



# PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405  
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## 2<sup>nd</sup> Revision- MINUTES PLANNING & ZONING COMMISSION THURSDAY OCTOBER 15, 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, J. Lust, J. Chadwick, F. Russo, M. Palluzzi, J. Vaiuso,  
P. Higgins, M. Liguori

Staff Present: H. Smith-Town Planner, K. Piazza-Asst. Town Planner, M. Martin- Clerk

Chairperson Andres introduced the Commission and the Staff. He then reviewed the Public Hearing procedure.

K. Piazza reviewed the Zoom meeting procedure.

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

### **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 to 10/15/20 from 9/17/20**  
**Public Hearing must close by: 11/17/20 (35 +90 days-EO 7I)**

Public Hearing 1 and 2 are being discussed together.

Attorney Marjorie Shansky was present along with Sal Marotelli, Mike Ott, Dave Sullivan, Robert Sachs and Ken Borson, and Ryan Chmielewski. She noted she received a letter from DEEP late that day and they are addressing the issues mentioned in it. She requested the item be continued to the November 5 meeting in order to give the applicant time to respond to the outstanding issues.

Town Planner H. Smith reviewed his memo dated October 9, 2020. He noted the Town Engineer is waiting for more information before submitting his final comments. He then reviewed the letter that was received from DEEP dated October 15, 2020.

**Chairperson Andres said these two items are continued to the 11-5-20 meeting at 7 pm, via zoom technology.**

He then noted that there has been a lot of public input for these applications and some people don't care for the zoom meetings. They would prefer face to face meetings. He polled the Commission for their input on possibly holding a Special Meeting for these applications in order for people to have the opportunity to comment face to face.

The consensus of the Commission was to continue with the zoom format and not have in person meetings. He encouraged people to write in their comments or participate in the zoom meeting.

Town Planner H. Smith read an email of support from Todd Arnold dated 10-15-20.

**PUBLIC INPUT:**

Gia Polio-48 Harding Ave. - Talked of the zoom format versus the in person format. She noted that many people want the in person meetings.

Robert.-(40 year Branford Resident) said he is an empty nester and this project interests him. He supports the project.

Dave Callahan- He said he spoke at the last meeting in favor of Vox Church. He noted he had worked in some houses built by Sal Marottoli and he supports this project.

Mike Holt-(29 year Branford Resident) He said he was away from Branford for a while and has since come back. He noted it's hard for young people to find housing. He said this project will bring a lot of amenities to young people. He supports the project.

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 to 10/15/20 from 9/17/20**  
**Public Hearing must close by: 11/17/20 (35 +90 days-EO 71)**
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 to 11/05/20**
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 to 10/15/20**

Public Hearing number 4 and 5 are discussed together.

Attorney John Knuff (Milford) represented the applicant, who was also present. They noted they responded to all the Town Planner's comments that were previously submitted.

Dave Golebiewski highlighted the applicant's responses to H. Smith memo. He noted these public hearings will be continued to give H. Smith time to reply to their comments,

Chairperson Andres spoke briefly of Affordable Housing units and Branford's need for them. He asked the Applicant if he would be willing to construct 8 affordable units and the Applicant agreed.

**PUBLIC INPUT:**

John Sousoulas-(Owner of Parthenon Diner) spoke saying he has been a resident of Branford since the 80's. He thinks this is a wonderful project for the town and he fully supports it.

H. Smith noted a response was received from the Regional Planning Agency as well as the Fire Chief.

Matt Radulski- He said he drove by the project site that morning and he is happy about the project. He feels it's a great idea. He spoke briefly of the height issue noting that the Anchor Reef project asked for the same exception regarding the height.

Chairperson Andres noted that items 4, 5, 6 and 7 will be continued to the November 5, 2020 zoom meeting at 7pm.

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 to 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 set for 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 set for 10/15/20**
  
8. David D'Atri-Applicant & Owner  
4 Three Elm Road  
Special Exception Modification & Coastal Site Plan-ADA Compliant Parking Area  
**Application #20-9.1**  
**A/R ON 9/3/20 & PH opened 10/1/20, continued to 10/15/20**

David D'Atri (Applicant) explained that the CT Building code required him to create handicapped parking spaces. He noted that John Cunningham (Landscape Architect) spoke with the neighbors regarding the landscape plantings.

H. Smith reviewed the staff report. He also noted that new emails were submitted by some neighbors and they are in the dropbox.

**PUBLIC INPUT:**

Barbara Chesler-She asked for additional time to review the plans for the parking spaces. She said Mr. D'Atri's property is 4 feet higher than her property. She said she has many concerns that need to be addressed.

Tom Stevens reviewed the plans.  
Chairperson Andres asked the Commissioners whether the Public Hearing should remain open or close it. The consensus was the public hearing should be closed.

Chairperson Andres closed the Public Hearing.

9. The Queach Corp. c/o Vincent Giordano-Applicant & Owner  
434 East Main Street  
Special Exception-General or Business Office and Grading per section 6.8  
**Application #20-8.6**  
**A/R on 9/3/20 & PH set 10/15/20**

Matt Bruton (BL Companies) represented the applicant and noted that Vincent Giordano (Applicant) was on the line for any possible questions.  
He then displayed the site plans and reviewed them explaining the proposal is for a 24,980 sq. ft. commercial office building.

Vincent Giordano made a few comments.  
K. Piazza reviewed the Staff Report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the Public Hearing.

The Commission took a five minute break at 9:35 p.m.

10. Cherry Hill Estates, LLC, c/o Joseph Mineri (Member)-  
Applicant & Owner  
26 Cherry Hill Road  
Special Exception for Grading & Earth Removal (Section 6.8)  
**Application #20-9.2**  
**To be A/R & PH set for 10/15/20**

Attorney Bernie Pellegrino (New Haven) explained this special exception application was previously approved and while the applicants were going thru the post approval conditions, it was noted that the grading and excavation approval had lapsed and it was too late to request a time extension so they had to reapply.

H. Smith reviewed the staff report noting that the approval that Mr. Pellegrino is referring to is from a year and a half ago.

PUBLIC INPUT:

Matt Radulski (President of Branford Historical Society) asked a few questions

Chairperson Andres closed the Public Hearing.

11. ABCS Properties, LLC, David Chew (Member) –  
Applicant & Owner  
802 East Main Street  
Special Exception- Garage Renovation to a dwelling unit  
**Application #20-9.3**  
**A/R 10/1/20 & PH set for 10/15/20**

K. Piazza explained this application proposes making this property a 3 family dwelling from a 2 family but several items are missing.  
The Applicant was not present at the meeting.

**Chairperson Andres suggested denying the application without prejudice and the Commission agreed.**

12. Roger Lowlicht-Applicant & Owner  
19 Laurel Street  
Special Exception- Multi Family Unit  
**Application #20-9.9**  
**A/R 10/1/20 & PH set for 10/15/20**

Roger Lowlicht (Applicant) explained this application was previously approved but the approval had expired so he had to reapply.

K.Piazza reviewed the application saying it is for a dwelling unit over the garage. The Town Center Revitalization Review Board reviewed the application and had no formal comments.

**PUBLIC INPUT:**

Matt Radulski – Said he agreed this was a great place for a housing unit.

Chairperson Andres closed the Public Hearing.

H. Smith noted for the record that Commissioner P. Higgins left the meeting at 10:15 p.m.

**MINUTES: 10/1/20**

**J. Vaiuso made a motion to approve the meeting minutes as written.**

**J. Chadwick seconded the motion which passed unanimously.**

**CORRESPONDENCE:**

1. Correspondence from the State of CT Siting Council regarding an antenna swaps & equipment
2. Equipment Upgrade at 21 Acorn Road and 123 Pine Orchard Road.

**RETURN TO TABLE:**

1. David D'Atri-Applicant & Owner  
4 Three Elm Road  
Special Exception Modification & Coastal Site Plan-ADA Compliant Parking Area  
**Application #20-9.1**  
**A/R ON 9/3/20 & PH opened 10/1/20, continued to 10/15/20**

H. Smith reviewed the staff report.

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

**FINDINGS:**

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.
2. This application is found to be 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. All conditions of the previous March 2, 2020 Special Exception approval shall remain in full force and effect as they may still apply.
2. Prior to the commencement of any construction activity, the issuance of (or modification to) a Zoning Permit, or the zoning authorization of a building permit (or modification of) the following shall be addressed or completed to the satisfaction of the Zoning Enforcement Officer:
  - a. Modification of the Landscape Plan (PL-1) prepared by TEC Landscape Design, Inc. dated 2/13/20, last revised 9-29-20 to include the proposed parking area on the east side of the property and revisions to address the following:
    - i. Additions to the vegetated buffer proposed for the northern side of the existing parking area on the west side of the existing building that may be required or otherwise removed from the parking area and their replacement with 12" of topsoil and "sweet fern and low junipers" shown for the other areas adjacent to the tidal stream per the revised Landscape Plan or alternative approved by the Town Planer or the Planning and Zoning Commission.
    - ii. Changes along the frontage of the property on Three Elms Road to the east of the existing building to address the changes required by the driveway to the proposed parking area.
  - b. Submission of copies of the latest revisions of the submitted plans by Thomas A. Stevens and Associates Inc., TEC Landscape Design, and John A. Matthews Architects as well as a letter from Chuck Mandel dated October 1, 2020 with a stamp/seal and live signature or appropriate evidence of the preparer's professional credential.
  - c. Information on maintenance required by Section 6.5.K.2 will need to be provided to allow the Commission to approve an alternative parking surface consisting of pervious pavers in the parking spaces themselves and gravel in the maneuvering area behind them.
  - d. Information or plan notes or changes to clarify that the "Common Fill" layer needs to include at least 4" of topsoil either stockpiled from topsoil removed or brought into the site as required by Condition 5.c (of the March 2, 2020 Special Exception approval) and Section 6.8 of the Zoning Regulations.
  - e. Required information for any changes to proposed exterior lighting (either building or pole mounted).

- f. Removal of the parking space shown on the revised Landscaping Plan “in front of” the proposed dumpster enclosure or propose for approval by the Town Planner or the Planning and Zoning Commission an alternative location for the dumpster proposed that allows access to it without crossing a parking space and/or creating any other non-conformity with Zoning Regulations.
- g. Removal of an additional two parking spaces from the northern end of the existing parking lot to the west of the existing building and the additional of the area they occupied to the vegetated buffer along the Tidal Stream or augment the proposed plantings in the vegetated” buffer strip” between the existing parking area and the tidal stream to the north of the site to optimize the stormwater runoff water quality treatment functionality of the landscape.
- h. Narrow the curb cut and minimally allow a 12 foot width and retain the originally approved landscaping in the area no longer proposed to be part of the curb cut (on the east side of building for the new parking lot).

**J. Lust seconded the motion which passed unanimously.**

- 2. The Queach Corp. c/o Vincent Giordano-Applicant & Owner  
434 East Main Street  
Special Exception-General or Business Office and Grading per section 6.8  
**Application #20-8.6**  
**A/R on 9/3/20 & PH set 10/15/20**

**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.
- 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 Site Plan Application Requirements per section 9.6.

CONDITIONS

- 1. Prior to the issuance of a zoning permit or zoning authorization of a building permit the following shall be completed or addressed:
  - a. The relevant sheets of the approved plan set, including SP-1 and LL-1, of the plan set shall be revised to include the appropriate front yard landscaping setback incorporating the required front yard setback as required in the access management district per section 6.2.E (10).
  - b. Sheet LL-1 of the approved plan set shall be revised to include a snow storage area. Any such snow storage area shall not disturb the proposed landscaping.
  - c. The red maples proposed on Sheet LL-1 shall be replaced with red oaks and additional understory shrubs shall be added to increase the depth of the front yard landscaping strip.

- d. Sheet LL-1 of the approved plan set shall be amended to include an identification of any significant trees by a Ct. licensed arborist within 50 ft. along the property line (along Rt 1) and make good faith efforts to preserve any tree deemed to be significant.
  - e. The relevant sheets of the approved plan set including SP-1 and LL-1 shall be revised to include the sidewalk to the satisfaction of the Town Planner or designee as well as the Town Engineer. Sheet EC-1 construction sequence shall be amended to include the aforementioned condition.
  - f. A full size plan of sheet LP-1, dated 07/02/20, shall be submitted.
  - g. Architectural elevations and floor plans shall be submitted and approved by the Planning and Zoning Commission.
  - h. Submittal of a Soil and Erosion Control Financial Guarantee in favor of the Town of Branford pursuant to Section 6.8.F.1 of form, content, and amount as determined by the Town Planner or Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Counsel, except that this financial guarantee shall not be in the form of a surety bond.
  - i. Submittal of a Financial Guarantee to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 6.3.M.3 of form, content, and amount as determined by the Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.
  - j. A financial guarantee for its installation established in favor of the Town of Branford pursuant to Section 9.6.G (2) of form, content, and amount as determined by the Town Planner or Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Counsel, except that this financial guarantee shall not be in the form of a surety bond.
2. 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 and any additional measures to control soil and erosion determined to be necessary to address conditions during construction.
  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 light fixtures shall be provided including cut sheets with all model choices indicated on a photometric plan including that includes a schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulation.
  4. Upon Completion of all earth moving activity, and prior to the issuance of a certificate of zoning compliance or zoning authorization of a certificate of occupancy, a final as-built plan, prepared and sealed by a Connecticut licensed land surveyor and in sufficient detail to demonstrate compliance with the approved



permit. The prepared and sealed as-built shall be submitted to the Town Engineer for approval stating earth movement has been completed in accordance with the approved plans.

5. 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.
6. To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.
7. All landscaping shall be installed to the satisfaction of the Zoning Enforcement Officer and in conformance with the landscaping plan as amended by the conditions above prior to the issuance of a certificate of occupancy or an acceptable financial guarantee provided per section
8. The following shall be completed prior to any construction activity on the property:
  - a. Evidence shall be submitted to the satisfaction of the Zoning Enforcement Officer that the soil erosion controls have been installed as shown on Sheet EC-1. A pre-construction meeting shall be held within the Zoning Enforcement Officer, Applicants engineer, wetland scientist, site contractor and the Inland Wetlands Agent which may be coordinated and combined with the pre-construction/erosion control inspection required by the 8/26/2020 Inland Wetlands and Watercourses Agency approval.
  - b. An amended plan set be submitted and shall include a 28 ft. landscape buffer in the front noted as not to be disturbed until the issuance of a building permit.
9. No issuance of any Zoning Permit or the zoning authorization for the issuance of a Building permit for construction of the proposed building shall be made until a modification of this approval with a finding of conformance of the design of the building with Section 6.14 is issued by the Commission.

**J. Lust seconded the motion which passed unanimously.**

2. Cherry Hill Estates, LLC, c/o Joseph Mineri (Member)-  
Applicant & Owner  
26 Cherry Hill Road  
Special Exception for Grading & Earth Removal (Section 6.8)  
**Application #20-9.2**  
**To be A/R & PH set for 10/15/20**

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

Findings:

1. The Commission recognizes that Declarations of Restrictions will be (or have been) filed on the Town of Branford Land Records regarding this property which set forth obligations of the applicant to third parties and address other matters beyond the jurisdiction of the Commission (planting of landscaping offsite, etc.). Nothing in this approval shall be deemed to eliminate or supersede any obligations agreed to by the applicant to third parties or other duties to comply with the law, as set forth in the Declarations of Restrictions.
2. The Commission bases this approval on the previously approved plans- Sheets EX, SM, GR, UT, SD-1 thru 5 (all as revised through 6/29/18) and Sheet LA (as last revised 12/5/18) and the relevant documents from the file of Application #18-8.5, the entire file for which, as well as the digital audio recording of the Public Hearing, is included in the file of this application by reference.

Conditions:

1. All conditions relevant to the Section 6.8 Special Exception from the previous January 17, 2019 (effective February 1, 2019) Special Exception approval including, but not specifically limited to #'s 2(b), 2(c),2(d),2(e),2(f), 3,4, 5,6,9(a), 9(b),10(b),10(c),10(d),12 and 15 shall apply to this approval.
2. This approval shall not become effective until evidence of the filing on the Town of Branford Town Clerk's Land Records of the Declarations of Restrictions referred to in the Public Hearing is submitted.

**J. Vaiuso seconded the motion which passed unanimously.**

3. ABCS Properties, LLC, David Chew (Member) –  
Applicant & Owner  
802 East Main Street  
Special Exception- Garage Renovation to a dwelling unit  
**Application #20-9.3**  
**A/R 10/1/20 & PH set for 10/15/20**

**J. Lust made a motion to deny the application without prejudice due to incompleteness with the indicator the Commission will waive the application fee for any new application filed within 6 months except for the required State portion of the fee.**

**J. Vaiuso seconded the motion which passed unanimously.**

4. Roger Lowlicht-Applicant & Owner  
19 Laurel Street  
Special Exception- Multi Family Unit  
**Application #20-9.9**  
**A/R 10/1/20 & PH set for 10/15/20**

**J. Chadwick made a motion to approve the application with the Finding and Conditions below:**

FINDING:

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.

CONDITIONS:

1. Prior to the issuance of a zoning permit or zoning authorization of a building permit the following shall be addressed:
  - a. Lighting cut sheets for any new proposed lighting shall be submitted and satisfy the requirements of the zoning regulations.
  - b. The existing tree in the front yard shall be added to the site plan as well as any other existing landscaping including that around the building perimeter. Any identified landscaping shall be noted in a planting schedule that notes the species, number and size.
2. 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.
3. Prior to the issuance of a Certificate of Compliance, the proposed parking area shall be striped as depicted on the Site Plan (Sheet-1), dated September 28, 2020. Handicapped parking shall be incorporated as determined by CGS14-253a and the Connecticut Building Code.
4. To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.

**M. Palluzzi 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 closed on 9/17/20, Tabled from 10/1/20**
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**

**Items #1 and #2 were tabled to the 11/5/10 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- Grading- (Lot 2)  
**Application #20-9.6**  
**A/R 10/1/20 & PH to be set**

**The Commission A/R and set the PH for 11/19/20**

5. Statewide Development LLC, c/o  
Robert Pesapane-Applicant & Owner  
41 Brainerd Road  
Special Exception- Grading-(Lot 3)  
**Application #20-9.7**  
**A/R 10/1/20 & PH to be set**

**The Commission A/R and set the PH for 11/19/20**

6. Statewide Development LLC, c/o  
Robert Pesapane-Applicant & Owner  
41 Brainerd Road  
Special Exception- Grading-(Lot 4)  
**Application #20-9.8**  
**A/R 10/1/20 & PH to be set**

**The Commission A/R and set the PH for 11/19/20**

7. Jennifer Bartner Indeck, Trustee-  
Applicant & Owner  
1156 Main Street  
Special Exception Modification-  
Parking Reconfiguration  
**Application #20-9.10**  
**A/R 10/1/20, PH to be set**

**The Commission consensus was this could be acted upon by the Town Planner per Section 9.6.B.5 of the Zoning Regulations.**

**NEW BUSINESS:**

1. Debra Gottschalk-Applicant & Owner  
31 Buena Vista Road  
Special Exception-Home Occupation  
**Application #20-10.2**  
**To be A/R and PH set**

**The Commission A/R and set the PH for 11/5/20**

2. Dennis & Lisa Bozzuto–Applicants & Owners  
87 & 91 Stony Creek Road  
Subdivision Modification  
**Application #20-10.3**  
**To be A/R**

**Tabled to 11/5/20**

**OTHER BUSINESS:**

1. 26 Cherry Hill Road (a.k.a. Sterling Ridge) Soil & Erosion Control Financial Guarantee per Section 6.8.F.1.

**J. Lust made a motion to approve the establishment of a cash bond for \$6,187.00 for 26 Cherry Hill Road.**

**J. Chadwick seconded the motion which passed unanimously.**

2. Planner's Report

H. Smith noted the Governor's Executive order is set to Expire November 9, 2020. He will keep the Commission updated if it is extended or not.

H. Smith mentioned that the Town lost the Parkside Village court appeal. He will update the Commission when he receives more information.

The meeting adjourned at 11:11 p.m.