



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY SEPTEMBER 17, 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, J. Vaiuso, M. Palluzzi, F. Russo
M. Liguori

Commissioners Absent: P. Higgins

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

Chairperson Andres introduced the Commission and the Staff present.

He then reviewed the Public Hearing procedures.

K. Piazza reviewed the zoom meeting procedures.

PUBLIC HEARINGS:

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 continued from 9/10/20, continued to 9/17/20

Chairperson Andres gave a brief history of the application.

Attorney Meaghan Miles spoke first noting that her colleague Gregg 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 said she received a reply that day from Ct. Dept. of Energy & Environmental Protection (DEEP) and a third report from Harry Smith that day. She replied to Harry Smith's report first then the DEEP comments.

H. Smith then displayed the letter he received from DEEP he received that day and read it into the record.

It was noted that Commissioner John Lust is recusing himself from this application.

K. Piazza explained the different ways to participate in the Public Hearings.

PUBLIC INPUT:

1. Susan Faracelli- (Anchor Reef Resident)-She said she always knew that area would be developed but noted there are many problems there now such as people trespassing, kids, and many traffic accidents in the area. The proposed project is detrimental to the town and she would not recommend in that area.
2. Ariana Adams- (Maple St.)-She is concerned about the overdevelopment and traffic. She is opposed to the project.
3. Perry Maresca (Economic Development Commission Chairman) He spoke of the POCD and the TOD studies and it was agreed that building should occur by the

train station and the center of town. He suggested that the Commission reevaluate the prior studies.

Attorney Miles responded to the public comments and H. Smith remarks.

Chairperson Andres closed the Public Hearing.

2. 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

3. 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

Attorney Marjorie Shansky spoke first saying that that Sal Marotolli, Robert Sachs (Developers), Michael Ott(Civil Engineer), Dave Sullivan(Traffic Engineer), Ryan Chmielewski(Landscape Architect), Dr. Steven Shapiro and Ken Boroson (Architect) were also present .

She said their goal was to respond to some of the issues that were raised at the last meeting.

R. Chmielewski spoke first displaying a colored site plan and a circulation plan, noting these were new and had not yet been submitted into the record.
He also reviewed a landscaping plan.

David Sullivan then reviewed a PowerPoint and spoke briefly of the last presentation and their responses to traffic calming measures.

Steven Shapiro (Analytic Resources, LLC) spoke briefly of his prior work experience. He then displayed a powerpoint.

H. Smith briefly summarized his report but noted since additional information was received at the meeting his report will need to be changed.
He said with respect to traffic calming, in terms of full disclosure he noted for the record that he resides at the corner of Elm Street and Rogers Street and has participated in the discussion of traffic calming solutions for that stretch of road.
He spoke briefly of the Ct. Shoreline Greenway Trail.

Chairperson Andres spoke briefly regarding density and affordable housing.

Attorney Shansky replied to his comments.

It was noted that Commissioner J. Lust is recusing himself from this application. The Commissioners asked a few questions.

PUBLIC INPUT:

1. Michael Di Adetta (President, Anchor Reef Association) spoke stating that most of the residents there like the project and think it's a good developer and a good project. He noted son one is against public access for the docks.
2. Harry Diamano (Resident of Riverwalk) spoke and said he feels Sal Marotolli is a man of his word. When he moved into Riverwalk in 2010 there were no problems at the closing. He noted Sal Marotolli builds quality homes. He supports the project.
3. Raymond Ingraham-(RTM Member) said it is important to open the river up to more people. He supports the project.
4. Carolyn Sires- She talked of the evacuation plan. She said that residents are against the project and remember they have to live with it. They are frustrated. She asked the Commission to think of the residents. Let's come to an equitable discussion. She noted that there is a lot of development I the 5th district, can't it be spread throughout the districts?
5. Pat Dugan- (23 year resident of Indian Neck) She noted the the Branford River is a jewel. In 2004 Anchor Reef was built and they knew that there would be 14 more condos in the MIF building. She asked why this development with this density being discussed? Branford is a town and she has concerns such as flooding, traffic and the merchants in the town center and how it will affect them. The neighbors feel there is too much development in that area already.
6. Mark Riccio (RTM Member, 6th district) He said he has known Sal Marotolli's family for 65 years. Sal's reputation as a developer is stellar, He loves Branford and is listening to their concerns. He asked the question- will the people who will live in this development allow the public to go there. He noted that eventually someone will build at that location. Would people rather have Sal Marotolli or some other developer?
7. Perry Maresca (Chairman of the Economic Development Commission) Spoke and said the 147 units will be high quality. He said this area was once a brownfield and this project will be a huge improvement that what is currently there. He noted that the Economic Development Commission met yesterday and they are in support of this project. He then read a letter of support into the record.
8. Susan Faracelli (Resident of the MIF Building) She knew when she moved there that more residences would be coming. Sal Marotolli came and spoke to the residents. She is in support of the project.
9. Steve Mazzacaine-He supports the project. He would love to be able to walk along the river. He asked a question regarding the affordable housing.

Chairperson Andres said the Public Hearing will be continued to the October 1, 2020 zoom meeting at 7 pm.

They are waiting for comments to be submitted from DEEP.

A few Commissioners commented.

The Commission then took a 5 minute break and returned at 9:30 pm.

4. 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

Mike Harkin (Harkin Engineering) spoke and represented the applicant. He highlighted the site plan saying the proposed project is a 12,000 sq. ft. office/medical building. He reviewed the parking, utilities, erosion control.

Mr. Wicko (Architect) reviewed the elevation drawings.

K. Piazza reviewed the Staff Report.

PUBLIC INPUT:
No one spoke.

Chairperson Andres said the Public Hearing is continued to the 10/1/20 meeting.

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

Jim Pretti (Criscuolo Engineering) represented the applicant and explained this project is an existing garage that is being enlarged. He displayed the plan and reviewed it. He noted the applicant is requesting a waiver of the landscape requirement.

K. Piazza reviewed the Staff Report.
PUBLC INPUT:

1. Rod Swift- (Abutting property owner) - He supports the project. It will be a benefit to the neighborhood.

Chairperson Andres closed the Public Hearing.

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

Doug Baldwin spoke and explained the structure had previously been a greenhouse and spa. The proposal is to convert the structure into an extra bedroom and add a 100 ft. terrace. There is already an existing bathroom.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

MINUTES:

There were no minutes to approve.

CORRESPONDENCE:

There were no correspondence items to review.

RETURN TO TABLE:

7. 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

M. Palluzzi 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.

CONDITIONS:

- 1) Prior to the issuance of a zoning permit or zoning authorization of a building permit, and prior to the demolition of the existing structure the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. Installation of erosion prevention and sediment control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
 - b. Submittal of evidence of the recording of a deed restriction prohibiting the separate sale of 89 Seaview and 198 Hotchkiss Grove Road, or any portion thereof without the written approval of the Planning and Zoning Commission so as to maintain common ownership and compliance with this Planning and Zoning Commission approval. Any such deed restriction shall be reviewed and approved as to form and compliance with this condition by the Town Counsel prior to being filed on the land records.
- 2) No demolition debris may be stored on the site.
- 3) Erosion and sedimentation measures shall be maintained throughout construction and stabilization of disturbed areas to the satisfaction of the Zoning Enforcement Officer.

- 4) As may be directed by the Zoning Enforcement Officer, necessary measures to control dust (application of water or calcium chloride) shall be implemented.
- 5) 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.

J. Chadwick seconded the motion which passed unanimously.

8. Doug Baldwin-Applicant
Andrew P. Lovejoy-Owner
133 Johnsons Point Road
Special Exception- Accessory Apartment
Application #20-8.8

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

- 6) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed:
 - a. 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 with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel.

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 9/10/20
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 9/10/20, Continuance to 9/17/20 requested by applicant

Decision Required by Date: 11/5/20 (65 +90 days-EO 71)

3. 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 opened 7/2/20, PH closed 9/10/20, tabled from 9/10/20

The Commission discussed this briefly.

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

- 1) A Special Exception approval shall be required for any grading that requires such a review per section 6.8 of the Town of Branford Zoning Regulations.
- 2) The following items shall be addressed and/or added to the Record Subdivision Map prior to the signature of the Chairperson and recording of the Record Subdivision Map.
 - i. The Zoning Data Table (Zoning Standards Schedule) shall be updated to accurately reflect the proposed lots.
 - ii. A signature block as required per Section 6.02.B.
 - iii. A note placed on the Subdivision Map indicating that consideration has been given in the development of this plan to the use of passive solar energy techniques as required by C.G.S. Sec. 25 (b).
 - iv. Notes required by section 5.02.B.1 (8) of the subdivision regulations.
 - v. Provide a 25 foot site triangle illustration for all 4 driveway intersections Matthew Road per Sect. 6.12 – Driveways of the zoning regulations
 - vi. Completion of the procedure for the determination of a fee-in-lieu of the provision of open space per Section 3.04.M of the Subdivision Regulations including the recording of a lien for the amount of the fee-in-lieu of open space per Section 3.04.M.7. and in accordance with Connecticut General Statute Section 8-25.
 - vii. A Street Tree Plan shall be submitted per section 3.08.3. Any such plan shall include street trees as required by Section 3.08, possibly outside the r-o-w (as may be required to prevent interference with overhead utility lines) and, if necessary, with the development of an easement to the Town of Branford regarding the ownership of the tree and the obligation of the property owner to not prune/ remove/replace the tree without the permission of the Town and the approval of the Planning and Zoning Commission. Such trees shall be planted along the frontage of the entire subdivision including Brainerd Road and Matthew Road.
 - viii. 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 may be advised by the Town Engineer and/or Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.
- 3) Prior to the start of construction, the sedimentation and erosion control measures shall be installed and maintained to the satisfaction of the Zoning Enforcement Officer throughout the project.
- 4) All lots shall be connected to the town sewer system and approved by the WPCA.
- 5) The applicant shall also submit one (1) Mylar along with three (3) paper copies of the Record Subdivision Map, with appropriate signature blocks and any required modifications.
 - i. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy, a financial guarantee shall be submitted to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 3.08.C.3 to ensure that any required street trees not surviving one (1) year after the completion of all required subdivision improvement shall be replaced at the developers expense. The form, content and amount shall be 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. Chadwick seconded the motion which passed unanimously.

4. 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

This item is Tabled to 10/1/20

5. 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 set for 10/1/20

H. Smith noted that a traffic study has been submitted and reviewed by the Town Engineer. He is recommending a peer review be done due to the complicated location on Rt. One.

The Commission discussed this briefly and agreed that a peer review will be done.

J. Lust made a motion to require a peer review for this application.

J. Vaiuso seconded the motion which passed unanimously.

6. 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 10/15/20

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 set 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 set for 10/1/20

9. 375 Metro LLC & Metro Star Co. LLC, c/o
Robert Smith- Applicants
Zoning Regulation Amendment to Section 5.4.E (Maximum Bldg. Height)
Application #20-8.12
A/R on 9/3/20& PH set for 10/1/20

10. 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 10/1/20

NEW BUSINESS:

1. 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 to be set

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

OTHER BUSINESS:

1. Planner's Report
Nothing new to discuss.
2. Bond Release for 35 Old Quarry Road
J. Chadwick made a motion to release the bond.
J. Lust seconded the motion which passed unanimously.
3. Bond Release for 906-930 West Main Street
J. Vaiuso made a motion to release the bond.
J. Chadwick seconded the motion which passed unanimously.

The meeting adjourned at 11:34 p.m.