owner
87 Harding Avenue
Special Exception for Grading (Section 6.8) for Replacement
Of a Gas Tank
Application #20-10.6
To be A/R

The Commission approved setting of the public hearing date by Staff and Commission Chairperson.

4. Ashley Kelley Flynn-Applicant
Sean Flynn & Ashley Kelley Flynn- Owners
65 Applewood Road
Special Exception- Accessory Apartment
Application #20-11.1
To be A/R and PH to be set

The Commission A/R and set the Public Hearing for 11/19/20

5. 37 Burban Dr. Associates, LLC, 41 Burban Dr. Associates, LLC c/o
Anthony Massimino-Applicant & Owner
37 & 41 Burban Drive
Subdivision Modification
Application #20-11.2
To be A/R

Staff will review this and it will be discussed at the 11/19/20 meeting.

OTHER BUSINESS (cont.):

2. Planner's Report

H. Smith noted two applications were submitted after the Agenda was posted.

One was for a Special Exception Modification at 47 Gould lane and the Public Hearing will be set at the 11/19/20 meeting.

The second one was a Special Exception Modification at 9 Elm Street and staff will set the Public Hearing date.

The meeting was adjourned at 11:23 p.m.