



# PLANNING AND ZONING COMMISSION

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**MINUTES- Revised**  
**PLANNING & ZONING COMMISSION**  
**THURSDAY SEPTEMBER 16, 2021**  
**REGULAR MEETING 8:00 P.M.**  
**BRANFORD FIRE HEADQUARTERS**  
**45 NORTH MAIN STREET**

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

Commissioners Absent: J. Lust, P. Higgins

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

The meeting started at 8 p.m.

Chairperson Andres introduced the commission and staff present

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

Chairperson Andres then reviewed the public hearing procedures.

## **PUBLIC HEARINGS:**

1. Syed Sami- Applicant  
Oil Barons Inc. c/o Robert Hartmann-Owner  
49 Leetes Island Road  
Special Exception Modification – Expand Convenience Store  
**Application #21-5.4**  
**A/R 5/20/21 & PH opened 7/15/21 & continued from 9/2/21**

**This item was continued to the 10/7/21 meeting.**

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 10/7/21**
3. 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**  
**A/R & PH opened and continued from 9/2/21**

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4. 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**  
**A/R & PH set for 9/16/21**

Application #21-7.4 and #21-9.1 were heard together.

Attorney Joseph Porto (Whitney Ave, Hamden CT) spoke and represented the owners (John & Rachel Brasile). He noted that the applicant (Nick Magnotta) was present along with Jim Pretti of Criscuolo Engineering. He highlighted the application and said they had received Inland Wetlands approval and Water Pollution Control Authority approval as well.

He explained this is a drive thru car wash and there will also be vacuums on site for customers to use.

J. Pretti reviewed the site plan.  
The commissioners asked a few questions.

E. Breining reviewed the staff report.

Nick Magnotta-(applicant) spoke next, saying he has been in this business his whole life and he has a car wash in Hamden. He spoke of full service car washes versus this type (express concept). At the entrance to the wash there is a kiosk where customers pay. Then they pull into the car wash. He said, the machinery does all the work. From start to finish, it's under three minutes per car.  
The commissioners asked a few questions.

### PUBLIC INPUT:

1. Tracy Boyle-(52 Lanphier Cove Camp)-She said she has been to Hamden car wash and it does get backed up at the machine you pay. When she heard the presentation and it stated 11 cars could be in the que, she didn't think that was nearly enough.
2. Ann Ostendarp- (57 North Main St.)- She noted that Branford has six car washes and East Haven has four. She's concerned about the inland wetlands nearby as well as the nearby brook. She spoke of the recent storms and asked, where would the water go? The ground can't absorb it that fast. She said this may not be the best location for this.
3. Ron Manning-He is the owner of the Branford Car Wash. He wanted to clarify a few things. He didn't think 11 cars in the que is a lot and he questioned whether they would wash 90 cars per day. What will happen if 22 cars show up? He gave a brief overview of a typical day in a car wash and the possible problems that can arise. He noted that cars will most likely back up on North Main St as well. He is concerned about the traffic blocking the first responders at the fire house.

**Chairperson Andres noted this item will be continued to the 10/21/21 Planning & Zoning Meeting.**

5. Robert Calderella-Applicant  
Pamela Everitt-Owner  
12 Sunrise Cove Camp  
Special Exception & Coastal Site Plan-  
Demo & Rebuild a Cottage  
**Application #21-7.5**  
**A/R & PH opened and continued from 9/2/21**

Jim Pretti (Criscuolo Engineering) spoke and noted that Bob Calderella (applicant) was present as well. He said the house will be moved back a few feet to accommodate the neighbors' concerns. The applicant also met with some of the neighbors the previous night and he thinks they accommodated some of their concerns.

Chairperson Andres noted he had previously asked if this was an expansion of a non-conformity and asked J. Pretti if he had a chance to look into this further.

J. Pretti said he does not think this constitutes an expansion.

Chairperson Andres verified with the applicant that if you enlarge the footprint of a house, does that enlarge the nonconformity?

Bob Calderella said no, the last three cottages that he has built and gone to the zba, they asked why they were before them. He noted that they are already non-conforming and they are not adding to the non-conformity.

PUBLIC INPUT:

1. Scott Mautte-(51 Lanphier Cove Camp) He said he was told originally that his view of the water would not be affected. He showed the commission photos on his cell which showed the view, explaining this new cottage would block his view. He is opposed to this project. H. Smith asked him to send us a copy of the photo for the file.
2. Katherine Learned- (50 & 53 Lanphier Cove Camp) - She wanted to make two points this evening. The first one is: What permissions have been granted for this? She finds it disconcerting. She was part of the meeting that took place the previous night and was told about a decision made by the Planning & Zoning Commission 15 years ago for a site plan for Sunrise Cove and the sites and footprints if they were to become permanent housing. She called the planning office and asked about the record of this and it wasn't readily available. It would be worthwhile to verify that this decision has been made.  
Her second point is that many things were discussed at the meeting last night and she requested that the items discussed are reflected in the site plan. She mentioned some of the items that were discussed. She understands that progress will be made and hopes that it can be made in a neighborly way.

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Bob Calderella said he submitted a new site plan to the PZ office today. J. Pretti (Criscuolo Engineering) highlighted the plan for the commission noting the house is moved 4 feet away from the water.

Bob Calderella said the Planning & Zoning Commission approved a special district for this area back in 1997. He also had letter from 1997 stating a PDD (Planned Development District) was approved.

H. Smith suggested continuing the Public Hearing so the Commission could review this information. **He then asked the applicant to grant a time extension, which he did and the commission accepted.**

### **MINUTES: 9/2/202**

**J. Chadwick made a motion to approve the meeting minutes as written.**

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

### **CORRESPONDENCE:**

1. A Proposal to amend a moratorium that was enacted by the town of North Branford. They want to modify the wording of the existing moratorium to be more specific in the reference to the statute regarding the different types of cannabis establishments.
2. A communication was received from Chairperson Andres and Secretary Palluzzi and the main idea of the email is that someone would like the commission to consider additional developments for the age 55 and over population.

As a side note, H. Smith said the Affordable Housing Committee should be having their kick off meeting the third week in October. This may be a topic for them to discuss and report back to the Planning & Zoning Commission.

3. A communication was received from the engineering firm for what is known as Beacon Estates which is a subdivision on Rose Hill Road. This is a 10 lot subdivision that was approved years ago. The open space was dedicated. Sewer lines were needed and a pumping station. The cost for this is making the development of the subdivision cost prohibitive. They are proposing a possible PDD for a 22 lot attached condo project. They would like to come in and discuss this with the commission. Chairperson Andres asked for H. Smith to look up the prior approvals for this.

### **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**

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2. Branford Summit Apartments LLC c/o Frank Vigliotti-  
Applicant & Owner  
5 & 13 Summit Place  
Zoning Map Amendment –  
Change Zoning from Commerce Park (CP) Zone to  
Incentive Housing Overlay Zone (IHOD) for a property at above address  
**Application #21-9.2**  
**A/R 9/2/21 & PH set for 10/7/21**
  
3. 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 9/2/21 & PH set for 10/7/21**
  
4. 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**

**NEW BUSINESS:**

1. 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**  
**To be A/R & PH set for 10/7/21**

**OTHER BUSINESS:**

1. Bond Establishment for 85 Todds Hill Road  
**M. Palluzzi made a motion to approve the bond establishment.**  
**J. Chadwick seconded the motion which passed unanimously.**
  
2. Bond Establishment for 135 Todds Hill Rd  
**M. Palluzzi made a motion to approve the bond establishment.**  
**F. Russo seconded the motion which passed unanimously.**
  
3. Planner's Report
  
1. H. Smith spoke of the Accessory dwelling units' provision in one of the bills that were  
just passed in the recent legislative session. We have to follow the statute unless  
the commission decides to opt out thru the process that is explained in the statute.

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He distributed information to the commission. He read from the statute that explained how to opt out. He asked the commission if he should set up a public hearing to begin the process. The Commission agreed they wanted to opt out and asked H. Smith to set up public hearing.

**J. Chadwick made a motion to authorize H. Smith to set up a public hearing so the commission can opt out of the statute.**

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

H. Smith noted there was a similar statute but it relates to parking. There is a section of state law now that mandates a municipality to require certain parking spaces for different housing (studio, one or two bedroom etc). There is also an option to opt out. There is no time limit to opt out.

H. Smith then spoke of another item in the current legislation and he noted that currently, there is a section in the town ordinance that allows the commission to require an applicant to pay the cost of a peer review of a traffic study. H. Smith spoke of the Cherry Hill Road project and noted if the Commission had the ability to charge the applicant for a professional review we may have had more information regarding the rock slope. The developer may now require a variance for the project to move forward. He mentioned other recent projects as well. He stated the new provision in the statute that specifically allows municipalities by regulation to require applicants to pay the fee for any review by consultants for any technical aspect of an application. He gave the commission information regarding this. He will look into this further for more information.