



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY SEPTEMBER 21, 2023

This meeting was held remotely, solely via ZOOM. The meeting started at 7:01 pm

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

Staff Present: H. Smith-Town Planner, E. Breining-Asst. Town Planner
Secretary F. Russo read the public hearing notice.

Chairperson Andres reviewed the public hearing procedures.
E. Breining reviewed the procedures for participating in the public hearing.

PUBLIC HEARINGS:

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 & continued to 9/21/23 with time extension
(PH must close on 9/21/23)

Peter Hentschel spoke and noted that he and Shirley McCarthy met with the EDC and then generated a final draft of the proposal which was sent to the commission. He then reviewed the changes that were made.

H. Smith displayed letters from the public that were received for this application.
S. McCarthy also sent him comments from the Regional council of Governments, which he displayed. He also entered 2 maps into the record.

The commissioners and H. Smith made some additional comments. H. They decided to comment on this item further at the next meeting since the agenda is long and they want to have adequate time to review this.

1. Todd Slater- 186 Damascus Rd-He asked if there would be another opportunity to comment.
2. Perry Maresca- Economic & Business development President- He thanked the applicant for their hard work. He thought maybe a more diverse group would have been more helpful in making these changes. He suggested that other nearby towns' landscape regs be reviewed. He said a letter was sent in to pz yesterday and he read into the record. He reviewed a powerpoint he had and made comments regarding the proposed changes.
3. Doreen Larson- 26 Reynolds Ave- She is in support of the proposed changes. She is past president of garden club and member of Forest Commission.
4. Todd Slater- He agreed with the concerns regarding accessory apartment issues as stated by C. Andres. He asked if these rules would apply to historic properties.
5. Patrick Sweeney- Chair of Forest Commission- He spoke of the many benefits of trees. He asked the pz comm to keep them in mind.

Shirley McCarthy replied to some of P. Maresca's comments.
Peter Hentschel added a few comments.

H. Smith spoke of the existing conditions of 383 east Main Street (former days inn site). The property was not disturbed for many years, to see how many significant trees are there. It may be helpful to the commission. C. Andres agreed to add that to the record.

The commissioners made a few more comments.
C. Andres closed the public hearing.

2. Anthony Capasso-Applicant
Walter Maguire Jr. - Owner
66, 76-82 Tooke Rd. & 0 Tweed Road (Pine Orchard)
Re-subdivision to create four new lots from three existing properties located at 66,
76-82 Tooke Road & 0 Tweed Road & Coastal Site Plan
Application #23-4.8
A/R 4/20/23 & PH opened 6/15/23 & continued to 9/21/23 with time extension
(PH must close on 9/21/23)

Attorney Tim Lee rep the applicant, Jim Gallegan and Nick Mc Clay- (Naïfs & Young) were also present.

This was discussed at a prior meeting and they responded to the town comments. They have further info, He spoke of the items they addressed.

J. Gallagan displayed the site plan and reviewed it and replied to E. Breining questions.

E. Breining said he will have responses as well as conditions of approval for the October 5 Planning & Zoning Meeting.

Public Input:

1. Attorney Amy Blume: She is representing the owner of 74 Totoket Rd, the Engineer Mike Ott reviewed the revised plans that were submitted and she had sent E. Breining a letter from Mike Ott stating some of his concerns. Mike Ott was also present at the meeting and spoke next.
2. Mike Ott- (Summerhill engineers, Madison, CT) He noted that he submitted 3 review letters (including one today) .He noted that he received the latest plan revisions that past Saturday and he stated that he still has concerns with the road design. He went into some detail of his concerns.

H. Smith replied to Mike Ott's comments.
Jim Gallagan responded to Mike Ott's comments.

Attorney Amy Blume asked the commission to review Mike Ott report carefully.

3. William Tweed – 11 Tweed Rd- He's concerned about the blasting. He's worried about the house foundation. Also, they had discussed installing a pond and he is concerned about that, who will maintain that? And, he's concerned with the mosquito problem and west Nile virus. He also noted that there is no application with Pine Orchard Zoning yet.

Attorney Tim Lee responded to the public comments. He then read the Town Engineer memo that he sent to the Town Planner. He stated the applicant had addressed the concerns that were expressed.

Jim Gallagan gave a few comments.

Chairperson Andres suggesting that the Town Engineer review Mike Ott's comments as well as watch this video and provide additional comments to staff.

The commissioners asked a few questions.

Chairperson Andres closed the Public Hearing.
The commission then took a 10 minute break at 9:24 pm

3. 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 9/21/23
4. 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 9/21/23
5. 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 9/21/23

Chairperson Andres noted that this was continued from the last meeting since the applicant had to meet with the Town Center Review Board. They did meet but the Town Center Review Board continued their meeting and did not render a decision about these applications yet. They requested additional information.

H. Smith (Town Planner) recommended these items be continued without further testimony. But if anyone from the public wishes to comment tonight, they may, if they are unable to attend the October 5 meeting.

Chairperson Andres repeated again that items #3, 4 and 5 will be continued to the October 5 zoom meeting.

6. 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 9/21/23

The applicant requested that this item be continued to October 5 meeting.

7. 9 Elm Street, LLC c/o Kevin O' Neill -Applicant & Owner
9 Elm Street
Special Exception & Coastal Site Plan -Parking & Storm Water Maintenance Improvements & Grading (Sec 6.8) for an Auto Repair Facility
Application #23-7.3
A/R 7/20/23 & PH opened 9/7/23 & continued to 9/21/23

Jeremy Ganin (Criscolo Engineering) represented the applicant and reviewed the site plan and application. He addressed some of the prior comments that were made.

E. Breining reviewed the prior staff report and the issues that were addressed by the applicant.

Public Input: No one spoke.

8. Ryan & Lea Polizzo- Applicants & Owners
117 Thimble Islands Road
Special Exception- Accessory Apartment
Application #23-8.1
A/R 9/7/23 & PH set for 9/21/23
9. Ryan & Lea Polizzo- Applicants & Owners
117 Thimble Islands Road
Special Exception- Grading (Section 6.8)
Application #23-8.2
A/R 9/7/23 & PH set for 9/21/23
10. Ryan & Lea Polizzo- Applicants & Owners
117 Thimble Islands Road
Special Exception- Oversized Accessory Structure
Application #23-8.3
A/R 9/7/23 & PH set for 9/21/23

Items 8, 9 and 10 are being heard together.

John Gilmore (Registered Professional Engineer) spoke first and reviewed the applications. The applicants would like to build an accessory apartment above the garage. He went into more detail of the apartment and displayed plans. Also present were the applicants if anyone had questions.

E. Breining reviewed the staff report.

Public Input: no one spoke.

Chairperson Andres closed the public hearings.

11. Town of Branford (c/o First Selectman James Cosgrove)-Applicant & Owner
185 Damascus Road
Special Exception Modification-Walsh Intermediate School-Field Improvements
Application #23-8.5
A/R 9/7/23 & PH set for 9/21/23

Dominic Sultruda - (BI Companies) He is representing the town and he displayed a site plan and he reviewed the site improvements for the school.

E. Breining reviewed the staff report.
Mr. Sultruda then reviewed the lighting plan.

Mike Mahoney- (rep. of Musco Lighting Co.) spoke of the ball track lighting on the football field.

H. Smith asked a few questions.
The Commissioners asked a few questions.

H. Smith noted a letter was received today from Jamie Cosgrove for an 8-24 referral. It can be added to the agenda.

Public Input:

1. Mr. Post- lives across the street from Middle School- He has reviewed some of the application materials and had some questions. He wants to be able to submit further questions in writing. Chairperson Andres said it's likely that this item will be continued to the October 5 meeting.
2. Tracy Everson- minority leader of RTM- She is concerned about the lighting and wants to make sure it does not intrude on the neighbors. She is concerned that the turf field will draw more people to the field. Can this be shared with the RTM? Can this be done?

Dominic noted there is a website with information for the project and noted there were public meetings and workshops that were held previously.

3. Mr. Post- can trees be put in along the parking lot as a buffer? If this project will generate more traffic, that would help with the noise and the sight.
4. Perry Maresca- Economic & Bus Development Manager- This plan helps with the need for more ball fields in town and adds to the quality of life. He endorsed the lighting company, he was familiar with them. This project is great for the town.

Chairperson said this is continued to the October 5 meeting.

12. 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 set for 9/21/23

The applicant is still in front of the IW commission so this item will be opened and continued to the October 19 meeting.

MINUTES: 9/7/2023

- j. Chadwick made a motion to approve the minutes.
- F. Russo seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Cell tower changes at 181-184 North Main Street
2. Cell Tower changes at 171 Short Beach Rd
3. Notice from town of North Branford- Zoning reg change- public hearing is tonight

RETURN TO TABLE:

13. 9 Elm Street, LLC c/o Kevin O' Neill -Applicant & Owner
9 Elm Street
Special Exception & Coastal Site Plan -Parking & Storm Water Maintenance Improvements & Grading (Sec 6.8) for an Auto Repair Facility
Application #23-7.3
A/R 7/20/23 & PH opened 9/7/23 & continued to 9/21/23

F. Russo 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.F.
2. 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.

CONDITIONS:

1. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Town Planner:
 - a. The applicant shall mark the 25 foot wide "Residential District Green Belt Buffer" on the plan entitled "Site Layout Plan."
2. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Zoning Enforcement Officer:
 - a. Prior to the start of construction erosion control measures shall be installed and maintained throughout construction.
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 light fixtures shall to be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surfacelight level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.
4. The Residential District Green Belt Buffer on the eastern property line shall not be used for storage of materials or parking of vehicles.
5. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy the following shall be completed to the satisfaction of the Town Planner or his designee:
 - a. 60 percent of the plant material in the Residential District Green Belt Buffer shall be not less than six (6) feet in height at planting.
 - b. The applicant shall expand the size of the existing landscaping bed to be 15 feet in width.
6. 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.
7. The applicant shall dedicate parking spaces exclusively to the Motor Vehicle Service use to meet the requirements of Section 6.5.

J. Vaiuso seconded the motion which passed unanimously.

14. Ryan & Lea Polizzo- Applicants & Owners
117 Thimble Islands Road
Special Exception- Accessory Apartment
Application #23-8.1
A/R 9/7/23 & PH set for 9/21/23

J. Vaiuso made a motion to approve the application with the Finding 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 the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction. Any additional measures deemed to be necessary by the Zoning Enforcement Officer shall be installed.
2. 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.
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.

F. Russo seconded the motion which passed unanimously.

15. Ryan & Lea Polizzo- Applicants & Owners
117 Thimble Islands Road
Special Exception- Grading (Section 6.8)
Application #23-8.2
A/R 9/7/23 & PH set for 9/21/23

F. Russo made a motion to approve the application with the Finding and Condition 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 the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction. Any additional measures deemed to be necessary by the Zoning Enforcement Officer shall be installed.
2. 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.
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.

J. Chadwick seconded the motion which passed unanimously.

4. Ryan & Lea Polizzo- Applicants & Owners
117 Thimble Islands Road
Special Exception- Oversized Accessory Structure
Application #23-8.3
A/R 9/7/23 & PH set for 9/21/23

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 the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction. Any additional measures deemed to be necessary by the Zoning Enforcement Officer shall be installed.
2. 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.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. 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

This item needs to go before the town center review board, then planning & zoning will discuss it.

2. Vincent Federico-Applicant
Jennifer Federico-Owner
18-19 Etzel Road
Special Exception Modification & Coastal Site Plan-for previous
Section 6.8 approval (grading within 100 ft. of a critical coastal resource)
Application #23-8.7
A/R 9/7/23 & PH set for 10/5/23
3. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Accessory Apartment
Application #23-8.9
A/R 9/7/23 & PH set for 10/5/23

NEW BUSINESS:

1. 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
To be A/R

**Staff will review and it will be discussed either the second meeting in October
Or in November.**

2. 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
As accessory structure
Application #23-9.2
To be AR & PH to be set

Staff will set the public hearing.

OTHER BUSINESS:

1. Planner's Report
H. Smith distributed a training opportunity for the commissioners to fulfill the requirement.
He will look for more opportunities for the commission and update them.

Meeting adjourned at 11; 03 pm