



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
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MINUTES
PLANNING & ZONING COMMISSION
THURSDAY OCTOBER 19, 2023
REGULAR MEETING 7:00 PM

This meeting was held remotely, solely via ZOOM.

Commissioners Present: Chairperson C. Andres, F. Russo, J. Chadwick, J. Vaiuso, M. Palluzzi,
S. Huttner, M. Liguori

Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner), M. Martin (clerk)

The meeting started at 7:03 pm.

Chairperson Andres introduced the Commission and staff present. He then reviewed the public hearing procedures.

E. Breining reviewed the process to participate in the public hearings.

PUBLIC HEARINGS:

1. Cherry Hill Estates, LLC-Applicant & Owner
26 Cherry Hill Road
PDD/Master Plan Modification-Multi Family Residential
Application #23-6.3
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/19/23 with a time extension from the applicant.
2. Cherry Hill Estates, LLC-Applicant & Owner
26 Cherry Hill Road
Special Exception Modification-Multi Family Residential
Application #23-6.4
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/19/23 with a time extension from the applicant.
3. Cherry Hill Estates, LLC- Applicant & Owner
26 Cherry Hill Road
PDD/Site Plan modification- Multi- Family Residential
Application #23-6.5
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/19/23 with a time extension from the applicant.

For public hearing numbers 1, 2 and three:

Per Chairperson Andres, the Town Center Review Board has requested additional information from the applicant. They have requested a time extension to the November 2 planning & Zoning meeting with the expectation that it will most likely be continued to the November 16 meeting.

4. Lakeview Center Associates LLC c/o Delaurentise Management-
Applicant & Owner
249-251 West Main Street
Special Exception-Multi-Tenant Signage Program
Application #23-6.7
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/19/23 with a time extension from the applicant.

This item has been WITHDRAWN.

5. 61 East Industrial LLC c/o Paul Santa Barbara-Applicant & Owner
61 East Industrial Road
Special Exception- Indoor & Outdoor Recreation use
Application #23-8.8
A/R 9/7/23 & PH opened 9/21/23 & continued to 10/19/23
6. 61 East Industrial LLC c/o Paul Santa Barbara-Applicant & Owner
61 East Industrial Rd.
Special Exception- Grading (Sec. 6.8) – Indoor & Outdoor Pickle ball & Paddle Courts
Application #23-9.5
To be A/R & PH set for 10/19/23

Public hearing number 5 and 6 are being discussed together.
Gerry Panico (Architect) represented the applicant explaining these applications are for a 21,760 sq. ft. building that will house Pickleball and Padel courts and also the addition of outdoor Pickleball and Padel courts. He displayed architectural drawings as well as floor plans.

E. Breining reviewed the staff report.
The commissioners asked a few questions.

PUBLIC INPUT:

1. Perry Maresca (Economic Business Development Manager) – He has seen the plans and met onsite and he felt it was impressive. Pickleball is popular and there are other courts in the area. He felt indoor courts are needed as well and the location is ideal. The shared parking will be beneficial as well. He noted it's an ideal use of the property.

Chairperson Andres closed the public hearing.

7. Vincent Federico-Applicant
Jennifer Federico-Owner
18-19 Etzel Road
Special Exception Modification & Coastal Site Plan-for changes to previous Section 6.8 approval (grading within 100 ft. of a critical coastal resource)
Application #23-8.7
A/R 9/7/23 & PH opened 10/5/23 and continued to 10/19/23

Jim Pretti (Criscuolo Engineering) represented the applicant explaining that this was a site plan that was previously approved by the board for a demo and rebuild for a new home. He displayed the site plan. He pointed out a landscape wall and said there was a comment from DEEP to remove the wall and put a slope in which they did. Then the applicant hired a coastal engineer who reviewed it and had communication with DEEP which DEEP had new comments.

Tim DeBartolomeo (Sound Engineering Associates) spoke and noted there was some question from DEEP whether the landscape wall was considered a flood and erosion control structure. After some review, he concluded that the wall does not impact the property at all. DEEP responded that they agreed with him.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

8. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Accessory Apartment
Application #23-8.9
A/R 9/7/23 & PH opened 10/5/23 and continued to 10/19/23
9. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Oversized Accessory Structure
Application #23-9.6
To be A/R & PH set for 10/19/23

Public Hearing 8 and 9 are discussed together.

J. Pretti (Criscuolo Engineering) represented the applicant and displayed the site plan and explained these 2 applications are for an accessory apartment over the existing garage. He displayed architectural drawings and the site plan. He noted that Tony Terry was also present for any questions.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

10. Southview Island LLC c/o Fritz Heidenreich-Applicant & Owner
Bear Island (aka Big Curtis Island)
Special Exception & Coastal Site Plan-New single family home with detached guest bedrooms in an accessory structure
Application #23-9.2
AR 9/21/23 & PH set for 10/19/23

E. Breining noted that we are awaiting comments from DEEP.

Chairperson Andres opened the public hearing and continued this item to the next meeting, (November 2).

MINUTES: 9/21/2023 & 10/5/2023

F. Russo made a motion to approve the 9/21/23 meeting minutes.

J. Chadwick seconded the motion which passed unanimously.

J. Chadwick made a motion to approve the 10/5/23 meeting minutes.

J. Vaiuso seconded the motion which passed unanimously.

CORRESPONDENCE:

Correspondence regarding the addition of satellite dishes on top of an existing cell tower at 850 West Main Street.

RETURN TO TABLE:

1. 61 East Industrial LLC c/o Paul Santa Barbara-Applicant & Owner
61 East Industrial Road
Special Exception- Indoor & Outdoor Recreation use
Application #23-8.8
A/R 9/7/23 & PH opened 9/21/23 & continued to 10/19/23

F. Russo 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.F.
2. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, and in accordance with Table Note 2 from Section 6.5.D.2, that the number of parking spaces proposed by the applicant meets a determined number of required spaces based on the requirements applicable to comparable uses, reliable documentation provided by the applicant or others and/or national standards.

CONDITIONS:

1. Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed to the satisfaction of the Town Planner or his designee:
 - a. The applicant shall amend Sheet L-1 entitled "Photometric Calculation" to show reduced the foot-candle levels compliant with Section 6.7 and the corresponding Appendices of the Town of Branford Zoning Regulations.
 - b. The applicant shall amend Sheet LA-1 entitled "Proposed Landscaping Plan" to show additional plantings to meet the front yard landscaping requirement from Section 6.3.F.1 & the side yard landscaping requirement from Section 6.3.G.1.
 - c. The applicant shall amend Sheet 3A entitled "Site Erosion Sediment Control Plan" to include a stockpile area.
2. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction.
3. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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.
4. All conditions of previous approvals shall remain in full force and effect as they may apply

J. Chadwick seconded the motion which passed unanimously.

2. 61 East Industrial LLC c/o Paul Santa Barbara-Applicant & Owner
61 East Industrial Rd.
Special Exception- Grading (Sec. 6.8) – Indoor & Outdoor Pickle ball & Paddle Courts
Application #23-9.5
To be A/R & PH set for 10/19/23

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.F.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction.
2. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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. All conditions of previous approvals shall remain in full force and effect as they may apply.

J. Vaiuso seconded the motion which passed unanimously.

11. Vincent Federico-Applicant
Jennifer Federico-Owner
18-19 Etzel Road
Special Exception Modification & Coastal Site Plan-for changes to previous Section 6.8 approval (grading within 100 ft. of a critical coastal resource)
Application #23-8.7
A/R 9/7/23& PH opened 10/5/23 and continued to 10/19/23

F. Russo made a motion to approve the application with the Findings and Conditions below:

FINDINGS:

1. The Coastal Site Plan is consistent with the goal 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.
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 Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. 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.

2. Prior to the issuance of a Zoning Permit or the zoning authorization of the issuance of a Building Permit the following shall be addressed to the satisfaction of the Town Planner or his designee:
 - a. A soil and erosion control bond shall be established per Section 6.10.E.4 of the Zoning Regulations.
 - b. The “proposed 6’ DIA. Spiral stair” shall be removed from sheet 2 of 3 entitled “Proposed Plot Plan” last revised on August 21, 2023.
 - c. The applicant shall revise sheet 2 of 3 entitled “Proposed Plot Plan” last revised on August 21, 2023 to include additional erosion control measures north of the proposed home, to eliminate the gap between the two proposed silt fences, to the greatest extent possible.
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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
4. Due to the presence of tidal wetlands the following additional measures regarding site and soil stabilization shall be undertaken during construction (time period between the issuance of a zoning/building permit and the issuance of the final Certificate of Compliance/Occupancy):
 - a. The applicant shall provide monthly progress reports per Section 6.10.F.4 on the status of the proposed soil and erosion control measures to the Zoning Enforcement Officer, unless waived by the Zoning Enforcement Officer, who may reinstitute it as s/he may determine necessary
5. All conditions of previous approvals shall remain in full force and effect as they may apply.

J. Vaiuso seconded the motion which passed unanimously.

12. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Accessory Apartment
Application #23-8.9
A/R 9/7/23 & PH opened 10/5/23 and continued to 10/19/23

F. Russo 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 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. 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.
2. To reduce glare, any proposed lighting 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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
3. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

M. Palluzzi seconded the motion which passed unanimously.

13. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Oversized Accessory Structure
Application #23-9.6
To be A/R & PH set for 10/19/23

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 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer:

- a. Erosion control measures shall be installed and maintained throughout construction.
 - b. 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.
2. To reduce glare, any proposed lighting 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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. Shirley McCarthy & Peter Hentschel - Applicants
Zoning Regulation Amendment – Add definitions to Section 2.2, extensively revise Section 6.3 (Landscaping), add new subsection to Section 6.13 regarding Fencing, and add/re-designate Appendices.
Application #23-4.5
A/R 4/20/23 & PH opened 6/15/23 & closed 9/21/23 with time extension
DECISION REQUIRED BY 11/25/23 (11/16/23 last regular meeting before this date)

A Special Meeting will be held on 10/26/23 to discuss this.

2. Wells Fargo Bank c/o Kelly Christian –Applicant & Owner
840 Main Street
Site Plan Modification- Modifications to Exterior Lighting
Application #23-7.4
A/R 9/7/23 and continued to 10/19/23
DECISION REQUIRED BY 11/11/23 (11/2/23 last regular meeting before this date)

This item needs the Town Center Review Board review. The applicant offered a time extension to the 11/2/23 meeting which the commission accepted.

3. Tara Knight- Applicant & Owner
279 Linden Avenue
Coastal Site Plan-Demo of existing house & Construction of a new single family home
Application #23-9.1
A/R 9/21/23 & tabled awaiting DEEP comments
DECISION REQUIRED BY 11/25/23 (11/16/23 last regular meeting before this date)

We are still awaiting comments from DEEP.

NEW BUSINESS:

1. Matt Sahintepe-Applicant & Owner
5 Spice Bush Lane
Special Exception- Grading (Sec. 6.8)
Application #23-9.7
A/R 10/5/23 & PH set for 11/2/23

OTHER BUSINESS:

1. Bond Return for 61 Flax Mill Road
F. Russo made a motion to return the bond for 61 Flax Mill Road.
J. Vaiuso seconded the motion which passed unanimously.
2. Planner's Report
H. Smith noted that three of the commissioners attended the recent training session at SCROG and reported that it was very informative. He also mentioned there is an upcoming bus tour of affordable housing units in the area and he is going to speak at the Summit Place apartments.

H. Smith said that the variance for height application at the old Regal Cinema site was withdrawn.

He noted he will review the list we have in the planning office for the commissioner training to make sure all commissioners are compliant.

The meeting adjourned at 8:15 pm.