



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY JULY 20, 2023

This meeting was held remotely, solely via ZOOM.

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

Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner), M. Martin (clerk)

F. Russo reviewed the meeting format.  
H. Smith read the public hearing notice into the record.  
E. Breining explained the different ways to participate in the public hearing.

H. Smith said we received a referral regarding the application for the fueling facility at 39-49 North Main Street from First Selectman Cosgrove. It is a CGS-824 referral and he suggested adding the item to the agenda under new business and possible taking this item up with the Special Exception application for the same address.

### PUBLIC HEARINGS:

1. Joseph Tammaro – Applicant and Owner  
245 (formerly lot between 233 & 249) East Main Street  
Special Exception Modification - Multi-Unit Residential Building  
**Application #23-4.4**  
**A/R 4/20/23 & PH opened 5/18/23 & continued to 7/20/23 with Time Extension**

J. Pretti (Criscuolo Engineering) represented the applicant and explained when this item was originally approved, there was no address assigned by the assessor yet, but it has since been assigned the number 245 East Main St.  
This application is for some minor changes to the front of the building as well as minor changes to the grading. He reviewed the site plan and changes proposed.

H. Smith noted we received new plans very recently and he has no updated staff report yet. However, we have a special meeting planned for next week, (July 27) and he suggested we continue this item to that time and he will have a staff recommendation at that time. He commented on J. Pretti's presentation.

The commissioners made a few comments.

PUBLIC INPUT: No one spoke.

**F. Russo noted this item is continued to the meeting on July 27 at 7pm via zoom.**

2. 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 9/7/23 with time extension**

3. Anthony Capasso-Applicant

Walter Maguire Jr. - Owner

66, 76-82 Totoket Rd. & 0 Tweed Road (Pine Orchard)

Re-subdivision to create four new lots from three existing properties located at 66, 76-82 Totoket Road & 0 Tweed Road & Coastal Site Plan

**Application #23-4.8**

**A/R 4/20/23 & PH opened 6/15/23 & continued to 7/20/23**

Attorney Tim Lee represented the applicant who is under contract to purchase these properties. Jim Gallagan also representing the applicant was present. He noted they had previously made a presentation at the June PZ meeting. The applicant proposes to make a four lot subdivision, with a house for himself and one for each of his 3 sons (a family compound).

He then addressed some of the concerns that were raised from the Town Planners memo.

Jim Gallagan reviewed the changes made to the grading and landscaping. He noted that revised plans were submitted 7-6-23.

Nick Mclay displayed the site plans.

Attorney Lee stated they would meet with the Town Engineer before the next meeting to discuss his concerns.

E. Breining did not have a complete staff report but made a few comments.

H. Smith made a few comments.

Attorney Amy Blume (representing the abutter) spoke and noted that their Engineer Michael Ott was also present. She asked about the status of the coastal site plan. Jim Gallagan stated that the CAM was submitted.

Michael Ott (LPE and Surveyor) said they submitted an engineering letter on June 15 and then submitted a second letter today. He received revised information from E. Breining on July 11. He felt there were just 2 remaining issues that were not addressed yet. He reviewed them.

Attorney Blume spoke of the blasting planned for this project and the lack of information about this as well as the tree issue.

**PUBLIC INPUT:**

1. William Tweed (neighbor) – He is concerned for the wildlife that lives on these parcels, noting that there is a box turtle that is on the endangered list. He is also concerned about blasting as well as the tree canopy.

**Attorney Lee asked that this item be continued to the Special Meeting on July 27, 2023.**

**F. Russo repeated that this item is continued to the July 27 special meeting.**

Before the next item was discussed, H. Smith suggested adding a recently received 8-24 referral for the above ground fueling facility at Branford Fire Headquarters from First Selectman Jaime Cosgrove under New Business (item # 2). That is the subject of Application #PZ 23-6.1.

He suggested discussing the Special Exception Modification first, then the 8-24 Referral.

4. John M. Hoefflerle, PE, CFM (Town Engineer)-Applicant  
Town of Branford c/o James B. Cosgrove (First Selectman)-Owner  
39-49 North Main Street  
Special Exception Modification – To add a municipal above ground fueling facility and Special Exceptions for associated grading changes per Section 6.8 and an oversized accessory structure per Section 3.8.B are also requested.  
**Application # 23-6.1**  
**A/R 6/1/23 & PH opened 6/15/23 & continued to 7/20/23**

John Hoefflerle – (Town Engineer) spoke representing the town. He explained that there is a 10,000 gallon underground fuel tank currently at the Police Station. The tank has a limited lifetime and will expire about 2025. They have been looking for a new location for a new tank for over a year now. He mentioned the locations that have been considered. There is room at the fire headquarters. This would be a split tank for 8000 gallons (4000 gallons of diesel & 4000 gallons of gasoline). He reviewed the specs of the tank and safety issues.

Chief Mahoney- He agreed with the town engineer. The current tank is not safe at the police dept. and needs to be replaced. He felt that this is a good project. This location would be much more convenient for many of the vehicles to refuel.

H. Smith reviewed the site plan and staff report.

**PUBLIC INPUT:**

1. Thomas Carvin (Hopkins Ct) - He has concerns: he also sent an email. Lots of traffic in that area now, it's a densely packed area. He spoke of the increase in traffic this will cause, the noise, smell from the gas station, grading. etc.

John Hoefflerle addressed some of his issues.

**F. Russo closed the public hearing for the special exception application. He then noted that we are going to take up new business #2. The CGs 824 referral.**

5. **Business Park Realty LLC, c/o Al Secondino-Applicant & Owner**  
31-33 Business Park Drive  
Special Exception- Building Addition & Parking modification  
**Application #23-6.2**  
**A/R & PH set for 7/20/23**

J. Pretti (Criscuolo Engineering) represented the applicant (Al Secondino) who was also present at the meeting. He reviewed the site plan and colored drawings and explained this application is for a single story addition between the two existing buildings for storage.

Al Secondino briefly spoke.

E. Breining reviewed the staff report.

H. Smith noted that there may be a condition put on the approval regarding the drainage line.

PUBLIC INPUT:

1. Perry Maresca- he is said this is very important. It's not a big ask to reduce the parking for a few spaces only, it should not be an issue. Biotech business are important to the town. It would be a benefit to approve this.

**F. Russo closed the public hearing.**

**MINUTES: 7/6/23**

**J. Chadwick made a motion to approve the minutes.**

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

M. Palluzzi abstained since she was absent.

**RETURN TO TABLE:**

1. John M. Hoeffler, PE, CFM (Town Engineer)-Applicant  
Town of Branford c/o James B. Cosgrove (First Selectman)-Owner  
39-49 North Main Street  
Special Exception Modification – To add a municipal above ground fueling facility and Special Exceptions for associated grading changes per Section 6.8 and an oversized accessory structure per Section 3.8.B are also requested.  
**Application # 23-6.1**  
**A/R 6/1/23 & PH opened 6/15/23 & continued to 7/20/23**

H. Smith reviewed the finding and conditions for approval.

**J. Chadwick made a motion to approve the application as presented with the conditions and findings below:**

Finding:

1. The Commission finds that, with appropriate conditions and modifications as provided below, the criteria of Section 9.8 are addressed with respect to the application for Special Exceptions for:
  - a. Special Exception Modification – Addition of a Fueling Facility to an existing Municipal Facility (Fire Station)
  - b. Special Exception - Grading within 100' of an Inland Wetland (Section 6.8)
  - c. Special Exception – Oversized Accessory Structure (Section 3.8.B.5)

Conditions:

1. Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a Building Permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
  - a. Provide stamped/sealed and signed copies of the most recently submitted plans.
  - b. Relocate the existing bicycle rack to an appropriate location on-site or add the relocation of the rack to such an appropriate location to the site plans.

- c. Submit documentation regarding the final choice of ordering options for the soffit mounted canopy light fixture (Scottsdale Legacy LED Canopy Luminaire - CRUS) to include a "lumen package" that creates no more than twenty (20) foot-candles of light (**and the minimum with safe use of the facility**) under the canopy with a (Correlated) Color Temperature of no more than 3,000 degrees Kelvin.
  - d. *(Should the Commission decide additional landscaping is necessary to between the fueling facility and the residential property to the south, staff suggests the following) The plans shall be amended to include additional landscaping such as three serviceberry shrubs to replace the previously approved landscaping (three spruce trees) in the area between the proposed fueling facility and the adjoining residential property located south of it.*
2. Prior to any construction activity on the Property evidence shall be submitted to the satisfaction of the Zoning Enforcement Officer that the soil and erosion controls shown on the plan have been installed.
3. 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.
4. **If technically possible and not in conflict with any other requirement, code, or regulation; the lighting shall be set up to be activated through a motion detection sensor or dimmed to be only fully activated by such a sensor.**

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

2. **Business Park Realty LLC, c/o Al Secondino-Applicant & Owner**  
31-33 Business Park Drive  
Special Exception- Building Addition & Parking modification  
**Application #23-6.2**  
**A/R & PH set for 7/20/23**

**J. Vaiuso made a motion to approve the application with the Findings and Conditions below:**

**FINDINGS:**

1. Modification of the Parking Requirements per section 6.5.1.1 to the 227 spaces proposed 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. 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 or his designee:

- a. The site plan shall be revised to show a ~~stockpile~~ and erosion control measures for the drainage basin west of the proposed addition and the drainage basin proposed to be relocated east of the proposed addition.
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. Erosion control measure shall be installed and maintained throughout construction.
3. The manufacturer's recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System 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 every two years following the issuance of final Certificate of Occupancy to the Zoning Enforcement officer.
4. 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.
5. 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.
6. The existing drainage line under the proposed addition shall be inspected as may be requested by the Town engineer and any needed maintenance completed to their satisfaction.

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

**M. Liguori is seated for C. Andres which is absent.**

**CORRESPONDENCE: None**

**OLD BUSINESS:**

1. 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 set for 9/7/23**
2. 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 set for 9/7/23**
3. 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 set for 9/7/23**
4. Thomas Briggs- Applicant & Owner  
67 North Branford Rd.  
Special Exception-Indoor Recreation  
**Application #23-6.6**  
**A/R 7/6/23 & PH set for 7/27/23**
5. 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 to be set**

Staff will set public hearing date.

**NEW BUSINESS:**

1. 9 Elm Street, LLC c/o Kevin O' Neill -Applicant & Owner  
9 Elm Street  
Special Exception-Parking & Storm water Maintenance Improvements & Grading  
(Sec 6.8) for an Auto Repair Facility  
**Application #23-7.3**  
**To be A/R & PH to be set**
2. **J. Chadwick made a motion to add the CGS- 8-24 referral for 39-49 North Main St-(above ground fueling facility) to the agenda.**  
**J. Vaiuso seconded the motion which passed unanimously.**

H. Smith displayed the CGS -824 referral letter and read it aloud. This referral is provided by state statute. He explained that if the commission provides a positive

report for this then the project proceeds but if they send a negative report, then that requires a supermajority vote from the body that decides this.

**J. Vaiuso made a motion to send a positive 8-24 referral for this**  
**M. Palluzzi seconded the motion which passed unanimously.**

**OTHER BUSINESS:**

1. CGS 8-24 Referral- 32 Acorn Road

H. Smith noted we received letter from the First Selectman regarding this. Chief Mahoney spoke and explained they had a building that had previously had some remediation issues, and the town took it in a tax foreclosure. Chief Mahoney noted that they have been looking for a property to house a fire station on the east side of town and this property is now owned by the town. The remediation is now complete and has been approved by the DEEP. The engineering dept. has done a preliminary sketch of the property using the Indian Neck Firehouse as a sample, but this building would be slightly larger than Indian Neck. First Selectman Cosgrove suggested this CGS 8-24 be reviewed by the Planning & Zoning Commission since it will be reviewed by the RTM next.

**J. Vaiuso made a motion to send a positive report for this 8-24 referral.**  
**J. Chadwick seconded the motion which passed unanimously.**

2. Financial Guarantee (Bond) Establishment – 18-19 Etzel Road

**M. Palluzzi made a motion to approve the establishment of the bond.**  
**J. Chadwick seconded the motion which passed unanimously.**

3. Financial Guarantee (Bond) Establishment- 175 Cherry Hill Road Subdivision per Section 6.02.C of the Subdivision Regulations

H. Smith reviewed his report and referred to the zoning regulations.

**M. Palluzzi made a motion to establish the bond as stated by H. Smith.**  
**J. Chadwick seconded the motion which passed unanimously.**

4. Planners Report

We will have a special meeting next week on July 27, 2023.

He will be working on the landscape regulations over the summer as well as other zoning regs (Sec. 6.8).

The meeting adjourned at 9:40 pm