



PLANNING AND ZONING COMMISSION

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**MINUTES
PLANNING & ZONING COMMISSION
THURSDAY DECEMBER 9, 2021
REGULAR MEETING 7:00 P.M.
BRANFORD FIRE HEADQUARTERS
45 NORTH MAIN STREET**

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

Staff Present: H. Smith -Town Planner, E. Breining- Asst. Town Planner- (left at 7:30pm), M. Martin-
Clerk (watched remotely)

Secretary M. Palluzzi read the public hearing notice into the record.

Chairperson reviewed the public hearing procedures.

PUBLIC HEARINGS:

1. Robert Calderella-Applicant
Pamela Everitt-Owner
12 Sunrise Cove Camp
Special Exception & Coastal Site Plan-
Demo & Rebuild a Cottage
Application #21-7.5
PH opened 9/2/21 & continued to 12/09/21 (Time Extension granted)

This item was WITHDAWN

2. Nick Magnotta-Applicant
John & Rachel Brasile c/o Attorney Joseph Porto-Owners
54 & 60 North Main Street
Special Exception- Car Wash
Application #21-7.4
PH opened 9/16/21 & continued from 11/18/21 (Time Extension granted)
3. Nick Magnotta-Applicant
John & Rachel Brasile c/o Attorney Joseph Porto-Owners
54 & 60 North Main Street
Special Exception-for Grading (Sec 6.8) for a Car Wash
Application #21-9.1
PH opened 9/16/21 & continued from 11/18 /21 (Time Extension granted)

The applicant's engineer (J. Pretti, Criscuolo Engineering) is at the IW meeting at the current time. Chairperson Andres asked if the applicant's attorney Mr. Joseph Porto if they wanted to wait or proceed. The applicant asked to wait for this item to be heard. The Commission agreed to move ahead on the agenda and come back to this item.

The Commission came back to this item after they discussed 26 Cherry Hill Road

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applications.

Attorney Joseph Porto (Hamden) represented the applicant and spoke first. He noted that J. Pretti (Criscuolo Engineering) attended the IW meeting that night and received an approval (verbally). He then gave a brief overview of the application. He noted that revised plans were submitted.

The Commission asked a few questions.

Neal Linsky (Transportation Planner) verified his credentials and said everything he stated at the last hearing is still relevant.

J. Pretti (Criscuolo Engineering) gave some comments and noted that they spoke with the Fire Chief after they revised the plans and the Fire Chief was pleased with the revised plans and felt the Fire Headquarters would not be impacted at all by the Car Wash.

PUBLIC INPUT:

1. Jaycee Wyatt- She is against this project and had a petition with her (with 26 signatures) which she submitted.

Chairperson Andres closed the Public Hearing. He noted the Commission will not be acting on this application tonight. The IW approval letter needs to be completed.

4. BC Investment Property LLC, c/o Bruno Ciccone-
Applicant & Owner
175 Cherry Hill Road
11 Lot ReSubdivision

Application #21-8.1

A/R 9/2/21 & PH continued from 11/18/21 (Time Extension granted)

The applicant has requested the public hearing be continued without testimony to the January 6, 2022 meeting. The applicant offered a 65 day time extension and the Commission accepted it.

5. Cherry Hill Estates, LLC c/o Joe Mineri-
Applicant & Owner
26 Cherry Hill Road
PDD/Master Plan Amendment Modification

Application #21-10.3

A/R 10/21/21 & PH set for 12/9/21

6. Cherry Hill Estates, LLC c/o Joe Mineri-
Applicant & Owner
26 Cherry Hill Road
Special Exception Modification-Grading (Sec 6.8)

Application #21-10.4

A/R 10/21/21 & PH set for 12/9/21

7. Cherry Hill Estates, LLC c/o Joe Mineri-
Applicant & Owner
26 Cherry Hill Road

Site Plan Modification-Multi Family Residential

Application #21-10.5

A/R 10/21/21 & PH set for 12/9/21

The three applications were discussed together.

Attorney Bernard Pellegrino spoke first giving a brief review of these applications. He said only minimal blasting was needed to reduce the slope but this caused the slope in the back to be reconfigured for a 3-1 slope.

They have revised the plans accordingly to include the new retaining wall which is needed in the back.

John Milone (SLR Consulting) spoke representing the applicant and displayed the site plan.

PUBLIC INPUT:

1. Matt Radolsky-(President of Historical Society)-He noted the Harrison House property abuts this property and they have been involved with this project for a long time. They are glad that there was no blasting that occurred since the Harrison House is almost 300 years old. He questioned whether the material used for the wall could be modified. He noted the garden wall that's behind the Harrison House as an example that they may use.
2. Stanley Konesky (17 Lincoln Ave) - He asked whether there was minimum blasting or not. He heard conflicting information. He noted that if blasting was going to occur, permits had to be filed and pre blast surveys needed to be done. He said over the past 5 months he has gotten water in his basement which he never had before. He is concerned. He also said no one came around to his house for a pre blast survey. Was there blasting at the site or not? He is a neighbor.
3. Jaycee Wyatt- She said she was a witness to the blasting at the Aldi site and she felt it in her car and when she went home the pictures that were on her wall were on the floor. She wanted to note that because maybe the issue he's having is from the Aldi blasting, not this project blasting. She talked of the stone wall and noted there are options for the face of the wall that can match what you're doing.

The applicant responded to some of the public comments.

Attorney Pellegrino confirmed with Mr. Mineri that there was no blasting at the site. He apologized for the misunderstanding.

The Commission had a few questions.

Chairperson Andres closed the Public Hearing.

The Commission then discussed the Application #21-7.4 & 21-9.1 (Car Wash Applications).

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8. Planning & Zoning Commission- Applicant
Zoning Regulation Amendment
Moratorium-Cannabis Establishments
For twelve (12) months in all zoning districts
Application #21-11.3
A/R 11/18/21, PH set for 12/9/21

H. Smith gave a brief overview of this application.

PUBLIC INPUT;

1. Nick Tamberino-(Founder of Blue Point Dispensary, Branford) spoke and said he was approved in 2013 and has been in operation since 2014 and has had no issues. He is committed to running a professional business.
2. Attorney Pat Sullivan (representing Nick Tamberino) - Said she is present for any questions from the commission and noted that Blue Point Dispensary welcomes the opportunity to become a hybrid dispensary.

The Commission took a 10 minute break at 8:14 p.m.

MINUTES: 11/18/2021

- F. Russo made a motion to approve the 11-18-21 meeting minutes.**
M. Palluzzi seconded the motion which passed unanimously.

CORRESPONDENCE:

Correspondence regarding Cell Tower Equipment swap at 120 Brushy Plain Road.

RETURN TO TABLE:

1. Cherry Hill Estates, LLC c/o Joe Mineri-
Applicant & Owner
26 Cherry Hill Road
PDD/Master Plan Amendment Modification
Application #21-10.3
A/R 10/21/21 & PH set for 12/9/21

J. Chadwick made a motion to approve the Application with the Finding and Condition below and an effective date of 12-24-21.

FINDING:

1. In issuing this approval the Commission finds that the Plan of Conservation & Development has been considered and that the application is in accordance with the Comprehensive Plan.

CONDITIONS:

1. Any Site Plan or associated approval issued subsequent to the approval may include provisions for submittal of certifications of

inspections (by appropriate certified individuals to be approved by the Town Engineer) of the stages of fill (lifts) and their compaction as specified on the plans submitted for Site Plan.

2. Any conditions of previous approvals shall be considered modified as that may be considered necessary to address any conflicts between them and the substitution of a retaining wall and earthen slope as shown on the plans submitted with this and the associated PDD Site Plan/Special Exception modification application.

M. Palluzzi seconded the motion which passed unanimously.

2. Cherry Hill Estates, LLC c/o Joe Mineri-
Applicant & Owner
26 Cherry Hill Road
Special Exception Modification-Grading (Sec 6.8)
Application #21-10.4
A/R 10/21/21 & PH set for 12/9/21

J. Vaiuso made a motion to approve Application #21-10.4 and #21-10.5 with the conditions below with an effective date of 12-25-21.

1. All conditions and provisions from the Site Plan (PDD) and Special Exception approval issued 1/17/2019 (effective 2/1/2019) not modified by this approval shall remain in full force and effect.
2. Make the following changes to the Resolution approving Application #18-8.5 on 1/17/2019 (effective 2/1/2019):
 - a. Add the following to the end of Condition (9) b “unless no blasting is proposed or undertaken.”
 - b. All the following to the end of Condition (10) b “unless no blasting was undertaken.”
 - c. Replace the current wording of Condition (10) c with the following:
”The submittal of final inspection reports and documentation of the results of the compaction testing as specified in notes numbered 1-5 under the “Recommended Retaining Wall Backfill Inspection Intervals’ heading noted on Sheet SD-6 of the plans entitled “Site Details- Sterling Ridge Estates-26 Cherry Hill Road-Branford, Connecticut” as prepared by Milone & MacBroom of Cheshire Conn. Dated October 7, 2021, last revised 11/1/21 as well as a final certification that the retaining wall and earthen slope was constructed as proposed on Sheet SD-6 and in the location shown on Sheet GR of the same set of plans as also last revised on 9/17/21. Said inspections may be performed by an individual other than a licensed professional engineer upon the submittal of a written statement from the Town Engineer to the Zoning Enforcement Officer stating that said individual is suitably qualified and experienced.”
 - d. Add a new Condition (16) as follows:” The inspection intervals noted as “recommended” on Sheet SD-6 referenced above are made a requirement of this approval with construction of the proposed retaining wall and adjacent earthen slopes to be completed as proposed and shown on Sheets SD-6 and GR as referenced above.”

F. Russo seconded the motion which passed unanimously.

3. Cherry Hill Estates, LLC c/o Joe Mineri-
Applicant & Owner
26 Cherry Hill Road
Site Plan Modification-Multi Family Residential
Application #21-10.5
A/R 10/21/21 & PH set for 12/9/21

The three Cherry Hill Applications were discussed together.

H. Smith reviewed the Resolutions.

4. Planning & Zoning Commission- Applicant
Zoning Regulation Amendment
Moratorium-Cannabis Establishments
For twelve (12) months in all zoning districts
Application #21-11.3
A/R 11/18/21, PH set for 12/9/21

M. Palluzzi made a motion to approve Application #21-11.3 effective on December 24, 2021 to establish a twelve month moratorium on applications and approvals for Cannabis Establishments, as defined in Public Act 21-1 and changes proposed to the Zoning Regulations by this application, starting on the effective date of this approval based on findings that the Plan of Conservation and Development has been considered and that the proposed amendments are in accordance with the Comprehensive Plan and are consistent with the goals and policies of the Coastal Management Act.

F. Russo seconded the motion which passed unanimously.

OLD BUSINESS:

1. Branford Summit Apartments LLC c/o Frank Vigliotti-
Applicant & Owner
5 & 13 Summit Place
Zoning Map Amendment –To add to the Commerce Park (CP) Zone
Incentive Housing Overlay Zone (IHOD) designation to properties
at above addresses.
Application #21-9.2
PH closed on 11/18/21

M. Palluzzi made a motion to approve the Application with an effective date of 12-24-21.

J. Chadwick seconded the motion which passed unanimously.

2. Branford Summit Apartments LLC c/o Frank Vigliotti-
Applicant & Owner
5 & 13 Summit Place
Special Exception-Multi-Family IHOD Development
Application #21-9.3
PH closed on 11/18/21 (Time Extension granted)

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3. Branford Summit Apartments LLC c/o Frank Vigliotti-
Applicant & Owner
5 & 13 Summit Place
Special Exception for Grading (Section 6.8) associated with IHOD
Multi-Family Development
Application #21-9.5
PH closed on 11/18/21

M. Palluzzi made a motion to approve Application #21-9.3 and #21-9.5 with conditions and an effective date of 12-25-21.

NEW BUSINESS:

1. Goodsell Point, LLC c/o Sal Marottoli-
Applicant & Owner
61, 65-71, 67 & 73 Goodsell Point Rd
Site Plan/CAM - Mixed Use Development – (Marina & Residential)
Application #21-10.9
A/R 11/4/21
2. Goodsell Point, LLC c/o Sal Marottoli-
Applicant & Owner
61, 65-71, 67 & 73 Goodsell Point Rd
Special Exception for Grading (Section 6.8) for a Mixed Use Development –
(Marina & Residential)
Application #21-10.10
A/R 11/4/21

Public Hearing date will be set by Staff.

3. 61 Burban Associates LLC, c/o Joseph Iamunno (Manager)-
Applicant & Owner
61 Burban Drive
PDD/Master Plan-Multi-Family Residential Development
Application #21-11.4
A/R 11/18/21

Public Hearing date will be set by Staff.

4. 61 Burban Associates LLC, c/o Joseph Iamunno (Manager)-
Applicant & Owner
61 Burban Drive
Site Plan – Multi-Family Residential Development
Application #21-11.5
A/R 11/18/21

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5. Branford Land Development LLC c/o Ed Crowley-
Applicant & Owner- 5 Indian Neck Avenue
Marine Systems Inc. c/o Christopher Anderson-
Applicant & Owner- 50 Maple Street
5 Indian Neck Ave & 50 Maple Street
Site Plan Modification-Conversion of Office space to kitchen & add Patio
Application #21-11.7
A/R 11/18/21

Attorney Greg Burton represented the applicant and reviewed the application. He explained the application has 2 items: one is a kitchen expansion and the other is patio expansion.

Joe Sepot (Architect) displayed plans.

The Commission asked some questions and had a discussion.

After some debate, Attorney Burton withdrew the second part of the application that was for the patio expansion. They will proceed with the kitchen expansion only.

J. Chadwick made a motion to waive the soil and sedimentation control plans and detailed site plans for the kitchen space.

J. Vaiuso seconded the motion which passed unanimously.

J. Chadwick made a motion to approve the kitchen expansion.

F. Russo seconded the motion which passed unanimously.

6. FSI Acquisitions LLC c/o John Knuff-Applicant
Zoning Regulation Amendment
Amend 6.6E to add BL-HR (BL- Hybrid Rear) zone to table
Application #21-11.8
A/R 11/18/21 & PH to be set
7. FSI Acquisitions LLC c/o John Knuff-Applicant
Hamilton Branford LLC-owner of 81-111 Commercial Pkwy
49 Commercial Pkwy LLC-owner of 49 Commercial Pkwy
81-111 Commercial Pkwy & 49 Commercial Pkwy
Special Exception- Grading (Section 6.8)
Application #21-11.9
A/R 11/18/21 & PH to be set
8. FSI Acquisitions LLC c/o John Knuff-Applicant
Hamilton Branford LLC-owner of 81-111 Commercial Pkwy
49 Commercial Pkwy LLC-owner of 49 Commercial Pkwy
81-111 Commercial Pkwy & 49 Commercial Pkwy
Special Exception- Warehouse Distribution, E-commerce &
Fulfillment Centers
Application #21-11.10

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A/R 11/18/21 & PH to be set

These three applications were discussed together. H. Smith said the Town Engineer recommended a peer review for Traffic information.

M. Palluzzi made a motion to request a Peer Review.

J. Chadwick seconded the motion which passed unanimously.

9. 119 Montowese LLC c/o Elena Cahill-Applicant & Owner
119 Montowese Street
Special Exception & Coastal Site Plan-Business Office Space
Application #21-11.11
A/R 11/18/21 & PH to be set---WITHDRAWN

10. Corey Stoll & Nadia Bowers Lovejoy-
Applicants & Owners
4 Tyler Avenue
Special Exception Modification & Coastal Site Plan-
Single Family Residence
Application #21-12.1
To be A/R & PH to be set

11. Sound Real Estate LLC, c/o Dan Merriam- Applicant
45 Rose Hill Road LLC, c/o Paul Santa Barbara-Owner
45 Rose Hill Road
Special Exception- Car Storage Lot
Application #21-12.4
To be A/R & PH to be set

12. 375 Metro LLC, c/o Robert Smith- Applicant & Owner
367,373-375 & 377,383 East Main Street
PDD/Master Plan –Mixed Use Development
Application #21-12.5
To be A/R & PH to be set

13. 375 Metro LLC, c/o Robert Smith- Applicant & Owner
367,373-375 & 377,383 East Main Street
Special Exception- Grading (Section 6.8)
Application #21-12.6
To be A/R & PH to be set

14. 375 Metro LLC, c/o Robert Smith- Applicant & Owner
367,373-375 & 377,383 East Main Street
Site Plan- Mixed Use Development
Application #21-12.7
To be A/R & PH to be set

OTHER BUSINESS:

1. Conceptual Discussion- Proposed Incentive Housing Overlay Zone development-8 North Branford Road

The owners of the Parthenon diner were present and discussed their idea of building 18 single family one bedroom units with decks on the parcel behind the diner. There would be 4 affordable units included in the 18.

The Commission asked a few questions and were in favor of the project.

2. Election of Officers

M. Liguori polled the Commission and they voted to keep C. Andres as the Chairperson and M. Palluzzi as the Secretary.

F. Russo made a motion for C. Andres to remain the Chairperson.

J. Vaiuso seconded the motion which passed unanimously.

F. Russo made a motion for M. Palluzzi to remain the Secretary for the Commission.

J. Vaiuso seconded the motion which passed unanimously.

3. Bond Release - Commercial Pkwy (Vox Church)

F. Russo made a motion to release the bond.

J. Chadwick seconded the motion which passed unanimously.

4. Bond Establishment- 147 Cherry Hill Road

F. Russo made a motion to establish a 500 bond.

J. Chadwick seconded the motion which passed unanimously.

5. Bond Establishment- 20 Parish Farms Road

M. Palluzzi made a motion to establish the bond.

J. Chadwick seconded the motion which passed unanimously.

6. Bond Establishment – 141 North Main Street

F. Russo made a motion to establish the bond.

J. Chadwick seconded the motion which passed unanimously.

7. Planner's Report

H. Smith noted that the dates for the Sept 2022 meetings should be changed to Sept 1 and Sept 15th.

M. Palluzzi made a motion to adopt the revised dates for the 2022 Meeting schedule.

J. Vaiuso seconded the motion which passed unanimously.

H. Smith noted the Affordable Housing Survey will be closing that coming Tuesday. They received about 900 responses so far.

The meeting adjourned at 10:36 p.m.