



PLANNING AND ZONING COMMISSION

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**MINUTES
PLANNING & ZONING COMMISSION
THURSDAY JULY 25, 2019
SPECIAL MEETING 7:00 P.M.
BRANFORD FIRE HEADQUARTERS
45 NORTH MAIN STREET**

RECEIVED
2019 AUG - 1 P 4: 21
TOWN CLERK'S OFFICE
BRANFORD, CONNECTICUT

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

Commissioners Absent: D. Dyer

Staff Present: H. Smith- Town Planner, R. Stoecker- Asst. Town Planner,
Attorney D. Bercury, Attorney B. Aniskovich, M. Martin-Clerk

Chairperson Andres introduced the Commission and the Staff Present.

Then he explained the Commission (except J. Chadwick who recused himself) and Staff as well as Attorney Aniskovich and Attorney Bercury would go into Executive Session to discuss the pending litigation between the Housing Authority/Town of Branford and Beacon Communities Inc. vs The Town of Branford Planning & Zoning Commission.

J. Vaiuso made a motion to go into Executive Session. J. Lust seconded the motion which passed unanimously. They left the room at 7:07 p.m. and returned at 7:52 p.m.
Chairman Andres noted that no votes or actions were taken in the Executive Session.

Chairman Andres then reviewed the Public Hearing procedures.

OTHER BUSINESS:

1. **EXECUTIVE SESSION** – Housing Authority of the Town of Branford and Beacon Communities, Inc. v. Town of Branford Planning and Zoning Commission.

The Commission returned from Executive Session at 7:52. No votes or actions were taken.

PUBLIC HEARINGS:

1. Audra Nuzzo- Applicant
Zoning Regulation Amendment-Addition of new Accessory Use to a Farm use (by Special Exception) "Non-Agricultural Farm Events"
Application #19-6.1
A/R 6/6/19 & PH continued from 7/11/19

Attorney Jeff Beatty- (Boston Post Rd., Guilford) represented the applicant. He noted he met with H. Smith (Town Planner) and discussed some of the technical modifications that he had talked about at the prior meeting and he said he tried to

incorporate most of the points into his amendment which he distributed to the Commission.

H. Smith spoke next and entered a document into the record for informational purposes (a piece of an ordinance from the Town of Somers regarding "mass gatherings"). It may be useful to refer to as it addresses issues like traffic, etc.

He also noted he received the amendment from Atty. Beatty just this afternoon and has quickly reviewed it. He noted it does go a long way in addressing the technical issues he raised at the last meeting.

However, he said there were several more substantive questions that he had previously outlined from the Commission regarding the limit, if any, on the number of patrons, hours, amplified music, sale of alcohol (and if done through what type of liquor permit, and now what limit, if any, to place on the number of events. He said there were also some remaining technical issues.

He then distributed a further annotated version of Atty Beatty's proposed new amendment language to the Commission and Atty. Beatty noting he added some further changes to highlight the substantive questions previously discussed and the remaining unaddressed technical issues. He asked Attorney Beatty if the Applicant would be willing to offer a time extension to allow the Public Hearing to remain open beyond tonight to further refine the amendment language and they declined.

The Commission had a brief discussion.

Chairperson Andres noted that the Public Hearing can remain open only if the applicant is willing to offer a time extension otherwise it would need to be closed tonight.

PUBLIC INPUT:

No one spoke.

Attorney Beatty spoke with the Applicant and confirmed they did not want to continue the Public Hearing.

**Chairperson Andres closed the Public Hearing.
The application was tabled to the 9/5/19 Meeting.**

2. Terri Mallory-Applicant & Owner
240 Thimble Island Rd.
Special Exception & CAM-Demolish & Rebuild Single Family Home
Application #19-6.2
A/R 6/20/19 & PH continued from 7/11/19

J. Pretti (Criscuolo Engineering) represented the applicant and highlighted the application. He explained it is a demolition of a single family house and rebuild a new house. He said there is a stone landscape wall which does not require a zoning permit. The purpose of the wall is to limit the fill that was brought in for the new septic system. He noted that DEEP considers the wall a flood and shoreline control structure and J. Pretti disagrees. He said the purpose of the wall is to limit the fill due to septic system. This was the only issue DEEP had with this plan.

Jim Reilly (North Haven) reviewed the house plans.

H. Smith read the letter from DEEP into the record.
The Commission discussed this and Commissioner J. Lust commented.

PUBLIC INPUT:

1. Ted Ells – (255 Thimble Islands Rd) He owns property nearby and he supports this project.

Chairperson closed the Public Hearing.

MINUTES: 7/11/19

M. Palluzzi noted her last name was misspelled.

J. Chadwick made a motion to approve the minutes with the correction noted.

M. Palluzzi seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Cell tower modification at 30 Maple Street.
2. Cell tower modification at 10 Sylvia Street.

RETURN TO TABLE:

1. Terri Mallory-Applicant & Owner
240 Thimble Island Rd.
Special Exception & CAM-Demolish & Rebuild Single Family Home
Application #19-6.2
A/R 6/20/19 & PH continued from 7/11/19

M. Palluzzi made a motion to approve this 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) The following shall be addressed to the satisfaction of the Town of Branford Zoning Enforcement Officer.
 - A. Prior to the start of construction the installation of features shown on the approved erosion and sedimentation control plan including anti tracking pad, temporary stockpile area, with silt fence enclosure, silt fencing, hay bale locations, etc.
 - B. Legal documentation shall be submitted to the satisfaction of Town Counsel prior to the issuance of a zoning permit or the zoning issuance of a building permit demonstrating that the Applicant has the right to grade onto adjoining property and construct the wall as shown on the proposed plan.

J. Lust seconded the motion which passed unanimously.

OLD BUSINESS:

1. Joshua Onofrio c/o Total Estates-Applicant & Owner
119 Cedar Street
Special Exception Modification- Commercial/Residential
Renovation
Application #19-6.7
A/R 7/3/19, Public Hearing waiver granted

Joshua Onofrio spoke first explaining this site is nonconforming and a small site. His goal was to clean the site and bring it back to life. Many permits were needed to accomplish this and Zoning is the last approval he needs.

R.Stoecker reviewed staff report.

J. Lust made a motion to approve the application with the two conditions below:

1. All of conditions of the previous approvals remain in full force and effect as they may still apply.
2. The street trees planted shall be documented to be (2 1/2 – 3 inch) caliber or replanted with new trees of this size at a seasonally appropriate time or bonded as provided in the Zoning regulations

P. Higgins seconded the motion because Commissioner J. Viauso left the room temporarily. It passed unanimously.

2. Town of Branford-Applicant & Owner
30-48 Church Street
Special Exception Modification- Community Center
Application #19-7.2

A/R 7/18/19, Public Hearing waiver granted

Graham Curtis (DTC Engineering) spoke and reviewed the site plan details regarding the changes to the building, pathway and landscaping.

H. Smith reviewed the staff report.

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

Finding:

1. The Commission finds that, with appropriate conditions and modifications necessary to mitigate any adverse impacts on coastal resources and any future water dependent activities, the proposed application for a Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (C. G. S. Section 22a-92).

Conditions:

1. All Conditions from the previous 6/2/2016 Special Exception and 2017 Special Exception modification unaltered by this approval shall remain in full force and effect as may be determined by the Town Planner to be required and shall be considered applicable to the improvements shown for #'s 26 and 28 Church Street as shown on the plans submitted with this application.
2. Eliminate Conditions 3.a and 4.a of the 6/23/2016 approval as modified by the 10/5/17 approval.
3. Replacement screening for the generator along the south side of the building shall be proposed for the review and approval of the Town Planner who should be advised by the Town Center Review Revitalization Review Board.

J. Vaiuso seconded the motion which passed unanimously.

3. Northeast Foods, LLC- Applicant
JF Branford Properties- Owner
880 West Main Street
Special Exception Modification-Modified Landscaping
Application #19-7.1

A/R 7/18/19, Public Hearing waiver requested

Al Gomes (Contractor for Burger King) spoke first. They have completed the necessary work and have submitted this application to seek approval of the modified landscaping already installed.

R. Stoecker reviewed the Staff Report.

**J. Chadwick made a motion to waive the Public Hearing.
M. Palluzzi seconded the motion which passed unanimously.**

**J. Lust made a motion to waive the Landscape Architect Site Plan requirement.
J. Vaiuso seconded the motion which passed unanimously.**

M. Palluzzi made a motion to approve the application with the conditions below:

1. 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.
2. All conditions of the previous approvals remain in full force and affect as they still apply.

J. Chadwick seconded the motion which passed unanimously.

NEW BUSINESS:

1. Nest Shoreline Campus, Inc. c/o Leigh Small-Applicant
Farids Stony Creek LLC. - Owner
56 Stony Creek Road
Special Exception Modification- Child Daycare Center
Application #19-7.3
A/R 7/18, Public Hearing waiver requested

Amy Small- (Co-owner of the Nest) spoke first and said this is their fourth school, which is accredited. She explained the different concept of her schools, saying it is similar to Montessori Schools.

Chris Williams (Architect) reviewed the school plan with color photos.

H. Smith noted this application needs Inland Wetlands approval which is legally required prior to any vote of the Commission to approve the application. So a brief single item Special Meeting for Planning & Zoning is planned to vote on this 8-12-19.

**J. Vaiuso made a motion to waive the Public Hearing.
M. Palluzzi seconded the motion which passed unanimously.
The application was Tabled to a Special Meeting to be held on 8-12-19.
Commissioner P. Higgins left the meeting at 9:53 p.m.**

2. Finelli Electrical Contracting, LLC.
c/o Savarro Finelli-Applicant
Cedar Park- Owner
1-30 Cedar Park
Application #19-7.4
A/R 7/18/19

This application will upgrade the exterior lighting at the Cedar Park apartments. There are currently five (5) existing non-compliant pole lamps which are being changed to new light fixtures with 12"poles as well as the installation of (3) LED sidewalk bollard lights.

J. Lust made a motion to waive the Public Hearing.

J. Chadwick seconded the motion which passed unanimously.

M. Palluzzi made a motion to approve the application with the conditions below:

1. All of the conditions of the previous approvals remain in full force and effect as they may still apply.
2. No additional signage or new or replacement lighting shall be installed without Planning & Zoning Commission approval, or that of its staff, whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.

J. Lust seconded the motion which passed unanimously.

3. Scott Iovene-Applicant
Sachem Capital c/o
Jeff Villano- Owner
698 Main Street
Special Exception Modification-Add Portico
Application #19-7.5
To be A/R

This application is a modification to the Site Plan. It is a portico at the front of the building at the main entrance. All the necessary approvals were granted.

M. Palluzzi made a motion to waive the Public Hearing.

J. Lust seconded the motion which passed unanimously.

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

1. All conditions of the previous approvals remain in full force and affect as they still apply.

M. Palluzzi seconded the motion which passed unanimously.

4. John Miller c/o Autografix-Applicant
1064 Main Street, LLC-Owner
1064 Main Street
Site Plan Modification- Sign
Application #19-7.6
To be A/R

This application is for the exterior sign above the business. Town Center Review Revitalization Review Board has reviewed this and has no issues with it.

**M. Palluzzi made a motion to approve the application with no conditions.
J. Viauso seconded the motion which passed unanimously.**

5. **INFORMAL REVIEW of a CONCEPTUAL PLAN** - Expansion of Summit Place Incentive Housing Overlay District. Alex Vigliotti - SP Development/Nicholas Mingione, Esq. and Steve Dietzko of Milone and MacBroom.

H. Smith suggested Tabling this item to the September meeting since no one was present to present this plan.

6. **DISCUSSION/PRESENTATION** – Proposal for a Limited Business (BL) Hybrid Zone Jeffery and Kris Shapiro – Hamilton Branford LLC and 40 Commercial Parkway LLC/ BL Companies.

John Mancini (BL Companies) spoke first. Also present were Jeff and Chris Shapiro; the owners of 2 parcels of land near the Walmart store .They are exploring different uses for their property. He explained that this area is BL zoning, yet the type of tenants that are inquiring about this property are not allowed in this zone. H. Smith suggested perhaps forming a different BL hybrid zone in this area. He distributed some material to the Commission pertaining to this. The Commission had a brief discussion regarding the different uses possible for the property and the traffic each would attract. The applicant is welcoming the Commission's input.

Jeff Shapiro spoke next noting they have been trying to develop this site for years. Retail uses are not working out well for this site.

H. Smith spoke and noted this property is different from the properties that Plan of Conservation and Development were looking at recommending for a BL Hybrid zone.A different hybrid zone may make sense for out of the way properties such as this one that are not visible and don't have access to a main thorough fare. He will work with John Mancini and the property owners to develop some ideas and report back to the Commission at a later date.

OTHER BUSINESS (cont.):

2. Interpretation of the definition of a "sign" (section 202) & Lack of a definition for a "basement"

Jaymie Frederick (Zoning Enforcement Officer) arrived at 10:15 p.m. and told the Commission she was looking for their input regarding signs. The zoning regulations don't address directional signage. She asked if a sign is visible from the street and you can't read it, is it considered a sign. If so, is a sign permit required? She gave a few examples.

Chairperson Andres said he thinks if it's visible then it's a sign since that is what the words of this section of the Zoning Regulations say. The Commission discussed this briefly and agreed with him.

J. Frederick then noted there is no definition in the regulations for basements. She talked of floor area and floor area ratio. She said basements are excluded from the floor area ratio calculation but they are counted towards the parking requirements. The question she asked was is there a point when a basement is no longer a basement?

If it's a walkout basement, is it treated as a basement so it would be excluded from the calculation of the ratio of the floor area?

The Commission discussed this briefly.

The Commission concluded she should refer to the standard definition and be consistent

to the procedure that was used in the past.

Bond Establishment-199 Linden Avenue

J. Lust made a motion to establish a \$1500.00 bond for 199 Linden Avenue.

J. Chadwick seconded the motion which passed unanimously.

3. C.G.S. Section 8-24 Referral – Extension of sewer line –Riverview Avenue

M. Palluzzi made a motion for a positive referral to extend the sewer line on Riverview Avenue. J. Viauso seconded the motion which passed unanimously.

4. **DISCUSSION** – Possible MAIN STREETS OVERLAY DISTRICT

H. Smith distributed a clean revised version of this proposed idea to the Commission based on feedback provided at the last meeting and noted the next step is to set a Public Hearing. Chairperson Andres suggested the Commission delegate the establishment of a Public Hearing date to him and he will review it with the Town Planner.

5. Planner's Report

Given the hour, H. Smith deferred his report.

The meeting adjourned at 10:51 p.m.