



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY SEPTEMBER 10, 2020 **SPECIAL 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, M. Palluzzi, J. Chadwick, J. Vaiuso, F. Russo, M. Liguori,  
Commissioners Absent: P. Higgins  
Staff Present: H. Smith-Town Planner, K. Piazza-Asst Town Clerk, M. Martin-Clerk

K. Piazza reviewed the zoom meeting procedures.

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

### **PUBLIC HEARINGS:**

1. Statewide Development LLC,  
c/o Robert Pesapane-Applicant & Owner  
41 Brainerd Road  
4 Lot Resubdivision  
**Application #20-4.3**  
**A/R 6/4/20, PH, continued from 7/16/20**

Chairperson Andres gave a brief history of the application. Jim Gallagan (Nafis & Young) explained that at a prior meeting the possibility of either a 3 lot or 4 lot resubdivision was discussed. The applicant wants to proceed with a 4 lot resubdivision stating that all the lots will be compliant with zoning. He noted the applicant is requesting a waiver of underground utilities.

H. Smith noted that there was an application before the Inland Wetlands Commission that was approved but on the permit only one address is listed. This will need to be clarified with the Inland Wetlands Department.

The Commissioners asked a few questions.

### **PUBLIC INPUT:**

1. Tricia Anderson- (RTM member-district 4) She noted she has a few concerns. What will the resident at the corner of Matthew and Brainerd Road see? She also noted the property is currently a mess. Would it be possible for someone to clean it up a bit?
2. Kate Galombos- She asked if the planning and zoning commission could require the applicant to have underground utilities.

### **Chairperson Andres closed the Public Hearing.**

H. Smith then said the applicant for PZ#20-8.2 requested that their application be heard before the Tidal Basin applications. The applicant for the Tidal Basin applications has agreed as well as the Commissioners.

2. Michael Marshall –Applicant  
IBE, LLC- Owner  
48 North Branford Road  
Special Exception-Retail Sales  
**Application #20-8.2**  
**A/R, Pubic Hearing set for 9/3/20**

The applicant explained that his business is currently located at 9 Tipping Drive but needs more space. It is a retail operation.

K. Piazza displayed a site plan and highlighted the application explaining the proposal is for a 26,000 sq. ft. building, of which 5200 sq. feet will be converted into office and retail space. The only exterior change to the building is the addition of landscaping hedges.

**PUBLIC INPUT:**

No one spoke.

**Chairperson Andres closed the public hearing.**

The new Planning & Zoning Commissioner (Massimo Liguori) arrived at 7:33 p.m. and briefly introduced himself.

3. 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 continued from 7/16/20, to recommence on 9/10/20 at Special Meeting of the Planning & Zoning Commission**

Chairperson Andres gave a brief review of the application then noted a letter was recently received from DEEP.

Attorney Meaghan Miles then spoke noting that her colleague Greg Burton (Carmody, Torrance, Sandak, Hennessey LLP) was present as well as Jim Pretti (Criscuolo Engineering), Joe Sepot (Sepot Architect) and the property owner Ed Crowley. She then reviewed the applicants response to the DEEP comments.

Greg Burton spoke next about the affordable housing aspect and the fee in lieu. He noted the total fee in lieu paid would be \$60,000.

H. Smith noted for the record that Commissioner Fred Russo has listened to the entire meeting audio of 7-16-20. (He arrived late)  
He also said that all the application materials are in the planning & zoning dropbox. He noted that a letter from DEEP was received late in the day, and he displayed it on the screen and also read it into the record. He noted it was received late so it is not in the dropbox 24 hours prior to the meeting as required.

The Commissioners asked a few questions.

**PUBLIC INPUT:**

1. Jeanette Redensky -33 Harding Avenue- She stated the residents who will live at this building will be stranded. She asked the Commission to consider the cost for this project to go

forward. She talked of the impassibility of the roads during storms. She said it is a terrible place for housing.

2. John & Cheryl Harpools- Kirkham St- He said he is afraid of so many people in such a small area. He noted that portion of the river will not be able to recover. He said he isn't against development but this is a terrible idea.

3. Gia Polio-48 Harding Ave-She said there was such short notice that the recent storm was coming so there will be no time in the future to evacuate residents or move cars.

4. Mary Samson-25 Harding Ave-she said the 39 parking spaces stated doesn't seem like enough. The project will create many hazards and it sounds like a bad idea.

5. Pat Dugan-She said last Monday she drove around Branford looking for buildings that were 50 feet tall and she named them. She asked why 5 almost 50 ft. buildings were being considered for Branford. She noted the roads in that area are prone to flooding. She felt the project was out of scale and asked who is benefiting from this project.

The Commissioners made a few comments.

Chairman Andres noted that the DEEP letter was received just that day and many people did not have time to review it. He asked the Commission if the public hearing should remain open or close it. It was the consensus of the Commission to leave the Public Hearing open. There is a Planning & Zoning Meeting next week (Sept. 17) and it can be discussed then.

4. 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 9/17/20**
5. 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 9/17/20**

#### **MINUTES: 7/16/20 & 8/12/20**

J. Lust made a motion to approve the 7/16/20 meeting minutes as written.

J. Chadwick seconded the motion which passed unanimously.

J. Lust made a motion to approve the 8/12/20 meeting minutes as written.

J. Chadwick seconded the motion which passed unanimously.

#### **CORRESPONDENCE:**

1. Notice from Ever source regarding the installation of a new antennae on an existing pole at 272-276 East Main Street.
2. Correspondence regarding a 150 ft. cell tower at Leetes Island Road.

#### **RETURN TO TABLE:**

1. Michael Marshall –Applicant  
IBE, LLC- Owner  
48 North Branford Road

Special Exception-Retail Sales  
**Application #20-8.2**  
**A/R, Pubic Hearing set for 9/3/20**

**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.

CONDITIONS:

- 1) Damage to any significant tree shall be repaired by a Connecticut licensed arborist.
- 2) A building and zoning permit shall be required prior to any exterior or interior alterations as depicted on the site plan.
- 3) Prior to the issuance of a Certificate of Zoning Compliance or the authorization for the issuance of any Certificate of Occupancy the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
  - a. 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.
  - b. All current lighting shall be brought into conformance with the zoning regulations.
  - c. All parking shall be striped as indicated on the plan and shall conform to the dimensional requirements in section 6.5.E and 6.5.F of the zoning regulations.
- 4) Any significant tree not marked for removal that is removed or damaged beyond satisfactory repair shall be replaced with a sufficient number of trees of the same or similar species as approved by the Commission so that the combined caliper measurements of the replacement trees shall equal or exceed the caliper measurement of the significant tree that was removed or damaged.
- 5) 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  
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 7/16/20**  
**Decision Required by Date: 11/5/20 (65 +90 days-EO 7I)**

2. 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, Tabled from 7/16/20, Continuance to 9/17/20 requested by applicant**  
**Decision Required by Date: 11/5/20 (65 +90 days-EO 7I)**

**NEW BUSINESS:**

1. Branford River Commons LLC c/o Kenny Horton-Applicant  
400 East Main Street Branford LLC-Owner  
392-404 East Main Street  
Special Exception- Office/Medical Building  
**Application # 20-7.1**  
**A/R 7/16/20, Public Hearing set for 9/17/20**
2. Robert & Patricia Deschamps-Applicants & Owners  
257 Shore Drive  
Coastal Site Plan- Demo of existing house & rebuild FEMA compliant house  
**Application #20-8.3**  
**A/R on 9/3/17**

Jim Pretti (Criscuolo Engineering) represented the applicant and displayed the Site Plan on the screen and highlighted it.  
K.Piazza (Asst. Town Planner) reviewed the Staff Report.

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

**FINDINGS:**

- 1) The proposed activity as approved is consistent with the coastal policies CGS Section 22a-92.
- 2) The proposed activity incorporates conditions or modifications which would mitigate potential adverse impacts of the proposed activity on coastal resources and future water dependent development activities, and
- 3) The potential adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities, with the conditions or modifications imposed by the Commission as part of this approval, are acceptable.

**CONDITIONS:**

- 6) Per section 9.7.E., one (1) set of Final Plans (24" x 36") bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and containing a signature block where the Chairman of the Commission or Zoning Enforcement Officer can indicate the approval of the Commission shall be submitted.
- 7) Prior to the start of construction erosion control measures shall be installed.

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

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 9/17/20 & PH to be set**

**The Commission A/R and set the Public Hearing for 10/1/20**

4. The Queach Corp. c/o Vincent Giordano-Applicant & Owner  
434 East Main Street  
Special Exception-General or Business Office  
**Application #20-8.6**  
**A/R on 9/3/20 & PH to be set**

**The Commission A/R and set the Public Hearing for 10/1/20**

5. Michelle Tournas-Applicant & Owner  
198 Hotchkiss Grove Road  
Special Exception-Reconstruct an Existing Garage  
**Application #20-8.7**  
**A/R on 9/3/20 & PH set for 9/17/20**
6. Doug Baldwin-Applicant  
Andrew P. Lovejoy-Owner  
133 Johnsons Point Road  
Special Exception- Accessory Apartment  
**Application #20-8.8**  
**A/R on 9/3/20 & PH set for 9/17/20**
7. 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 to be set**

**The Commission A/R and set the Public Hearing for 10/1/20**

8. 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 to be set**

**The Commission A/R and set the Public Hearing for 10/1/20**

9. 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  
Zoning Regulation Amendment to Section 5.4.E (Maximum Bldg. Height)  
**Application #20-8.12**  
**A/R on 9/3/20& PH to be set**

**The Commission A/R and set the Public Hearing for 10/15/20**

10. Statewide Development LLC, c/o  
Robert Pesapane-Applicant & Owner  
41 Brainerd Road  
Special Exception- Grading  
**Application #20-8.11**  
**A/R on 9/3/20 & PH to be set**

**The Commission A/R and Tabled this item until App#20-4.3  
(4 Lot Resubdivision is decided)**

11. David D'Atri-Applicant & Owner  
4 Three Elm Road  
Special Exception Modification-ADA Compliant Parking Area  
**Application #20-9.1**  
**A/R ON 9/3/20 & PH SET FOR 9/17/20**

**OTHER BUSINESS:**

1. Time Extension (Subdivision Map filing time period) –Re-subdivision Modification, 292 Leetes Island Road –Ninety (90) day extension requested

**J. Vaiuso made a motion to grant the 90 day time extension for the filing of the mylar for the 292 Leetes Island Road Resubdivision.**

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

2. Bond Release –(Surety Bond for 99 Cherry Hill Road)

H. Smith noted that all the required work has been completed and the Zoning Officer has recommended release of the surety bond.

**M. Palluzzi made a motion to release the surety bond for 99 Cherry Hill Road.**

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

3. CGS Section 8-24- Cosgrove Animal Shelter

Joe Sepot (Sepot Architects) was present and highlighted the plan for the enlargement of the Cosgrove Animal Shelter.

**J. Vaiuso made a motion for a positive CGS 8-24 referral.**

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

4. DISCUSSION - Status of Governor Lamont's Executive Orders regarding holding remote meetings, future Commission meeting format

Chairperson Andres started the discussion asking the Commission for feedback concerning the present zoom meetings. Do they want to continue in that format or explore a hybrid model? He said some towns are holding in person meetings with people 6 ft. apart and wearing masks. He wishes to continue with the zoom format and asked the Commissioners for input.

The consensus of the Commissioners was to continue with the zoom format although they prefer the face to face meetings. They realize that at the current time, this cannot occur. H. Smith said he will talk with K. piazza about possible ideas for the future, noting there is no rush to change the format immediately considering the current agenda.

Chairperson Andres concluded by saying the meetings will continue with the zoom format for now and a hybrid model can be explored in the future.

#### 5. Planner's Report

H. Smith reported he is happy to have the Assistant Planner K. Piazza and the new Zoning Officer Dan Breenan on board.

He noted he has been working on changes to the landscape regulations with Commissioners F. Russo and M. Palluzzi. He will keep the Commission updated.

The meeting adjourned at 9:42 p.m.