



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY OCT. 17, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: D. Dyer

Staff Present: H. Smith- Town Planner, R. Stocker- Asst. Town Planner, Atty. Danielle Bercury, M. Martin-
Clerk

Chair introduced the Commission and the staff present.

Secretary Palluzzi read the Public Hearing Notice into the record.

Chairperson Andres explained the public hearing procedure.

PUBLIC HEARINGS:

1. The Peter Hentschel Revocable Trust, c/o
Peter Hentschel (Trustee)-Applicant & Owner
30 School Street
Special Exception-Excavation/grading within 100 feet of a wetland
(accessory structure)
Application #19-8.4
A/R 9/5/19 and PH set for 10/17/19

Peter Hentschel spoke first along with Jim Pretti (Criscuolo Engineering). He said this application is for a proposed garage of 634 sq. feet. It has received approvals from Inland Wetlands Commission, Zoning Board of Appeals, The Stony Creek Architectural Review board and The East Shore Health Department. He then submitted informational materials to the Commission, noting the project will meet the height limit (just under 15 feet).

J. Pretti (Criscuolo Engineering) spoke next and highlighted the application and the site plan.

R. Stoecker highlighted the staff report.

PUBLIC INPUT:

No one spoke.

H. Smith mentioned that a resident called late in the day and stated there was a large tree down on School Street and no power as well and asked if the Public Hearing be held open for residents to attend.

The Commission discussed this and decided to close the public hearing.

Chairperson Andres closed the Public Hearing per the Commissions consensus.

2. Kris Shapiro- Applicant
49 Commercial Pkwy, LLC, Hamilton Branford LLC, Branford Property Development,
Rita Ann Sachs – Owners
49,81-111,131 Commercial Pkwy & 102 North Main Street
Zoning Map Amendment- BL to BL-HR
Application #19-9.1
A/R 9/5/19 and PH set for 10/17/19

Chairperson Andres noted that this application and the following one are related and will be heard together but the Commission will discuss the Regulation Amendment Application first.

Following the discussion regarding the Zoning Regulation Amendment, he then briefly reviewed the zone change map. He also spoke of the site being used as a fulfillment center, noting that this type of use generates less traffic than a regular retailer would. He stated the goal is to make this area productive again. He spoke of the major retailers that won't come to this area because of the traffic concerns.

3. Kris Shapiro- Applicant
49 Commercial Pkwy, LLC, Hamilton Branford LLC, Branford Property Development,
Rita Ann Sachs – Owners
49,81-111,131 Commercial Pkwy & 102 North Main Street
Zoning Regulation Amendment-Amendments to Section 4 to create a BL- Hybrid Zone (BL-HR) Zoning District
Application #19-9.2
A/R 9/5/19 and PH set for 10/17/19

John Mancini - (BL Companies) and John Schmitz (Project Manager) were present as well as the applicant Kris Shapiro.

J. Mancini said he noticed there was typos in his first submission of the regulation wording so he resubmitted a corrected version to the Commission and into the record today. He reviewed the correct wording for the Commission.

H. Smith reviewed his report including a discussion of references in the Plan of Conservation & Development and recommendations to establish BL-Hybrid Zoning. He noted the idea of a hybrid zone is to allow some flexibility to those areas adjunct to exit 53, 54 and 55. He talked about the differences in the different exits off I-95 in Branford.

The idea for this BL-Hybrid zone rear is to have a hybrid zone without the full blown design guidelines, appearance or additional criteria. It would apply to properties not along Route 1 or roads that are heavily travelled and adjunct or connect to the I-95 exits. This application addresses the unique aspect of these properties. He said the handful of uses that were proposed here would fit in well. He mentioned that the fulfillment center use was just submitted and he may have reservations about this particular site.

The Commission asked some questions.

PUBLIC INPUT:

1. Attorney Nick Mingione- (Fasano, Ippolito & Lee PC) Said he has been retained by exit 54 and 56 landowners. He referred to the POCD and said he contacted Mr. Mancini today and spoke of the possibility of having a more comprehensive application and it would be more beneficial to the town as a whole. This application addresses only 4 properties; when exits 53, 54 and 55 would also benefit from a hybrid zone as well. He noted there is a second gate way into Branford (from Guilford into Branford). He said perhaps we should be looking at not just exits 54, 55 and 56. He referred to the POCD and also to the 7-25-19 PZ meeting and commented by saying that with this new zone, tractor trailer traffic will be added and traffic from a fulfillment center (that we don't know the definition of) will be added to a "broken traffic area". He noted that perhaps this application is short sighted, maybe it should be more extensive. He questioned whether this was spot zoning. He requested that the public hearing be kept open since new material was presented today. He stated that a more extensive application would eliminate spot zoning.
2. Attorney Christopher McCormack (Pullman & Connelly) Spoke saying he is representing 595 Corp. Circle. He said he was not in opposition or in support of this application and commented that there are commonalities among all 3 interchanges. He referred to the POCD (Plan of Conservation & Development) saying exit 56 is in a separate category because of the IG zoning. He said many of the comments concerning the difficulty in obtaining tenants for the property that are subject of this application and the difficulty of getting the kinds of uses that were at one time hoped for around exit 56, and many of the concepts discussed tonight in creating this hybrid zone would apply to exit 56 as well.
3. Kris Shapiro- (Applicant) Spoke next saying he is representing his family. His grandfather purchased this property many years ago. He replied to some of Attorney Mingione's comments and reviewed the history of the application stating they met with the Town Planner many times and had previously submitted an application and withdrew it. They then made revisions to it and came before the Planning & Zoning Commission at their July 25 meeting asking for their comments. He noted they did not receive any negative comments at that time. He received a phone call at 5pm that day from John Mancini after he spoke with Attorney Mingione, advising them to withdraw the application or he would oppose it. He said that was unfair to him, this application is fair and good for the town. He explained that big retailers are not agreeable to come to the current location because of traffic concerns, its too expensive. He said Stop & Shop held them up in a lease for a few years and then they backed out and left. He felt this application is not short sighted, it's good for the town. They are currently paying over \$100,000 a year now in taxes. He asked the Commission to close the Public Hearing and vote.

Chairperson Andres discussed this briefly with the Commission and the Commission decided to keep the Public Hearing open and continue this item to the 11-7-19 meeting.

4. Peter S. Kusterer-Applicant & Owner
3 Three Elms Road
Special Exception- Oversized Accessory Structure
Application #19-9.3
A/R 9/19/19 and PH set for 10/17/19

The applicant has requested that we open this Public Hearing and continue it to the 11/7/19 meeting.

5. 339 West Main St. LLC, c/o Jeffrey Brandfon-Applicant & Owner
339 West Main Street
Special Exception-Installation of a parking lot
Application #19-9.4
A/R 9/19/19 and PH set for 10/17/19

The Commission opened the Public Hearing and continued it to the 11/7/19 meeting. Inland Wetlands approval is required first.

MINUTES: 10/3/19

**J. Vaiuso made motion to approve the meeting minutes of 10/3/19.
J. Lust seconded the motion which passed unanimously.**

CORRESPONDENCE:

1. Antennae swap at 10 Sylvia Street.
2. Notice of a Public Hearing on 11/6/19 in the Town of East Haven; regarding a revision of their Zoning Regulations.

RETURN TO TABLE:

1. The Peter Hentschel Revocable Trust, c/o
Peter Hentschel (Trustee)-Applicant & Owner
30 School Street
Special Exception-Excavation/grading within 100 feet of a wetland
(accessory structure)
Application #19-8.4
A/R 9/5/19 and PH set for 10/17/19

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

1. Prior to the issuance of a Certificate of Zoning Compliance for the issuance of a Certificate of Occupancy the following shall be addressed to to satisfaction of the Zoning Enforcement Officer or other indicated staff:
 - A) Applicant shall provide the cut sheets or other information documenting that any existing outdoor lighting complies with Sect. 6.7 Outdoor Lighting and Lighting Appendix or replace outdoor lighting with compliant fixtures approved by the Town Planner. B) All proposed new or replacement lighting must be compliant with requirements for full cut off fixtures which would require either International Dark-Sky Association (IDA) Dark Sky Approved certification, IES full-cut-off designation, or "BUG" ratings that demonstrate an equivalent performance for the fixtures provided. Cut sheets for the fixtures shall be submitted for approval by Town Planner or designee. If an LED light source is proposed it shall have a correlated color temperature CCT of no more than 3,000 degrees. Adjustable mounting brackets on all lighting fixtures are prohibited.
2. Stormwater runoff from the site shall not be directed across the sidewalk.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. Beacon Communities Development LLC,
c/o Attorney Timothy Hollister-Applicant
Town of Branford Housing Authority- Owner
Application for a Site Plan Modification under CGS Section 8-30g Affordable Housing Land Use for property located at 115 South Montowese Street (Parkside Village I).
Application #19-8.11
A/R 9/5/19, PH closed 10/3/19, Tabled from 10/3/19

Chairperson Andres said Commissioner Chadwick has recused himself. Commissioner Russo will be seated for him. He said that the remaining Commissioners seated for the deliberations and vote on this application are: J. Lust, J. Vaisuo, M. Palluzzi and himself. He then questioned the Commissioners seated for this application and asked if everyone had been in attendance at all portions of the public hearing. M. Palluzzi stated that she had been absent from the October 3rd meeting, but had listened to the recording of the meeting and rest of the record.

Chairperson Andres briefly reviewed his understanding of the application before the Commission. He said that the applicant is seeking three modifications to the June 13th approval issued this year:

1. That the clarifications regarding a number of conditions of the June 13th approval provided in a letter from Town Counsel Danielle Bercury dated August 14th of this

year be incorporated as part of the June 13th approval. He said he supported this with the exception of the wording regarding Conditions 5.c and 5. d.

2. That revised Site Plans showing an Emergency Vehicle Pullover area enlarged and moved onto Parkside property be approved. He said that he thought this was acceptable.

3. Revise Condition 5.c and 5c. He said that he would support some possibly support some wording changes since he did not think a deed restriction, per se, was necessary

He then asked for the commissioners thoughts. Commissioner Russo didn't agree and noted the applicant has an advantage with this being an 8-30 g application.

Commissioner Palluzzi spoke and talked of her thoughts and referred to the fire that Fire Marshall Heffernan spoke about on October 3rd. She thinks it's an unsafe proposal and not good design to continue to rely on the Sliney Field Access Road.

Commissioner Lust said you can't really plan and approve a project that encumbers adjunct property without permission.

After some discussion, the Commission directed Town Staff to draft a resolution that documents the Commission's consensus regarding the three modifications contained in the application that the applicant is requesting. The Commission will agree to include Attorney Bercury's letter in the approval except the portions of it referring to Conditions 5.c and 5.d, and agree to approved the Site Plan changes showing the Emergency Vehicle Pullover Area being moved onto Parkside property and particularly the final version of Sheet C1.07A showing the extent of the emergency vehicle maneuvering area need to remain unencumbered by unmovable features such as future buildings and walls, etc. both for the purpose of accessing the Emergency Vehicle Parking Area as well as for the deployment of the multiple number of Emergency Vehicles that may be need to respond to a catastrophic fire or other such situation at the building proposed by the applicant, and the last item concerning condition 5d needs to state the applicant needs to get permission from the abutting property owner (the Town) in the form of a legal binding document from the town to make sure the area referred to on Sheet C1.07 A and also identified in other plans included with the record of this application as the area upon which the "Phase 1" improvements would be constructed stays open for emergency access.

Commissioner Vaiuso agreed and repeated that the applicant will need to get permission from the town and that the Commission should continue to require that the area to remain open at all times.

Attorney Bercury said she understood the Commissions revision to the condition and noted that whatever legal document or agreement, contact, easement etc. may have to go before the RTM. She will work with staff on drafting a proposed Resolution for the Commission review at its next meeting on November 7th.

2. 65-99 Burban Associates LLC-Applicant & Owner
65-99 Burban Drive
Zoning Map Amendment-R-4 to R-1
Application #19-10.1
A/R 10/3/19 and PH set for 11/21/19

3. SP Development LLC-Applicant & Owner
21 Summit Place
Special Exception- Incentive Housing Overlay District Apts.
Application #19-10.2
A/R 10/3/19 and PH set for 11/21/19

4. SP Development LLC- Applicant & Owner
21 Summit Place
Zoning Map Amendment-CP to IHOD
Application #19-10.3
A/R 10/3/19 and PH set for 11/21/19

NEW BUSINESS:

1. Informal Discussion-Anchor Reef PDD Modification-proposed “Mariner’s Landing”-
Tabled to a date to be determined at Applicant’s request

2. Time Extension Request- DonMar Development Corp.-Applicant & Owner
47 Gould Lane
Application #18-10.6 Subdivision
Application #18-10.7 Special Exception Modification-(Open Space Residential Development)

H. Smith explained that back in March there was discussion by the Commission regarding whether this approval expires in March 2019 or if it ran five years from Oct 16, 2014 which was the date of the settlement modified approval. The consensus of the Commission in March was that the approval ran thru October 16(yesterday). Prior to that date,(Oct 11), a letter from Attorney Timothy Herbst (representing DonMar Development) was received requesting a three year extension of the time period to complete the subdivision. H. Smith he also received an email from Michael DiGioia (DonMar Development) which he read to the Commission. M.DiGioia said he is requesting an extension of the approval as he is approximately 1/3 sold and built out in the project.

Chairperson Andres asked if the Commission had the authority to grant the extension and H. Smith replied that it was his understanding that if the request came into the office prior to the expiration date, then the Commission can grant it.

Lauren Brown—She asked the Commission if they were aware of the completely egregious violation of the Inland Wetlands permit. She said the president of the Branford Land Trust went to the site that morning and he estimates that since this had been brought to the

Commission attention about a half ton of sediment has washed down the hill. She wanted to ask if the Commission was aware of it.

Chairperson Andres replied that he had heard that information and he is aware that the Inland Wetlands Commission is working with the developer.

H. Smith said that it is very unfortunate but he thinks the last subdivision modification that the Commission put in an approval that the ZEO work with the developer on sediment and erosion control which she has but because the developer cleared the entire property all at once instead of in phases as the wetlands approval required, the erosion from several storm events is difficult to control.

Chairperson Andres asked H. Smith to emphasize to the developer that the Commission and the public has concerns and that adequate erosion control measures be taken.

J. Vaiuso made a motion to grant a three year extension .

J. Lust seconded the motion which passed unanimously.

3. James Primicerio—Applicant & Owner
80 Bradley Street
Special Exception- Two Family Residence
Application #19-10.4
To be A/R and PH to be set

The Commission A/R and set the Public Hearing for 11/21/19

4. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 Leetes Island Road
Special Exception- 3 Single Family Residential Lots
Application # 19-10.5
To be A/R and PH to be set

The Commission A/R and set the Public Hearing for 12/5/19

5. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 Leetes Island Road
3 Lot Resubdivision
Application # 19-10.6
A/R 10/17/19 and set the Public Hearing for 12/5/19
6. Giumas LLC, c/o Massimo Liguori-Applicant & Owner
292 & 300 Leetes Island Road
Subdivision Modification
Application # 19-10.7
A/R 10/17/19 and Tabled to 12/5/19

7. Nuzzo Properties LLC, c/o Anthony & Audra Nuzzo-

Applicants & Owners
736 East Main Street
Special Exception- Accessory Uses: Non-Agricultural Farm Events
Application # 19-10.8
To be A/R and PH to be set

The Commission A/R and set the Public Hearing for 12/5/19

OTHER BUSINESS:

1. Planner's Report—
H. Smith noted that Hampton Inn received their height variance. A Planning & Zoning application may be coming in soon.
2. Land Use Board training will be held on Wednesday Oct.23 at the Fire House at 7 pm. Bruce Hyde of CLEAR is the instructor. Anyone interested is welcome to attend.

The meeting adjourned at 9:22 pm