



# PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405  
Tel: (203) 488 - 1255, Fax: (203) 315 - 2188

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

Commissioners Present: J. Lust, F. Russo, C. Andres, M. Palluzzi, J. Vaiuso,  
J. Chadwick, M. Liguori

Commissioners Absent: P. Higgins

Staff Present: H. Smith- Town Planner, E. Breining- Asst. Town Planner,  
M. Martin- Clerk

Chairperson Andres introduced the Commission and staff present.

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

Chairperson Andres then reviewed the Public Hearing procedures.

### PUBLIC HEARINGS:

1. 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 to 10/21/21**
2. 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 to 10/21/21**
3. 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 10/7/21**

H. Smith stated the applicant requested this item be continued to the 10/21/21 meeting.

The applicant offered a time extension which the commission accepted

4. Peter Kusterer-Applicant & Owner  
3 Three Elms Road  
Special Exception Modification - Alter conditions of a previous Special Exception Approval for the construction of an oversized accessory structure (Barn)  
**Application #21-9.4**  
**A/R 9/16/21 & PH set for 10/7/21**

Peter Mustered (Applicant) spoke and displayed a site plan. He would like to make some minor changes to the past approval. He spoke of the list of the conditions from the past approval. He noted he can't have landscaping on all sides of the barn since the other sides of the barn have doors so landscaping is not feasible. He has landscaped the front.

He talked of the placement of the boats for storage on the parcel.

He then talked of guardrails in his parking lot and noted he does not want one.

He requested a slight relocation of the dumpster per the dumpster company's request.

He then talked of the plantings along the parking lot along thimble islands road; he is proposing a low cut year round plant with river stones in between noting they won't wash away with heavy rain.

Next he spoke of the underground tanks to store rainwater and how the area is the septic field.

The agreement between his neighbor, Sam Morris was discussed briefly and Mr. Kusterer maintains the agreement is invalid.

H. Smith reviewed the staff report. He noted he needs to review the zba file more thoroughly.

The commission discussed the items.

Public Input:

1. Tim Lee-(Sam Morris attorney) He asked what Mr. Kusterer wants to accomplish. They are asking him to make a site plan with the changes he wants. He then spoke of the prior zba approval and how Mr. Morris objected to various conditions. Then they came together and came up with an agreement.  
Mr. Lee then spoke of some type of buffering between Mr. Morris property and Mr. Kusterer property.

Mr. Lee noted if Mr. Kusterer wants a modification to the prior approval then he should show what changes in circumstances occurred to support the changes.

He also stated that Mr. Kusterer should go back to the Zoning Board of Appeals for the modification of that approval.

2. David D'Atri-(4 Three Elms Rd)- He said he fully supports the proposed barn noting it's an excellent design. He felt the guard rail is not really necessary. He said moving the dumpster for easy access makes sense. He noted that regarding the underground storage, perhaps someone could do a runoff calculation for him to see if property can absorb the water. He said Mr. Kusterer has made an effort to improve the landscaping.
3. Barbara Chessler-(8 Three Elms Rd.)She said she doesn't understand why they are here at this meeting and said this could have been handled 2 years ago. She said this has been ongoing for 6 years now. The neighbors have been waiting for some action to be taken regarding the barn. She asked; if Mr. Kusterer never builds the barn, does he still have to follow the conditions of approval? She thinks this is a delay tactic. She noted that a boat has been on the street for 6 months or more.
4. Paul Cassella- (11 Three Elms Rd.)--He asked for clarification about the windows. He asked where is the boat storage going to be? Where is the path going to be? Also, is the apron going to be paved? He also felt the guardrail would be unsightly.
5. Barbra Chessler – (8 Three Elms Rd.)She said that the runoff after a heavy rain is significant. After it rains there is a pile of stones at end of his driveway.

Mr. Kusterer responded to some of the public comments.

**Chairperson Andres closed the Public Hearing.**

5. 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**  
**A/R 9/16/21 & PH set for 10/7/21**
6. Branford Summit Apartments LLC c/o Frank Vigliotti-  
Applicant & Owner  
5 & 13 Summit Place  
Special Exception-Multi-Family IHOD Development  
**Application #21-9.3**  
**A/R 9/16/21 & PH set for 10/7/21**
7. 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**

**A/R 9/16/21 & PH set for 10/7/21**

**H. Smith said the applicant's attorney has requested that the public hearings be opened and continued to the 10/21/21 meeting.**

**MINUTES: 9/16/2021**

H. Smith noted that two corrections need to be made under the public input section.

**J. Chadwick made a motion to approve the minutes with the corrections noted.  
J. Vaiuso seconded the motion which was approved unanimously.**

**CORRESPONDENCE:**

1. Swap out for new antenna cell tower located at 405 Brushy Plain Rd.
2. Swap out for new antenna cell tower located at 723 Leetes Island Road.
3. Notification from East Haven regarding an application for a Zoning Text Amendment. The Public Hearing was 10/6/21. If anyone wishes more information, contact H. Smith.

**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 to be set**

**Public Hearing date to be set by Chairperson and Staff.**

2. ALMR LLC, c/o David D'Atri- Applicant & Owner  
4 Three Elm Road  
Special Exception Modification-Multi Family Dwelling  
**Application #21-6.9**  
**A/ R on 7/1/21 & PH set for 10/21/21**

**NEW BUSINESS:**

1. Syed Sami-Applicant  
Oil Barons Inc. c/o Robert Hartmann-Owner  
49 Leetes Island Road  
Special Exception Modification – Expand Convenience Store  
**Application #21-9.6**  
**To be A/R & PH set for 10/21/21**

2. 13 Sycamore LLC, c/o Richard Michaud-  
Applicant & Owner  
13 Sycamore Way  
Site Plan- Research Lab & Office  
**Application #21-9.8**  
**To be A/R**

This application was recently received. It will be discussed at the 10/21/21 meeting.

3. Gary Fowler-Applicant & Owner  
61 Flax Mill Road  
Special Exception for Grading (Section 6.8) for a Single Family Home  
**Application #21-10.1**  
**To be A/R & PH to be set**

**Public Hearing date to be set by Chairperson and Staff.**

4. Anthony Loricco-Applicant & Owner  
18 Brookhills Road  
Special Exception for Grading (Section 6.8) for a new  
Septic System  
**Application #21-10.2**  
**To be A/R & PH to be set**

**Public Hearing date to be set by Chairperson and Staff.**

#### **OTHER BUSINESS:**

1. Opt-out of new State Statutory provisions (CGS Section 8-2/Public Act 21-29) regarding Accessory Apartment

**The Public Hearing is scheduled for 10/21/21.**

2. Planner's Report

1. H. Smith noted the Affordable Housing Committee had their first meeting and it went well. The next meeting is scheduled for 10/18/21. He named the committee members and J. Chadwick noted it is a robust group. H. Smith noted the outcome of his group is to have an affordable housing plan adopted by June 1, 2022.

*TOWN OF BRANFORD PLANNING AND ZONING COMMISSION*

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H. Smith noted there is a bond that needs to be added to the agenda. It is for landscaping at 77 Todds Hill Rd. in the amount of 850.00.

**J. Vaiuso made a motion to add the bond to the agenda.**

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

**J. Lust made a motion to establish the bond.**

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

The meeting adjourned at 9:09 p.m.