



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY JULY 11, 2019 SPECIAL MEETING 7:00 P.M. CANOE BROOK SENIOR CENTER 11 CHERRY HILL ROAD

Commissioners Present: J. Lust, J. Viauso, F. Russo, J. Chadwick,  
M. Palluzi, C. Andres  
Commissioners Absent: P. Higgins, D. Dyer  
Staff Present: H. Smith –Town Planner, R. Stoecker- Asst. Town Planner,  
Attorney Danielle Bercury, M. Martin- Clerk

### OTHER BUSINESS:

1. **DISCUSSION** – Request for Clarification/Revision  
6-13-19 approval of Application #19-2.4 - Parkside Village I  
CGS Section 8-30g Site Plan/Coastal Site Plan approval Modification

Chairperson Andres stated that a discussion regarding a letter from Attorney Timothy Hollister dated June 21, 2019 was originally scheduled to be taken up and discussed by the Commission. He said that the letter essentially addressed three topics concerning the 6-13-19 approval of Application #19-2.4 - Parkside Village I CGS Section 8-30g Site Plan/Coastal Site Plan approval Modification Site Plan (1) requests for clarification of some of the Conditions of the approval, (2) requests for clarification regarding which Town body would be responsible for the various required approvals of the encumbrances on/use of Town property required by this application as proposed, and (3) requests for revisions to the Conditions.

He continued on to say that before beginning the discussion, the Commission should be aware that an appeal of their decision had just been served a couple of hours ago. He said he had quickly reviewed the appeal and seemed to track the issues raised in the 6/21/19 letter closely. He said typically during a lawsuit appealing a Commission action, discussions about it are held in executive session as provided by state law. He asked Attorney Bercury for her opinion regarding the advisability of an open discussion about the letter now that it's content was the subject of a Superior Court (CGS Section 8-30g Affordable Housing) appeal. She said if the commission wants to talk they can but it would be better done in executive session. The Commission concurred.

Chuck said this item would be deferred to the next meeting on July 25<sup>th</sup> and it would be discussed in the executive session.

## **PUBLIC HEARINGS:**

1. Audra Nuzzo- Applicant  
Zoning Regulation Amendment-Addition of new Accessory Use to a Farm use (by Special Exception) "Non-Agricultural Farm Events"  
**Application #19-6.1**  
**A/R 6/6/19 & PH set for 7/11/19**

Attorney Jeff Beatty represented the applicant explaining that this is a text amendment of a zoning regulation which would permit nonagricultural farm events (20)per year. He noted that this is a resubmission of an earlier application. The applicants goal is to have up to 20 events at their farm, which would supplement their income. He then reviewed the hours of operation, lighting, parking and sound issues. He noted he had letters of support from some of the neighbors as well as a petition of support which he submitted

H. Smith then reviewed the staff report and asked the applicant a few questions.

The Commission discussed the items listed above.

## **PUBLIC INPUT:**

1. Ray Ingraham-(RTM member) he noted he lives in an area that has a lot of activity. He noted the Commission must go thru the process and ask the necessary questions and the Commission will come up with a plan for the applicant, which the applicant may not like all aspects of it but certain things you have to live with. He asked both parties to continue to work together.
2. Steve Mazzacane-(Branford Seven) said he thought the 20 events per year seemed insane. If something is approved for the property, there is no difference in the number of events. He asked about perhaps having a 2 year time frame for events and see how that works. It would give some level of accountability. He then asked if this was the creation of a new amendment or is it an approval for this property.
3. Janet Reisman-(699 East Main St) She is in support of the application. This will allow farms to find additional revenue to stay alive. She spoke of her farm and had a few suggestions which she highlighted. She also said she endorses this because it is in line with the POCD as well. She said she hopes to present a proposal to the Commission in the near future as well. She distributed her letter to the Commission.
4. Susan Nuzzo(sister-in-law) she supports this application and the Nuzzo's .She spoke of the charity events that have been held at the farm and all the Nuzzo's have done to improve the property and all they have done for the town. She noted these events would be a benefit to the town as it would draw people into town and benefit local businesses.
5. Kate Galambos- She expressed her support to the Commission for taking a careful thoughtful look at this application because it would be applicable to all the farms in

Branford. As Janet Reisman suggested there is a huge possible benefit for Branford but the regulation has to be carefully crafted.

6. Amy Florio (employee of Abc Sealers) noted the Nuzzo's ideas for events may be smaller weddings, class reunions, perhaps a program working with inner city kids. It's not drinking and music events that are planned.
7. Dillon Jones- He supports this application. He spoke of all the work Tony Nuzzo put into the farm and he hopes this application will enable him to do what he's dreamed of doing since he acquired the farm.

Chairperson Andres noted there is a lot of public support for this application but some technical issues raised by the Town Planner need to be addressed. He suggested to Attorney Beatty that this application be continued to the next meeting and that he meet with the Town Planner to address these issues.. Attorney Beatty agreed to that.

**The Public Hearing was continued to the 7-25-19 meeting.**

2. Terri Mallory-Applicant & Owner  
240 Thimble Island Rd.  
Special Exception & CAM-Demolish & Rebuild Single Family Home  
**Application #19-6.2**  
**A/R 6/20/19 & PH set for 7/11/19**

**The Commission opened the Public Hearing and continued it to the 7-25-19 meeting at Fire Headquarters (45 North Main St.) since this application will go before the Stony Creek Architectural Review Board on 7-17-19.**

3. API-Sycamore, LLC, c/o Victor Cassella-Applicant & Owner  
8 Sycamore Way  
Special Exception-Warehouse  
**Application #19-6.3**  
**A/R 6/20/19 & PH set for 7/11/19**

J. Pretti (Criscuolo Engineering) represented the applicant. Also present were Architect Tony Terry, Attorney Jim Perito, Victor Cassella and Steve Mansfield (Munger Construction). He reviewed the application explaining this building will be a warehouse for American Polyfilm Inc. There will be a small number of employees (2-5 as needed).

He then highlighted the landscaping, lighting, parking and drainage/grading.

Attorney Jim Perito (Holloran & Sage)-representing the applicant said he sent a letter to the Board of Selectman requesting a license to put the paved driveway and grass into the adjoining paper street owned by the Town and maintain the area shown on the plan. The Board of Selectman approved his request at the June 5 meeting and they referred it to the RTM. The RTM then referred it to their Admin Services Committee on June 9 and they approved it. It will now go to the full RTM Board on July 24. He was hopeful that it will be approved then and the license will be issued. He

has worked with Attorney Aniskovich on the document. They are asking for the PZ approval, even with a possible condition stating “subject to the final approval of the RTM and final approval of the license agreement by town counsel”.

Tony Terry (Terry Architecture) spoke next and noted the design of this building complements their main corporate office building. He then reviewed the architectural drawings.

R. Stoecker reviewed the staff report.

**PUBLIC INPUT:**

1. Kate Galambos-She asked about the condition of the land where there is no parking, stating she supports, if it's possible to leave the land as it is, rather than turn it into lawn area.
2. Janet Reisman- (699 East Main St) she asked if the trees in the front of the property will remain and also questioned the height of the building.

**Chairperson Andres closed the Public Hearing.**

**4. WITHDRAWN**

John Petrosky-Applicant & Owner  
East Crib Island  
Special Exception-Renovation of existing generator building  
**Application #19-6.4**  
**A/R 6/20/19 & PH set for 7/11/19----**

**MINUTES: 6/06/19 & 6/13/19 Meetings**

**J. Vaiuso made a motion to approve the June 6 meeting minutes.**

**J. Lust seconded the motion which passed unanimously.**

**J. Lust made a motion to approve the June 13 meeting minutes.**

**M. Palluzzi seconded the motion which passed unanimously.**

**CORRESPONDENCE:**

1. A notice of tentative determination to approve structures, dredging & fill issued to Yale University for work on the dock on Horse Island. They may come in this fall before the Commission for additional work on the island.
2. An email was received from Jim Finch (Finance Director – Town of Branford). In the email he advised the Commission of the approval of the Coastal Resiliency Fund which he acknowledged was spurred by the public meetings etc., held as part of the Plan of Conservation & Development update process. He stated he believes this is how government is supposed to work. He acknowledged the input from the Planning & Zoning Commission.

**RETURN TO TABLE:**

1. API-Sycamore, LLC, c/o Victor Cassella-Applicant & Owner  
8 Sycamore Way  
Special Exception-Warehouse  
**Application #19-6.3**  
**A/R 6/20/19 & PH set for 7/11/19**

**J. Chadwick made a motion to approve the application with the Finding and Conditions listed below:**

FINDING:

The Commission finds that a reduction of up to 25 parking spaces the installation of which is approved for deferral will adequately serve the proposed development with the following conditions:

CONDITIONS:

- 1) Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) Prior to the issuance of a zoning permit or the authorization for the issuance of a building permit, the following Site Plan revisions shall be addressed to the satisfaction of the Town Planner or other staff of the Planning and Zoning Commission as may be indicated:
  - a) Show the correct gradient along the west side drive near the office. The gradient shown is 10 % looks to be in error. (Sheet 2 of 5)
  - b) Drainage structures and/or grading revisions shall be added to the satisfaction of the Town Engineer to capture the minimal amount of parking/driveway drainage from the northwestern summit to Sycamore Way. (Sheet 2 of 5)
  - c) The proposed storm sewer and structures within the alternate drive at Sycamore Way shall be reconfigured to allow for a future roadway. Storm manholes and main conveyance pipes shall be located outside of a centered roadway alignment and associated radii. All changes to the Site Plan to address these conditions shall be made to the satisfaction of the Town Engineer.
  - d) Provide side and rear landscape strips on the Landscape Plan (LS-1) of at least 5 feet wide including the identification of (size & species) of any trees and shrubs to be retained.
  - e) Identify any significant trees left along the property line of the cleared lot and measures for their protection based on the recommendations of a Connecticut licensed arborist. Identify the trees that cannot be preserved and are proposed for removal.
  - f) Provide documentation of WPCA approval of the connection of the building to the Town sanitary sewer system.

- g) Provide a note stating that the property owner agrees that they are obligated to install eight (8) remaining parking spaces within six (6) months after the date of any request by the Commission per Section 6.5.J – Deferral of Immediate Installation.
  - h) Any further revision to document the designation of up to 20 parking spaces which are approved for deferral of immediate installation.
  - i) Adjustments to the Site Plans (including landscaping) to accommodate the final layout of the parking spaces to be paved and the final driveway locations.
- 3) To ensure continued compliance with the Zoning Regulations, landscaping must be maintained as an on-going requirement of this approval to ensure survival of all required landscaping shown on the approved plan. If the landscaping element does not survive or is irreparably damaged, it must be replaced in kind.
  - 4) No additional signage or lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate.
  - 5) Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.
  - 6) 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 no greater than 3000 Kelvin (K). The proposed 20' high mounting height for the round exterior light poles shall be reduced to 16 foot height poles meeting safety and security needs while reducing glare. Cut sheets need to be submitted for the different type of fixtures to be installed including information (maker & model number, mounting height, lumens generated, Dark Sky and IES full cut-off compliance.
  - 7) Both Grading and Drainage Plans prepared by Criscuolo Engineering are approved as alternatives with the preferred plan to be the Alternate Grading and Drainage Plan – (Criscuolo Engineering – Alternate Grading and Drainage Plan 2A of 5).
  - 8) To ensure compliance with the Zoning Regulations (Section 6.5.J) the applicant shall file with the Commission an executed agreement of form and content approved by the Town Counsel obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so.

**J. Lust seconded this motion which passed unanimously.**

**NEW BUSINESS:**

- 1. Attorney Bernard Pellegrino-Applicant

26 Cherry Hill Rd. c/o John Mancini-Owner  
26 Cherry Hill Road  
ReSubdivision - (Request for a 90 day extension to file Mylar)

H. Smith said the 90 day time period for the Mylar to be signed and filed is almost up and the Applicant is requesting a 90 day extension.

**M. Palluzzi made a motion to grant a 90 day extension to file the Mylar for 26 Cherry Hill Road.**

**J. Vaiuso seconded the motion which passed unanimously.**

2. Anthony J. & Linda Milici-Applicants & Owners  
58 Seaview Avenue  
Coastal Site Plan-Seawall Modification  
**Application #19-6.5**  
**A/R 7/3**

Stan Novak-(BL Companies) represented the applicant and explained this is an seawall existing since 1930's. This application involves the addition of granite blocks to the top of the existing wall. The work was done without a Certificate of Permission from DEEP and then DEEP sent a noncompliance notice to the applicant. The applicants are now obtaining the necessary approvals. Stan then went into some detail regarding the wall and the work in detail.

R. Stocker reviewed the Staff Report.

**M. Palluzzi made a motion to approve the application with the Finding and Conditions listed below:**

FINDING:

1. The Coastal Site Plan is consistent with the goals 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.

CONDITION:

1. The following shall be addressed to the satisfaction of the Town of Branford Zoning Enforcement Officer.
  - a) Submittal of documentation proving that CT DEEP approval and a Certificate of Permission(COP) has been issued for the seawall modification.
  - b) All conditions of previous approvals shall remain in full force and effect as they may apply.

**J. Chadwick seconded the motion which passed unanimously.**

3. Peter Woerner-Applicant & Owner  
690 Leetes Island Road  
Subdivision & Coastal Site Plan  
**Application #19-6.6**  
**A/R 7/3**

J. Pretti (Criscuolo Engineering) represented the applicant. The applicant was also present. He reviewed the application explaining the proposal is to split the lot into two single family home lots. The applicant has obtained the necessary approvals.

R. Stoecker reviewed the Staff Report.

The applicant, Mr. Woerner also briefly spoke about how he plans to disturb the property as little as possible as he builds a house on the new lot.

**M. Palluzzi made a motion to approve the application with the Finding and Conditions listed below:**

FINDING :

1. The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates as conditions or modifications all reasonable measures to mitigate adverse impacts on coastal resources and any future water dependent activities.

CONDITIONS:

1. Prior to the start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.

2. Section 6.01, Record Subdivision Map: The following items shall be added to the Record Subdivision Map prior to the recording of the Record Subdivision Map:

- a) A signature block as required per Section 6.02.B stating "Final Approval/No Financial Guarantee Provided".
- b) Show all lot markers required by Section 6.08.B of the Branford Subdivision regulations.
- c) 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.8- 25 (b).
- d) Provide a 25 foot site triangle illustration for the driveway intersection with Leetes Island Rd. per Sect. 6.12 – Driveways of the zoning regulations.
- e) Illustration of turnaround in the driveway to the satisfaction of the Fire Marshall.

3. A Fee-In Lieu of Open Space payment or open space dedication of 10% of the total area of the subdivision is required prior to recording of the Record Subdivision Map. The procedure for determining the amount of the fee in lieu payment shall be in



accordance with Section 8-25 of the Connecticut General Statutes. The required appraisal shall be performed by a Connecticut-licensed appraiser who has been certified as a member of the Appraisal Institute (MAI). The appraiser must also be jointly selected with the Planning and Zoning Commission. The Planning and Zoning Commission shall review and approve the appraisal report.

4. The storm drainage system shall be determined at the time of the final house design.
5. The Final Erosion and Sedimentation Plans are to be approved by the Zoning Enforcement Officer.
6. Underground utilities are required unless waived by the Commission.
7. 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.
8. Such plans shall be filed in the Town Clerk's office within ninety (90) days of the expiration of the appeal period under CGS Section 8-8 in the case of an appeal, within ninety (90) days of the termination of such appeal by dismissal, withdrawal or judgement in favor of the sub divider.

Peter Woerner (Applicant & Architect) spoke briefly saying he had an infinity for demanding sites. He said he also avoids any type of blasting so the sites maintain their landscaping integrity and he likes to leave the trees in place.

**J. Lust seconded the motion which passed unanimously.**

4. Joshua Onofrio c/o Total Estates-Applicant & Owner  
119 Cedar Street  
Special Exception Modification- Commercial/Residential  
Renovation  
**Application #19-6.7, PH WAIVER REQUESTED**  
**A/R 7/3**

**This is continued to the 7-25 meeting**

**J. Vaiuso made a motion to waive the Public Hearing.**

**J. Chadwick seconded the motion which passed unanimously.**

5. Paul Mongillo, c/o Second Winds Development—Applicant & Owner  
34 Thimble Farms Road  
Coastal Site Plan-New Single Family Residence  
**Application #19-6.8**  
**A/R 7/3**

J. Pretti-(Criscuolo Engineering) represented the applicant explaining the application proposes the construction of a four bedroom single family residence.

R. Stoecker reviewed the Staff Report.

**J. Lust made a motion to approve the application with the Finding that the Coastal Site Plan is consistent with the goals 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.**

**M. Palluzzi seconded the motion which passed unanimously.**

6. Branford C&D Real Estate Holdings, LLC,  
c/o Joseph DeSarbo-Applicant & Owner  
50 East Industrial Road  
Special Exception Modification-Wholesale Food Distributor  
**Application #19-6.9, PH WAIVER REQUESTED**  
**A/R 7/3**

**J. Chadwick made a motion to waive the Public Hearing.**

**J. Lust seconded the motion which passed unanimously.**

Todd Anderson-(Anderson Associates) represented the applicant and reviewed the drainage improvements.

H. Smith reviewed the conditions of approval.

**M. Palluzzi made a motion to approve the application with the conditions listed below:**

1. All conditions of previous approvals shall remain in full force and effect as they may still apply.
2. Prior to the issuance of a zoning permit or the authorization for the issuance of a building permit, the following Site Plan revisions shall be made to the satisfaction of the indicated town staff:
  - a) Any adjustment to the proposed stormwater design to address comments/concerns of the Town Engineer to his satisfaction.
  - b) Any adjustments to the Site Plan to maintain the previously approved or allowed impervious surface ratio to the satisfaction of the Town Planner.

**J. Lust seconded the motion which passed unanimously.**

7. Northeast Foods, LLC- Applicant  
JF Branford Properties- Owner  
880 West Main Street  
Special Exception Modification-Modified Landscaping  
**Application #19-7.1**  
**To be A/R**

**This item was Tabled to the 7-25 meeting**

8. Town of Branford-Applicant & Owner  
30-48 Church Street  
Special Exception Modification- Community Center  
**Application #19-7.2**  
**To be A/R, Public Hearing waiver requested**

**J. Vaiuso made a motion to waive the Public Hearing.**  
**J. Chadwick seconded the motion which passed unanimously.**

H. Smith stated these changes are to: landscaping, building elevation, screening, and the relocation of the multi-purpose path.

**This item was Tabled to the 7-25-19 meeting.**

**OTHER BUSINESS: (REMAINDER)**

**2. DISCUSSION – Possible MAIN STREETS OVERLAY DISTRICT**

H. Smith explained that this idea started with a request by Asiago restaurant. They want to expand their building but cannot meet the current parking requirements to address this request along the “Main Streets” of the Town Center area ( Main St. – Kirkham to Chestnut and Main /St. to South Main St. )An overlay zone would be needed to allow new relief/requirements that would apply to that area. This would give an exception to the parking regulations to non-passive uses (retail and restaurant). He reviewed the different zones in the downtown area. He also spoke of a relatively new concepts of live/work and maker spaces. Another idea was possibly regulating the signage in the store fronts and possible coverage limitations .A separation distance requirement (1,000 ft.) for office uses was also mentioned as a possible revision, as well as connected parking behind buildings to provide more efficient parking.

He spoke of a potential change to Section 9.6B in the regulations that would allow staff to make minor changes to approve Site Plans and Site Plan portions of Special Exceptions.

He suggested the Commission give it some thought and it will be discussed more at a future meeting.

The Commission had a brief discussion and agreed that the parking issues should be addressed concerning retail and restaurant uses. The Commission stated they did not support additional regulations addressing window signs or the requirement for the separation distance between office uses at this time.

3. **117-125 Thimble Islands Road - Request for Determination of division of property as not constituting a Subdivision – Section 1.04.B**

H. Smith highlighted the site plan for the Commission. This proposal is to divide the property as a free split. The Property owner is requesting a determination that the lot division does not constitute a subdivision. H. Smith briefly reviewed information he had been provided regarding the history of the property and its configuration at the time of the adoption of Subdivision Regulations on June 16, 1954.

The Commission discussed this briefly and determined this does not constitute a Subdivision.

**J. Chadwick made a motion that this lot does not constitute a Subdivision.  
J. Lust seconded the motion which passed unanimously.**

4. Bond Release - 657-697 Main Street

**J. Vaiuso made a motion to release the bond.  
J. Lust seconded the motion which passed unanimously.**

5. Bond Release - 9 Autumn Ridge

**J. Lust made a motion to release the bond.  
J. Vaiuso seconded the motion which passed unanimously.**

6. Bond Establishment - 191 Pawson Road

**J. Lust made a motion to establish this bond.  
J. Chadwick seconded the motion which passed unanimously.**

7. Planner's Report

H. Smith said money was added to the First Selectmen's budget to enable Branford Community Television to tape future Planning & Zoning meetings at the Fire House starting with the July 25 meeting.

The meeting adjourned at 10 pm.