



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY FEBRUARY 17, 2022 REGULAR MEETING 7:00 P.M.

**This meeting will be held remotely, via ZOOM.**

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

The meeting started at 7:02 p.m.

Chairperson Andres introduced the Commission and the staff present.  
Secretary M. Palluzzi read the Public Hearing notice into the record.

Chairperson Andres then noted that the 61 Burban Drive application is continued to the March 17 meeting since the Water Pollution Control Authority needs to review it.

He then reviewed the Public Hearing procedures.  
E. Breining reviewed the process for anyone that would like to participate in the Public Hearings.

### **PUBLIC HEARINGS:**

1. 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 set for 2/17/22**  
Attorney John Knuff (Milford, CT) represented the applicant and spoke first briefly highlighting what the three applications are.  
H. Smith suggested the Commission hear Application #21-11.8 separately from the other two applications.  
Attorney Knuff agreed and requested that the Commission discuss #21-11.8 after the presentation for the other two applications.
2. 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 set for 2/17/22**
3. 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

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Special Exception- Warehouse Distribution, E-commerce & Fulfillment Centers

**Application #21-11.10**

**A/R 11/18/21 & PH set for 2/17/21**

The Commission then heard the presentation for Applications #21-11.9 and #21-11.10.

Attorney Knuff listed the speakers for the evening as follows:

1. Eric Daniel- (Senior Program Manager for Amazon)
2. Dennis Godere-(Senior Project Manager & Landscape Arch. - BL Co.)
3. Jeff Dewey-(Senior Engineer-BL Companies)
4. Corey Nadore-(Senior Architect-BL Companies)
5. Rob Baltramaitis-(Traffic Engineer)

Eric Daniels spoke first and reviewed the site plan as well as the activities of a typical day. He then reviewed Amazon's commitment to sustainability.

Dennis Godere then reviewed the site plan as well as the landscaping plan.

Jeff Dewey reviewed the grading plan and the storm water management system.

Corey Nadore reviewed the floor plans as well as the exterior renderings of the building.

Rob Baltramaitis reviewed the traffic study powerpoint.

E. Breining highlighted the staff report.

Steve Ullman (Traffic Engineer) said he did the peer review which he reviewed. He said he is requesting additional information from the applicant.

H. Smith gave a few comments.

The Commission had a brief discussion.

**PUBLIC INPUT:**

1. Margaret Wheeler-She asked the commission to wait until the public gets answers to their questions before making any decision. She had many concerns. She spoke of large cargo freight planes and asked if an ordinance can be written stating that this site isn't connected to Tweed Airport in New Haven. She spoke of the air quality around Amazon sites as well as issues with runoff.
2. Dan Rabin-He has concerns. Why is there a lack of solar equipment on the site? He spoke of the HVAC system on the building emitting carbon dioxide. He asked if the building can have geo heat pumps. He is disappointed with the energy goals presented by Amazon.

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3. Kate Galambos- She stated she is not in opposition of the project but has questions regarding the numbers in the traffic study and parking. She stated that perhaps a 24 hour impact study would be helpful. She asked if Amazon will be using the Branford Transfer station.
4. Quintin Cann-He spoke of the impact of traffic on RT 5 in North Haven where another Amazon is built noting the traffic is awful.
5. Perry Maresca-(Economic Development Business Manager) He read a letter into the record in support of the project. He noted it was submitted to the PZ dept. on February 16.
6. Jeff Clark- He said he is not in opposition but wanted to make two points. He agreed with H. Smith when he noted this area needs sidewalks. He said it's unfair to not require sidewalks here when the board requires other commercial properties to have them. His other point is the confusion regarding the number of parking spaces.

Chairperson Andres noted these 2 Amazon applications are continued to the next Planning & Zoning Meeting.

Then the Commission discussed Application #21.11.8.

Attorney Knuff explained that this application is to simply add the BL-HR zone to the table (6.6E). It was an oversight that it wasn't previously added.

E. Breining read the staff report.

PUBLIC INPUT: No one spoke.

**Chairperson Andres closed the Public Hearing for Application #21-11.8.**

The Commission took a 10 minute break from 9:34 – 9:44pm.

4. 61 Burban Associates LLC, c/o Joseph lamunno (Manager)-  
Applicant & Owner  
61 Burban Drive  
PDD/Master Plan-Multi-Family Residential Development  
**Application #21-11.4**  
**A/R 11/18/21 & PH opened 1/20/22 & continued from 2/3/22**

**This item is continued to the 3/17/22 meeting.**

5. 61 Burban Associates LLC, c/o Joseph lamunno (Manager)-  
Applicant & Owner  
61 Burban Drive  
PDD Site Plan/Cam – Multi-Family Residential Development  
**Application #21-11.5**  
**A/R 11/18/21 & PH opened 1/20/22& continued from 2/3/22**

**This item is continued to the 3/17/22 meeting.**

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6. 375 Metro LLC & 383 Metro LLC, c/o Robert Smith- Applicant & Owner  
367,373-375 & 377,383 East Main Street  
PDD Site Plan Modification- Mixed Use Development  
**Application #21-12.7**  
**A/R 12/9/21 & PH continued from 2/3/22**

**This item is TABLED to the 3/17/22 meeting.**  
**Attorney Knuff offered any time extensions that may be needed for this application and the Commission accepted them.**

**MINUTES: 2/03/2022**

H. Smith noted a few corrections need to be made and advised that this be Tabled until the next meeting.

**CORRESPONDENCE:**

1. Addition of a generator at the cell tower site at 850 West Main St., Branford.

**OLD BUSINESS:**

1. 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 opened 11/18/21, closed 2/3/22**
2. BC Investment Property LLC, c/o Bruno Ciccone-  
Applicant & Owner  
175 Cherry Hill Road  
Special Exception for Grading (Section 6.8)  
**Application #21-12.8**  
**A/R 1/6/22 & PH opened 1/6/22 & closed 2/3/22**

Items #1 and #2 were discussed together.

Chairperson Andres reviewed these applications for the Commissioners and gave some comments.

The Commission discussed this and everyone gave their individual comments.

The general consensus of the Commission is a denial the way the application states now. They were opposed to a dead end and would prefer a thru street.

H. Smith offered the applicant the opportunity to withdraw the applications.

**Attorney Langer withdrew applications #21-8.1 and #21-12.8.**

3. Goodsell Point, LLC c/o Sal Marottoli-  
Applicant & Owner  
61, 65-71, 67 & 73 Goodsell Point Rd  
PDD Site Plan/CAM - Mixed Use Development – (Marina & Residential)  
**Application #21-10.9**  
**A/R 11/4/21 & PH opened 1/6/22 & closed 2/3/22**

4. 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 & PH opened 1/6/22 & closed 2/3/22**

Applications #21-10.9 & #21-10.10 were discussed together.  
E. Breining reviewed the staff report.

**J. Chadwick made a motion to approve both applications with the Findings and Conditions below:**

**Findings:**

1. These applications (Special Exception/PDD Site Plan/Coastal Site Plan Applications: #21-10.9 & 21-10.10) have been considered under the requirements of the relevant sections of the Zoning Regulations and the requirements of (and any specific modifications to the otherwise applicable sections of the Zoning Regulations included in) the approval of the Planned Development District/Master Plan for the involved properties dated March 4, 2021.
2. 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) and waives the required landscaping per section 6.3. where the landscaping shown on the plans does not fully comply with Section 6.3.
3. 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. All construction shall substantially conform to the most recently revised version of the submitted Plans and Application Documents except as they may be modified to comply with requirements of this approval or be further modified by the Planning and Zoning Commission ("Approved Plans").
2. Prior to any construction activity on the property subject to this application, evidence shall be submitted to the satisfaction of the Zoning Enforcement Officer that the following have been satisfactorily addressed/established:
  - a. Erosion and Sedimentation controls installed as shown on Sheet SE-1.

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- b. Implementation of the tree protection plan measures required by Condition 3.a below.
      - c. Pre-construction meeting with the owner's representative/general contractor, ZEO, Town Planner, DEEP staff (and others that the Town Planner may ask to be included) and in the event of the construction occurring in phases a meeting shall be held before the start of construction of each phase.
- 3. Prior to the issuance of a Zoning Permit or Zoning Authorization for the issuance of a Building Permit for improvements to this property the Site Plan and submitted application materials shall be modified or additional documentation presented to address the following to the satisfaction of the Zoning Enforcement Officer or specific Town staff member so indicated below:
  - a. Change extent of the "Tree Protection Zone" noted on Sheet RP to add at the end of Note 10 "or the edge of the drip line whichever is greater" and also on Sheet RP to rephrase to read as follows: "All vegetation excepting trees in conflict with proposed work may be removed whether noted on the plans or not. The removal of any trees not noted on the plans shall require the review and approval of the Town Planner or the Planning and Zoning Commission as may be required by the Zoning Regulations.
  - b. The Traffic Calming Improvements to Goodsell Point Road (addition of FOG lines) with additional details as may be required by the Town Engineer.
  - c. The location and size as well as addition of appropriate screening in the form of landscaping for all ground mounted HVAC or utility equipment (transformers, meters, etc.) or exterior cabinets consisting of materials matching the facade building materials for any such utility equipment mounted on the exterior walls of the buildings to the satisfaction of the Town Planner or the Commission.
  - d. Change the detail on Sheet SD-02 to show the dimensions and exact content of the "Shoreline Public Access" signage to the satisfaction of the Town Planner and meeting any specific standards of the DEEP for such signage to the extent they are available.
  - e. Address all comments from the Town Engineer's November 15, 2021 Report (attached) to his satisfaction.
  - f. 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 surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.

- g.** The Applicant shall revise Sheet LA entitled “Site Plan- Layout” to remove the note stating “Dumpster Enclosure” from the trash enclosure’s former location.
- h.** Evidence of the approval by the Town’s Water Pollution Control Authority (WPCA) of the proposed connection to the Town’s sanitary sewer system and the finalization of any design aspects left to the approval of the Town Engineer to his satisfaction.
- i.** Evidence of the approval of the connection of the buildings proposed for the marina use to public water and sanitary sewer and the finalization of any design aspects to the satisfaction of the Town Engineer.
- j.** Include additional detail regarding the extension of Goodsell Pont Road.
- k.** Provide a site operations plan and a flood evacuation plan for the properties, the seventy (70) parking spaces within the Coastal Jurisdiction Line (CJL) which will see periodic tidal flooding, as well as all of the spaces in the lower parking area which are within the 100-year floodplain;
- l.** Extend the walkway between the “northern” and “southern” lines of units to the west across the driveway to the sidewalk on western side of the driveway via a crosswalk and including a staircase on the eastern side of the driveway as may be necessary to provide dry pedestrian access to Goodsell Point Road or a similar design to the satisfaction of the Town Planner.
- m.** Propose appropriate restrictions on lower-level uses (parking, storage) for the southern units in order to meet the Town’s floodplain ordinance.
- n.** Cost estimate of the public improvements and an operations and maintenance plan the applicant is proposing to fully address Section 9.10.F. (2) of the Zoning Regulations.
- o.** Calculations of the existing and proposed areas dedicated to marina use such as parking, boat storage, service areas, offices, bathrooms, sales, etc.
- p.** A list of existing and proposed marina services to be provided.

4. Prior to the issuance of a Zoning Permit or the zoning authorization of the issuance of a Building Permit, a fully executed easement(s) to the Town of Branford of form and content approved by the Town Planner/Planning and Zoning Commission and the Town Counsel, filed on the Land Records of the Town Clerk and evidence of such recording submitted to the Zoning Enforcement Officer shall be offered for the following purposes:
  - a. Access to and use of the proposed public features (gazebo, passive recreation area, bike racks, and associated dedicated parking spaces) and provisions for access to these features during the winter boat storage “season” and generally without negatively impacting the marina use.
  
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 addressed to the satisfaction of the Zoning Enforcement Officer, optionally in a phased approach via the submittal to and approval of a phasing plan by the Town Planner or Commission:
  - a. Implementation of the Affordable Housing Offer through the lump sum payment of \$15,000 to the Town of Branford to be reserved for allocation to a Housing Trust Fund for expenditure, only upon a vote by the Commission to approve such expenditure, for “constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income” as specified in C.G.S. Section 8-2.
  - b. Financial guarantee, except that such guarantee shall not be in the form of a surety bond, per Section 5.4.G
  - c. The completion of all site work (not addressed in Condition 6a above) or an appropriate financial guarantee established per Section 9.6.G.
  - d. The completion of the Traffic Calming Improvements to Goodsell Point Road (FOG lines) or as may be directed by the Town Engineer payment to the Town of Branford for such Traffic Calming Improvements to Goodsell Point Road (FOG lines).
  - e. Final as-builts of the development.
  - f. The Applicant shall revise Sheet SL-IB entitled “Site Lighting Photometric Calculation” to reflect the relocation of the trash enclosure.
  - g. Final layout of the marina to the level of detail described in Section 7.9.A.1.



6. Foundation as-builts are also required and evidence that they have been submitted at the appropriate stage in the Building Permit issuing process shall be provided as required by the Zoning Enforcement Officer.
7. The manufacturer's recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System as well as an additional list of maintenance measures and schedule for their execution as approved by the Town Engineer for the elements of the stormwater management system without any manufacturers recommended requirements for maintenance shall be followed and regular monitoring of catch basins sumps, and establishment of and compliance with a cleaning schedule such that the frequency of routine cleaning will ensure that no catch basin sump at any time will be more than fifty (50) percent full (e.g. contents within the sump exceed one half of the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin) performed by the applicant, owner, and/or successor in title to the Property and reports documenting this shall be submitted to the Town Engineer every two years following the issuance of a final Certificate of Zoning Conformance or the zoning authorization of the issuance of a Certificate of Occupancy.
8. 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 and any additional measures to control soil and erosion determined to be necessary to address conditions during construction.
9. No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.
10. 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.
11. Any modifications to the site, building, statement of use, or other aspects of the property from those approved herein shall require further approval as provided by Section 5.4 and 9.6 or 9.8 of the Zoning Regulations.
12. Per Section 5.4.C the residential development and the facilities for the marina shall be constructed simultaneously with the specific timing to be approved by the Town Planner or Commission.

**F. Russo seconded the motion which passed unanimously.**

**J. Vaiuso was recused from these applications.**

**S. Huttner was seated for him.**

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5. 375 Metro LLC & 383 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**  
**A/R 12/9/21 & PH closed 2/3/22**

**This item is TABLED to the 3/3/22 meeting.**

6. 383 Metro LLC, c/o Robert Smith- Applicant & Owner  
383 East Main Street  
Special Exception- Grading (Section 6.8)  
**Application #21-12.6**  
**A/R 12/9/21 & PH closed 2/3/22**

**This item is TABLED to the 3/3/22 meeting.**

7. Montowese Building Group, LLC-Applicant  
John & Anne Hines-Owners of 14 Buckley Road  
Branford Building Supplies Inc.-Owner of 0 & 16 Buckley Road  
14, 16 & 0 Buckley Road  
Special Exception- Grading (Section 6.8)  
**Application #22-1.4**  
**A/R & PH to be set**

**Staff will set the Public Hearing.**

8. Montowese Building Group, LLC-Applicant  
John & Anne Hines-Owners of 14 Buckley Road  
Branford Building Supplies Inc.-Owner of 0 & 16 Buckley Road  
14, 16 & 0 Buckley Road  
Special Exception/Cam-Open Space Residential Development (OSRD)  
**Application #22-1.5**  
**A/R**

**Staff will set the Public Hearing.**

9. David Silbekleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Special Exception- Motor Vehicle Service  
**Application #22-1.6**  
**A/R & PH set for 3/3/22**

10. David Silbekleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Special Exception- Motor Vehicle Sales  
**Application #22-1.7**  
**A/R & PH set for 3/3/22**

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11. Jeffrey & Karen Leibowitz-Applicants & Owners  
98-102 Seaview Avenue  
Special Exception & Coastal Site Plan-Single Family House  
**Application #22-2.1**  
**A/R & PH set for 3/3/22**
  
12. William & Kimberlee Quinlan-Applicants & Owners  
27 Halls Point Road  
Special Exception-Home Office  
**Application #22-2.2**  
**A/R and PH set for 3/3/22**
  
13. RHC Associates-Applicant & Owner  
424-436 West Main Street  
Special Exception Modification-Restaurant  
**Application #22-2.3**  
**A/R & PH set for 3/3/22**

**NEW BUSINESS:**

1. Nitenday Associates, LLC c/o Ken Ginsberg-  
Applicant & Owner  
221 West Main St. (Unit 7)  
Special Exception- Indoor Recreation  
**Application #22-2.4**  
**To be A/R & PH to be set**

**OTHER BUSINESS:**

1. Planner's Report

H. Smith suggested possibly having a Special Meeting on 2/24/22 to discuss the East Main Street applications and the Affordable Housing Plan. He asked the Commission for their thoughts.

The Commission discussed this and decided not to have the special meeting.

The meeting adjourned at 10:34 p.m.