



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY NOVEMBER 7, 2024 REGULAR MEETING 7:00

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres, F. Russo, J. Vaiuso, J. Chadwick, M. Liguori, S. Huttner, M. Palluzzi
Staff Present: H. Smith (Town Planner), E. Breining (Asst Town Planner), M. Martin (Clerk)

Chairperson Andres introduced the Commission and staff.
Secretary F. Russo read the public hearing notice into the record,
Chairperson Andres reviewed the public hearing procedures.
E. Breining reviewed how to participate in the public hearing.

Chairperson Andres said the applicants for the Stony Creek Arch Review Board application have requested that This item be heard first. He asked the commission for their approval. They discussed it briefly and decided to take it up second (after app# 24-8.4 & 24-10.2) in case someone from the public wanted to listen and they didn't join the meeting right at 7pm since the item is listed as number 7 on the agenda.

PUBLIC HEARINGS:

1. Premier 200 North Main Realty LLC c/o R. Alvine-
Applicant & Owner
200 & 206 North Main Street
Special Exception- Automobile Service Facility
Application #24-8.4
A/R 9/5/24 & PH opened 10/3/24 & continued to 11/7/24
2. Premier 200 North Main Realty LLC c/o R. Alvine-
Applicant & Owner
200 & 206 North Main Street
Special Exception- Grading (Sec. 6.8)
Application #24-10.2
To be A/R & PH set for 11/7/24

E. Breining gave a brief history of the application and noted that the public hearing for application 24-10.2 is being opened tonight but continued because new plans were submitted today, and staff must review them. Both applications are continued to the November 21, 2024 meeting.

The commission decided to discuss App #24-9.4 & 24-10.8 since the first two items only took a few minutes.

3. North Branford Rd LLC & 23 North Main St LLC c/o Dan Iammuno-
Applicant & Owner
13 & 23 North Main Street
Special Exception for Autobody Repair
Application # 24-9.4
A/R 9/19/24 & PH set for 10/17/24 & continued to 11/7/24
4. North Branford Rd LLC & 23 North Main St LLC c/o Dan Iammuno-
Applicant & Owner
13 & 23 North Main Street
Special Exception- Parking Modification
Application # 24-10.8
A/R 10/17/24 & PH set for 11/7/24

Jim Pretti (Criscuolo Engineering) represented the applicant and gave a brief history of these applications then highlighted the site plan and the lighting plan.

E. Breining reviewed the staff report.
The commission discussed this briefly.

PUBLIC INPUT:

1. Maureen Gerken- 43 Wilford Avenue- Her husband and she own 23 North Main Street.
She has concerns about the number of cars and the number of parking spaces. She is also **concerned** about the noise since she has two apartments there. She is also concerned with lighting, the environmental impacts, and lack of dumpsters. She asked the town to be very specific as to the number of cars allowed behind 23 North Main St. You would not be available to get emergency vehicles there.

J. Pretti responded to some of her concerns.
The commission discussed this and asked questions.

Chairperson Andres closed the public hearing.

The Commission discussed public hearing #7 (PZ#24-8.3) next.

1. Greg Ames- (Applicant) in conjunction with the Stony Creek Architectural Review Board Zoning Regulation Amendment- To revise the total floor area requirements of Section 5.8.F
Application #24-8.3
A/R 10/3/24 & PH set for 11/7/24

H. Smith displayed the zoning regulation wording.
Greg Ames spoke and said there has been confusion as to whether this refers to net square footage or total area. When the regulation was first formed, they used the 3500 sq feet as the gross area. But the regulation ,as applied by Planning & Zoning, uses the living area. So, the Stony Creek Board does not encompass a significant number of applicants who would have otherwise fallen under review by the board.

H. Smith added that there have been a few applications involving garages, but they are exempt from the gross floor area definition as covered parking space. So, if the original intent was to cover the entire floor area of structures, they are exempt and don't fall under review unless they require a special exception or a site plan anyway. He

reviewed the stony creek area that is involved in this review. This proposal is to change the sq footage for review from 3500 sq ft to 2000 sq ft.

He then reviewed the suggested wording changes on the screen. He displayed a letter from the Stony Creek Bd requesting this change.

Sam Kirby noted there is a house near the puppet house that the board did not review.

Betsy Weinland- (Stony Creek Architectural Review Board Member)- She noted recently they reviewed a house and noticed that across the street there was another newly renovated house that the board did not review because it fell under the guidelines for review. She went into some detail about the problems there. And she noted that the board is not trying to be critical, they are advisory and want to help people to understand the spirit of the village. She gave an example of another house and the issues it raised. She talked of another member and why he opposed this change.

The commissioners gave some comments .

John Herzan responded to some of the comments .

Betsy Weinland noted that some residents have come to the Stony Creek Board and asked that this regulation be changed so more items can be reviewed.

PUBLIC INPUT:

1. Annette – 81 Main Street- She said she has been a regular in Stony Creek and Branford for decades and she has seen the town evolve over the years. She appreciates how Stony Creek has maintained most of the flavor of the area. She understands both sides, that she is a property owner and wants to do what she wants with her property but also understands that she lives with other people. She thinks it's an excellent idea to have the stony creek board involved along with the building dept and planning and zoning. She thinks this change in sq footage is a good idea.
2. Shirley Martin- 10 Buena Vista Rd-She has lived there for 30 years and seen many changes on her street, and she noted that she has had no input to these changes and have found out after the fact. She is thankful for the stony creek assn. noting that at least someone is going to communicate what is going to happen. She said the stony creek assn. has been very helpful to her.
3. Mark- Stony Creek Assn.- He thanked the commission for their feedback on this issue. He said the board wants to know what's going on with these projects; they are not trying to restrict anyone .He agrees that homeowners should be allowed to do what they want to do, but at the same time you can't object to something after the fact when a project has been approved.
4. Lauren Brown- Stony Creek Bd- She asked H. Smith to display the emails that were received. She added that she fully supports this amendment and lastly, she referred to a prior comment and added that this board would not be confrontational, they are only advisory. She ended by saying she hoped that the letter from the stony creek Assn . would be considered. It is not just a group of friends; this is an elected board.

Chairperson Andres closed the public hearing.

5. Faulkner Island Development LLC-Applicant
Anthony Lasala (Trustee)- Owner
1201 West Main Street
Special Exception & Coastal Site Plan – Motor Vehicle Service
Application #24-10.6
A/R 10/17/24 & PH set for 11/7/24
6. Faulkner Island Development LLC-Applicant
Anthony Lasala (Trustee)- Owner
1201 West Main Street
Special Exception – Grading (Sec. 6.8)
Application #24-10.7
A/R 10/17/24 & PH set for 11/7/24

Public hearing 5 and 6 were heard together.

Tim Houle (BL Companies) represented the applicant and noted that Mike Kurker(BL Companies) was also present along with the applicants Jeff & Adam Kimberly. He briefly reviewed the last applications and noted they were withdrawn. He reviewed the site plan, the lighting plan, parking and landscaping.

H. Smith added some comments and noted he is requesting a soil and erosion control bond.

He also noted for the record that the entire record of PZ 24-5.4 and PZ 7.4 are included with these applications. He then reviewed the staff report.

Anthony Russo(SLR Corp) reviewed the traffic impact plan and the site plan and discussed other traffic information.

The commission discussed this and stated their concerns.

Tim Houle responded to some of the concerns.

PUBLIC INPUT:

1. Annette C.- 81 Main St- She appreciates the work that was put into the revisions, but the problem is the amount of traffic at that corner. She said the number of cars is constant, at all times of the day. And this project will add to the traffic, and this will affect her quality of life.
2. Anne Ayres- she asked about the driveway. One way in and one way out? She doesn't see how this will work. She sees a lot of traffic problems and congestion.

Tim Houle replied to some of the comments.

Chairperson Andres closed the public hearing.

RETURN TO TABLE:

1. North Branford Rd LLC & 23 North Main St LLC c/o Dan Iammuno-
Applicant & Owner
13 & 23 North Main Street
Special Exception for Autobody Repair
Application # 24-9.4
A/R 9/19/24 & PH set for 10/17/24 & continued to 11/7/24

2. North Branford Rd LLC & 23 North Main St LLC c/o Dan Iammuno-
Applicant & Owner
13 & 23 North Main Street
Special Exception- Parking Modification
Application # 24-10.8
A/R 10/17/24 & PH set for 11/7/24

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

FINDINGS:

1. This Special Exception approval is for the “*motor vehicle service*” use proposed to take place across two lots, 13 & 23 North Main Street, as part of a single enterprise.
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.F.
3. Subject to compliance with the conditions listed below, the Commission finds that the applicant has demonstrated excellence in landscaping design per section 6.3.L(2).
4. Modification of the Parking Requirements per section 6.5.I.1 to the nine spaces proposed and the use of the remaining paved area is warranted as the site has historically accommodated uses that do not comply with current parking standards without creating a risk to public health and safety.

CONDITIONS:

1. All conditions of the previous approvals on either 13, 17 or 23 North Main Street shall remain in full force and effect as they may still apply.
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 light fixtures shall 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 fixtures (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.
2. The Residential District Green Belt Buffer shall not be used for storage of materials or parking of vehicles.
3. 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.
4. 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 addressed to the satisfaction of the Town Planner or his designee:

- 1) Any recommendations from the fire marshal regarding the need for designated fire lanes or other changes.
- 2) Evidence of the legal merger of the two properties subject to this application to the satisfaction of the Town Planner or his designee in conjunction with the Town Attorney or evidence of the filing on the Town's Land Records of a deed restriction, or other similarly effective alternative legal instrument, of form and content acceptable to Town Staff on the two properties referred to above, stating that they cannot be sold separately from each other and no additional "motor vehicle service" use enterprises shall be established on either lot without an approval from the Planning & Zoning Commission. An easement shall be filed stating the properties at 23 & 13 No Main Street have a shared "motor vehicle service" use approval across the two lots that are a part of a single enterprise, and parking for this use shall be permitted on both lots. All existing non-compliant lighting would need to be replaced with compliant lighting.
- 3) The applicant shall install the proposed street trees shown on Sheet LT-1 entitled "Proposed Landscape Plan" on the property owned by the applicant (13 & 23 North Main Street) and outside of the State of Connecticut right-of-way.
- 4) Curbing shall be installed on the applicant's property, adjacent to the proposed & existing turf along the North Main Street property line, with the exception of the existing curb cuts proposed to remain on Sheet 2 entitled "Proposed Site Plan," last revised on 10/21/2024 to allow the installation of the street trees on the applicant's property.

J. Chadwick seconded the motion which passed 4-1.

The commission took a ten-minute break at 9:21 pm.

1. Greg Ames- (Applicant) in conjunction with the Stony Creek Architectural Review Board Zoning Regulation Amendment- To revise the total floor area requirements of Section 5.8.F

Application #24-8.3

A/R 10/3/24 & PH set for 11/7/24

J. Chadwick made a motion to approve the amendment with the finding its consistent with the Plan of Conservation & Development and the comprehensive plan of zoning with an effective date of December 1, 2024.

C. Andres seconded the motion which passed.

5. Faulkner Island Development LLC-Applicant
Anthony Lasala (Trustee)- Owner
1201 West Main Street
Special Exception & Coastal Site Plan – Motor Vehicle Service

Application #24-10.6

A/R 10/17/24 & PH set for 11/7/24

- 5) Faulkner Island Development LLC-Applicant
Anthony Lasala (Trustee)- Owner
1201 West Main Street
Special Exception – Grading (Sec. 6.8)

Application #24-10.7

A/R 10/17/24 & PH set for 11/7/24

The commission discussed this at length.

C. Andres made a motion to adopt the staff recommendations as amended to approve the applications with the Findings and Conditions discussed.

J. Vaiuso seconded the motion.

The final vote was:

J. Chadwick-Opposed	
F. Russo -Opposed	
J. Vaiuso- Approve	
M. Palluzzi- Opposed	
C. Andres- Approve	3 Opposed, 2 Approve

MINUTES: 10/17/24

**F. Russo made a motion to approve the minutes as written.
J. Chadwick seconded the motion which passed unanimously.**

CORRESPONDENCE: None

OLD BUSINESS:

1. Charles Watts-Applicant & Owner
38 Howard Avenue
Special Exception-Grading (Sec. 6.8) -Single Family Residence
Application #24-7.5
A/R 7/18/24 & PH set for 11/21/24 with Time extension
2. Phil Sullivan-Applicant & Owner
6 Buena Vista Rd
Special Exception-Accessory Structure
Application#24-9.7
A/R 10/17/24 & PH set for 11/21/24
3. Melinda Formica-Applicant & Owner
21 Burr Street
Special Exception- Accessory Structure (Garage)
Application #24-10.1
A/R 10/17/24 & PH set for 11/21/24
4. BC Investment Property LLC c/o
Bruno Ciccone-Applicant & Owner
175 Cherry Hill Rd. (Lot 7)
Special Exception Modification-Detention Basin
Application #24-10.3
A/R & Tabled to 11/7/24 (Public Hearing requirement waived 10/17/24)

Zack Georgina (Juliano Associates) spoke and briefly reviewed the application. This was discussed at a prior meeting .He noted that the Town Engineers' comments have been addressed and he reviewed them .

M. Palluzzi made a motion to approve the application with the conditions and Findings 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. This approval exclusively applies to the alterations proposed on Sheet 1 of 2 entitled "*Detention Basin Reconfiguration Plan*" created on September 20, 2024 by Juliano Associates, LLC.

CONDITIONS:

1. All conditions of the previous approvals shall remain in full force and effect as they may still apply.
2. Prior to the start of construction erosion control measures shall be installed and maintained throughout construction to the satisfaction of the Zoning Enforcement Officer, Town Planner or his designee.
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 or after construction.
4. The applicant shall clean out the existing stormwater system adjacent to and running beneath Cherry Hill Road that they propose to connect with.

J. Chadwick seconded the motion which passed unanimously.

5. Madison Cassese-Applicant & Owner
43 & 49 Summer Island Road
Special Exception- Accessory Apartment
Application #24-10.5
A/R 10/17/24 & PH set for 11/21/24

NEW BUSINESS:

1. Mark Shifman & Melinda Sanders-Applicants & Owners
45 Seaview Avenue
Coastal Site Plan-Single Family Home
Coastal Site Plan
Application #24-10.9
To be A/R

Vivian H.Ditisheim (Architect) was present .

E. Breining displayed and reviewed the site plan explaining that the project involves elevating the house (to FEMA requirements) and adding an ADA lift. He reviewed the staff report.

J. Chadwick 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.

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 Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed prior to the start of 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, 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.

F.Russo seconded the motion which passed unanimously.

2. John J. Panzella-Applicant & Owner
67 Cedar Street
Special Exception Modification-Residential addition
Application #24-11.1
To be A/R & PH to be set
3. Brushy Plain Plaza, LLC-Applicant
4-12 Brushy Plain Road
PDD/Master Plan Modification
Application #24-11.2
To be A/R & PH to be set

OTHER BUSINESS:

1. Bond Establishment - 175 Cherry Hill Rd

The Town Engineer is requesting more information. This item is Tabled to the next meeting.

2. Approval of 2025 Meeting Schedule – Tabled to the next meeting

3. Planner's Report

H. Smith announced that he will be working part-time after November 15 for a while until a new Town Planner is hired.

C. Andres said the commission would like to take Harry out to dinner to wish him well. He said he would email Harry for possible dates. More info will follow.

The meeting adjourned at 11:45 pm