



PLANNING AND ZONING COMMISSION

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REVISED MINUTES PLANNING & ZONING COMMISSION THURSDAY, OCTOBER 19, 2017 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: C. Kelly

Staff Present: H. Smith-Town Planner, R.Stoecker-Assistant Town Planner, Attorney William
Aniskovich, Attorney Danielle Bercury, M.Martin- Clerk

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

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

Chairperson Andres noted that the Parkside Village applications are under the 830-G of the Connecticut General Statutes. He explained the Applicant has the opportunity to appeal whatever decision the Commission makes under the Affordable Housing Act which has different standards to follow. He briefly explained that. He also noted that the most beneficial comments from the public would be safety concerns.

Chairperson Andres noted for the record that Commissioner J. Chadwick is recusing himself from the application.

REGULAR MEETING 7:00 P.M.

PUBLIC HEARINGS:

1. Beacon Communities-Applicant
Branford Housing Authority-Owner
115 South Montowese Street (Parkside Village I)
Zoning Regulation Amendment under CGS Section 8-30g (Affordable Housing Land Use Appeals)
Application #17-9.4
A/R 10/5/17 & PH set for 10/19/17

Attorney Timothy Hollister (Shipman & Goodwin, LLP) representing Branford Housing Authority and Beacon Communities LLC spoke first. He noted that comments from Dept. of Energy & Environmental Protection (DEEP) were received and sent to the Town Planner. An Inland Wetland Permit was issued in September 2016 and there is no need for a permit modification. The Applications were filed with the Town Clerk and the Certificate of Mailings were submitted into the record.

Doug Denes (Board Chair of Branford Housing Authority) briefly reviewed the Housing Authority's history. He said there is a well-documented need for low cost housing. The present site at 115 south Montowese Street is substandard in many ways: there are rapidly deteriorating physical conditions and the units are very small and not ADA compliant. Because of the age of the buildings, it has been a struggle to maintain them. They can't charge enough rent to keep up with maintenance costs.

The new building will be safe, accessible, sustainable and will meet the needs of the tenants. He explained that if the Commission approves the applications before November 1, 2017, they will submit an application to the State of Connecticut for low income tax credits. If the application is successful, there will be no direct cost to the Town of Branford. If they wait until next year to apply, it is uncertain whether funding will be available. He said the current tenants of Parkside One will be guaranteed an apartment in the new building at rents not exceeding 30% of their income. He also noted that the new Parkside will be open to low income people without age restrictions. The occupancy mix is consistent with the state policy. During the last year, they have had many meetings with the residents and town s. Different sites were considered for this project. This application represents a redesign of the building and he feels they have an excellent site plan.

Attorney Hollister reviewed the updated October 16 supplemental materials that were submitted into the record. He then talked about the November 1 deadline to submit their application for state funds and the benefits of approving these applications prior to that date. He then explained the applicants' reasons for filing the 830-G Applications.

David Golebiewski (TPA Design Group) reviewed the site plan and the land uses of the surrounding neighborhood with a PowerPoint Presentation. The new building will house 67 units on a parcel that is approximately five acres. There will be 33 one bedroom and 34 two bedroom units. He highlighted the layout of the project as well as drainage, landscaping, lighting and excavation. He noted one of the applications is a Coastal Site Plan, however no coastal resources are impacted and the water quality will actually be improved. The CT Dept of Energy and Environment protection (DEEP) had no objections to the application.

Steve Ulman(Alfred Benesch & Co.,Glastonbury, CT) compiled the Traffic Study. He noted this study is essentially the same study as the one they prepared for the previous Parkside application. He said the Town Engineer had no issues with the study. He then briefly reviewed some of the traffic data. He felt the proposed building will not negatively impact traffic in the area.

Joe Schiffer(Newman Architects) highlighted the design of the building, along with the floor plan with several colored drawings.

David DeMilio (Resident & Member of Resident Council) said he's been a resident at Parkside a bit over a year and he is in favor of the project. He said the current buildings are in disrepair.

Attorney Hollister noted under an 8-30 G application there is an obligation to approve it unless there's evidence of a substantial health or safety concern and the Coastal Site Plan is also under that standard. He then briefly reviewed each application. He said although Branford has low cost housing there is a need for more. He then read over the conditions of approval (tab 6 in the supplemental materials, dated 10-16-17). He then stated at the end of this meeting- the Applicant is requesting the Commission continue the meeting before the end of October, perhaps October 26 or 30?

Harry Smith spoke next. He listed all the items that he is entering into the record. The applications were filed with the Town Clerk and the Public Hearing Notices were published in the New Haven Register. He then read aloud the two Dept. of Energy & Environmental Protection letters into the record. He then listed all the attachments to the Staff Report that are also being entered into the record. Then he briefly talked about the zone and the density of the project. He noted the Affordability Plan has been forwarded to the Town Attorney and he is awaiting comments. He then reviewed the staff report. A protest petition was received at the meeting and he then explained what that entailed. He highlighted some of his concerns, noting the Town Engineer is requesting a phasing plan. H. Smith read aloud comments from the Building Official, Anthony Cinicola regarding the need for adequate parking to be available before a Certificate of Occupancy could be issued for the new building

Shaun Heffernan-(Assistant Fire Chief & Fire Marshal) spoke and stated he submitted his report to the Town Planner. He then reviewed some of his concerns including: access to the building and the absence of a phasing plan. He noted the emergency vehicle parking area needs to be verified as well. He is also concerned about access to the building during construction, as well as construction staging and post construction prior to the construction of the parking lot, where will the cars be parked? Also needed is a snow removal plan. There were also items that were missing from the applications which he highlighted.

The Commission then had a brief discussion and asked some questions. Attorney Hollister answered a few questions and made some comments.

The Commission then took a 5 minute break.

PUBLIC INPUT:

1. Attorney John Parisi (Hamden,CT)- He represents a group of Branford residents that are opposed to the application. He said he thinks there may have been conversations with Commissioner J. Chadwick outside of the record. He asked the Commission to disregard any conversations they may have had with Commissioner Chadwick or if they could not, to please recuse themselves from the application. He then talked about parking, noting if it's inadequate, people will park illegally. This may impact first responders ability to provide services. He then mentioned a disaster recovery plan which he submitted to the Commission. He then asked what is the disparity between the term of lease with Beacon and the expiration of affordability? He asked, why is Beacon involved? He then talked about the protest petition and of the coastal resilience report. He also noted the property is susceptible to flooding. He feels there are public safety concerns present in the application and the concerns can't be addressed by modifying the application.
2. Tim Sullivan(77 Indian Neck Ave) He is concerned about traffic. Melrose Avenue is congested and many people speed, He asked how would the emergency access Road be enforced?
3. Sue Searles(115 So. Montowese)She is a senior and has been involved with many of the previous meetings. She is in favor of the project. The buildings are old and the efficiency units are small. Some of the units are in disrepair, but they are surviving. They need a new building.
4. Carolyn Sires (98 So. Montowese)As a physical therapist, she feels for the people that are living in the deplorable conditions.. Why have they been allowed to live there? A large grant was received and the lighting was improved. She asked,why weren't the units repaired? Also, has anyone thought of the people that live in the surrounding area? They will also be impacted. BHA was formed in the 70's for the seniors. Why has that changed? She talked of the financial impact study. She talked of her conversations with CHAFA and DOH. She asked for a guarantee that the residents who live there now will be guaranteed a place in the new building. She asked, why is the BHA broke? She objects to a special Planning & Zoning meeting. She feels the applicant is rushing this to obtain the funding.
5. Chris Collins(127 Highland Ave) She said many people love Branford but the Town has not kept up with housing. Many people can't afford housing in Branford. Branford Housing Authority is a volunteer group. They work hard. She feels this is a chance to make Parkside better. Let's support Parkside.
6. Damien Platosh (133 So Montowese) He said he has spoken to many of the neighbors and there is a lot of opposition to this project. But, they want to help the residents that live there now. He talked of the previous meeting held in September that had a land swap. He is confused. He was told that that swap had nothing to do with this development. Also, many people speed on South Montowese St. This massive development will affect the quality of life for many people. It is too big for the area. Also, how will it be paid for? He feels it's in the wrong place and at the wrong time. He is opposed.
7. Dennis Flanagan-(RTM- 5th district) He read aloud a letter from the 5th district opposing the project. He asked the Commission to not be rushed, consider the project carefully.
8. Joseph Riga (69 Rogers St) He is opposed. He echoes the previous speaker.
9. Patrina Blakeslee(30 Indian Neck Ave) She is new to Branford and chose to live here because of the small town atmosphere. She felt Branford is safe. It is important that we take care of the community. But, she worries about lack of funding for major resources such as police, teachers, etc. She is opposed. It is a huge building in a small neighborhood that will generate more traffic, which is already a problem.
10. Andy White(21 Helen Rd)said he has attended many of these meetings. He appreciates all the Commissions work on an enormous application like this. He feels Branford needs more affordable housing.
11. Mary Jo Riddle(40 Linden Ave) She said she previously lived at 98 South Montowese Street and was never bothered or offended or upset by anything that went on in Parkside Village. But, time has passed and there are problems. She said let the people live in a decent place and let that place be Parkside.
12. Joe Giordano (22 Garden St.) He said if health and safety issues are being discussed – he stated many years ago that property was used as a dump. There is garbage buried there. The area also floods. The development will be dangerous; there are many kids in the area. He also asked why the access to

Sliney Field is going to be closed. Also, why hasn't Parkside been repaired? Why can't it be repaired instead of a new building being constructed?

13. Paul Kenney (15 Ark Rd) He asked why did Commissioner Chadwick recuse himself? He then asked whether the current residents will have a place in the new building. Another concern is flooding, as well as concerns over what type of carcinogens will be released when the construction starts? He also questioned where the funds went that were to be used to maintain Parkside? He noted the crime issues in the area, and asked what will happen when the population is increased?
14. Sarah Sorenson (69 Court St) She supports Parkside. She thinks it's a beautiful building. The residents of Parkside deserve support.
15. Robert Sansore (71 Indian Neck Ave) He states there is no way to get out of that area when it floods, as it often does. He also repeated that the area was used as a dump. He agreed that traffic is terrible in that area. He said he had spoken to Jaime Cosgrove about installing speed bumps in that area. The sewers are not adequate and he spoke of sewage flooding his basement. He is opposed.
16. Jackie Devlin (71 Indian Neck) She is opposed.
17. Dana Strickland – He said he cut the trees many years ago to make the access road. He said that years ago when a house was demolished, they buried all the contents of the house. All that material is buried on that property.
18. David Falcigno (67 Lantern View Dr) He is opposed to the project, not the people.. Traffic is awful, its only a matter of time before a fatality occurs. He felt there are many other locations for this project.
19. Annemarie Geibel (80 Limewood Ave) She is opposed to the project, not the people.
20. Dr. John Geibel – He is concerned about the release of asbestos during the demolition portion of the project, and the possible exposure of it to workers and residents, as well as the safety issues of fire exits and fire dept. access. He also noted if the funding is not covered by the state, then the town may have to fund the project. He is opposed.
21. David Jacobs Jr. (55 Swift St) He asked whether Sliney Park Rd is a town road. He also spoke with the tree warden regarding vernal pools and is awaiting her comments. Also, why haven't other areas of town considered? He also inquired whether there is a wildlife report or a geology report submitted. He urged the Commission to take their time considering these applications.
22. Michael Perricone (21 Garden St) He asked whether there was a drilling or blasting plan that was submitted. He felt the Commission should not be pressured into a Special meeting.
23. Chris Woerner (299 Thimble Islands Rd) He stated he is a member of the Forest Commission and said this new plan does preserve some trees. He is in favor of the project.

Chairperson Andres said as stated at the beginning of the meeting he wants to continue the Public Hearing due to the lateness of the hour (10:30 p.m.) and the fact that there are several people listed who want to speak. He noted the Applicant requested a Special Meeting for the following week. He understands the applicants schedule. However, this is a major application. It is typical for a large project to have many meetings to allow for public comments. He also said these are CGS Section 8-30G applications which mean it is the Commissions burden of proof if the action on the applications is appealed.

The Commission then discussed this briefly.

Chairperson Andres said it is the Commission consensus that these applications will be continued to the next regularly scheduled meeting on November 2, 2017.

The Commission then took a short break.

2. Beacon Communities-Applicant
Branford Housing Authority-Owner
115 South Montowese Street (Park side Village I)
Zoning Map Amendment under CGS Section 8-30g (Affordable Housing Land Use Appeals)
Application #17-9.5
A/R 10/5/17 & PH set for 10/19/17

This item is continued to the 11/2/17 meeting.

MINUTES: 09-26-17 & 10-5-17

J. Vaiuso made a motion to approve the meeting minutes for 9-26-17 & 10-5-17 as written. J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

None

OLD BUSINESS:

1. 110 North Main LLC-Applicant
110 North Main LLC & Elm City Mfg. Jewelers, Inc.-Owners
110 & 112 North Main Street
Site Plan- Retail Store
Application #17-8.3
A/R 9/7/17, Continued from 10/5/17

H. Smith said the Applicant has requested this be Tabled to the 11/2/17 meeting. A 35 day time extension has been received. The Commission accepted the Time Extension.

2. Raffaele Aschettino-Applicant
Raffaele & Lucia Aschettino-Owners
101 Sunset Beach Road
Coastal Site Plan
Application #17-9.3
A/R 10/5/17, Tabled to 11/02/17, Pending ZBA Approval of related variance request
3. Beacon Communities- Applicant
Branford Housing Authority-Owner
115 South Montowese Street (Parkside Village I)
Site Plan & Coastal Site Plan under CGS Section 8-30g (Affordable Housing Land Use Appeals)
Application #17-9.6
A/R 10/5/17, Tabled to 10/19/17

This item was continued to the 11/2/17 meeting

4. Tidal Basin LLC.-Attorney Gregg Burton, Agent-Applicant & Owner
60 Maple St. & 2 & 5 Indian Neck Avenue &
4 & 6 Indian Neck Avenue
PDD Modification/Master Plan Amendment
Application #17-10.1
A/R 10/5/17, PH set for 11/16/17
5. Tidal Basin LLC.-Attorney Gregg Burton, Agent-Applicant & Owner
60 Maple St. & 2 & 5 Indian Neck Avenue &
4 & 6 Indian Neck Avenue
Site Plan /Coastal Site Plan
Application #17-10.2
A/R 10/5/17, Tabled to 11/16/17
6. Peter MacPartland AIA (Elm City Architects LLC)-Applicant
Supported Recovery LLC-Owner (Unit 9-1)
Sweitzer Enterprises LLC-Owner (Units 9-2, 9-3,9-4)
7-9 Business Park Drive
Special Exception- Church
Application #17-10.3
A/R 10/5/17, PH set for 11/2/17

7. Robert Dingus Sr.(D-O Construction)-Applicant
Jason Blyth- Owner
62A Alps Road
Special Exception- Detached Garage
Application #17-10.4
A/R 10/5/17 & PH set for 11/2/17

8. Solar City Corp. (c/o Robinson & Cole LLP.)
Attorney Kenneth Baldwin-Applicant
Town of Branford-Owner
48-86 Tabor Drive
Site Plan Modification for a Solar-based electrical generating
Facility to provide power to Town of Branford facilities
Application #17-10.5
A/R 10/5/17, Tabled to 10/19/17

R. Stoecker explained this is a Site Plan Modification. The Applicant consulted with Eversource and found that a modification to the Site Plan was needed. This will add five(5) new utility poles that will connect to an existing pole located just west of the parking lot. The Inland Wetlands Dept. has reviewed it and they have no issues with it.

J. Lust made a motion to approve the application with the one condition listed in the Staff Report. J. Chadwick seconded the motion which passed unanimously.

NEW BUSINESS:

1. Charles Mandel (Thomas A. Stevens & Associates, Inc.)-Applicant
David D'Atri-Owner
4 Three Elms Road
Special Exception & Coastal Site Plan
Application #17-10.6
A/R Public Hearing to be set

The Commission A/R and set the PH for 11/16/17

OTHER BUSINESS:

1. C.G.S. Section 8-24 Referral - Solar Based Electrical Generating Facility at 48-86 Tabor Drive.

H. Smith explained this item was previously approved by the Planning & Zoning Commission and because it is a utility it requires an 8-24 Referral

J. Chadwick made a positive 8-24 Report for the Solar Based Electrical Generating Facility at 48-86 Tabor Drive. J. Vaiuso seconded the motion which passed unanimously.

2. C.G.S. Section 8-24 Referral - Solar Based Electrical Generating Facility at 100 Tabor Drive (Landfill).

H. Smith explained this item was previously approved by the Planning & Zoning Commission and because it is a utility it requires an 8-24 Referral.

M. Palluzzi made a positive 8-24 Referral for the Solar Based Electrical Generating Facility located at 100 Tabor Drive. J. Chadwick seconded the motion which passed unanimously.

3. C.G.S. Section 8-24 Referral for the proposed purchase of a 14.5 acre parcel at the end of Tabor Drive, Map/Block/Lot-(F09/006/00012)

Jaime Cosgrove explained the property owner expressed interest in selling this parcel to the town. He feels it would be beneficial for the town to own the property. He has spoken with Town Staff and Legal Counsel and they agree it would be in the best interest of the Town to own this property.

Bill Horne-spoke as the Chair of Open Space Acquisition—He explained in 2005 the committee reviewed the parcel map. This parcel was considered one that could be considered by the Town.

J. Chadwick made a positive 8-24 Referral for the proposed purchase of a 14.5 acre parcel at the end of Tabor Drive. J. Vaiuso seconded the motion which passed unanimously.

4. Bond Establishment for 40 Laurel Hill Road

H. Smith noted this lot is challenging. There are wetlands in the rear. There is a Conservation Easement. There are uncompleted items. There is a contracted buyer. The Zoning Enforcement Officer proposed a bond to be established to cover the cost of the unfinished items in the amount of \$16,407.60.

John Torello-(Architect) and Rich DeAntonio(property owner) were present. They agreed that there were many problems with this site. Rich Dentonio feels the bond is too high. He asked the Commission to accept a Surety bond instead of a cash bond. Attorney Aniskovich agreed that the Surety Bond would be acceptable.

J. Chadwick made a motion to approve a Surety Bond in the amount of \$16,407.60. J. Lust seconded the motion which passed unanimously.

5. Planner's Report—None

The meeting adjourned at 11:10 p.m.