



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY OCTOBER 17, 2024 REGULAR MEETING 7:00

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres (Chair), J. Chadwick, J. Vaiuso, M. Palluzzi,  
Commissioners Absent: S. Hutner, M. Liguori  
F. Russo will be late .

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

Chairperson Andres introduced the commission and staff.  
H. Smith read the legal notice since Secretary F. Russo had not yet arrived.  
Chairperson Andres then reviewed the public hearing procedures.  
R. Breining reviewed hot to participate in the public hearings.

Chairperson Andres noted that there is a CGS 8-24 on the agenda and the Town Engineer has requested that the commission hear that matter first. The commission agreed.

### 1. CGS Section 8-24 Referral- Main Street/Town Green Reconstruction & Rehabilitation

The town Engineer (John Hoeffler) spoke noting this Main Street/Town Green rehab project will have a Significant impact and he wanted to make the commission aware. He gave a brief overview of the project and various issues that will need to be addressed. He said the street scape improvements will be paid by a state grant. He then went over the list of improvements that will be made as well as safety upgrades. He mentioned that the public had input in the issues as well since there were meetings and public outreach. He displayed a site plan and highlighted it. The commission asked a few questions

**J. Chadwick made a motion for a positive CGS 8-24 referral.**  
**M. Palluzzi seconded the motion which passed unanimously.**

Commissioner F. Russo joined the meeting at 7:30 pm.

### **PUBLIC HEARINGS:**

1. Premier 200 North Main Realty LLC c/o R. Alvine-  
Applicant & Owner  
200 & 206 North Main Street  
Special Exception- Automobile Service Facility  
**Application #24-8.4**  
**A/R 9/5/24 & PH opened 10/3/24 & continued to 11/7/24**

**This item is continued to the 11/7/24 meeting and will be heard with an additional special exception application.**

2. Faulkner Island Development LLC-Applicant  
Anthony J. Lasala (Trustee)-Owner  
1201 West Main Street  
Special Exception & Coastal Site Plan - Motor Vehicle Service  
**Application #24-5.4**  
**A/R 7/18/24 & PH opened 7/18/24 & continued to 10/17/24 with time extension—**  
**WITHDRAWN**

3. Faulkner Island Development, LLC-Applicant  
Anthony J. Lasala (Trustee)-Owner  
1201 West Main Street  
Special Exception- Grading (Sec 6.8) for Motor Vehicle Service  
**Application #24-7.4**  
**A/R & PH opened 7/18/24 and continued to 10/17/24 with time extension—**  
**WITHDRAWN**
  
4. A & R LLC c/o Aman Ulah-Applicant  
Fusco Branford Industrial c/o Louis R. Pepe-Owner  
5 East Industrial Road  
Special Exception- Gasoline filling Station & retail store above 3,000 sf  
**Application #24-8.2**  
**A/R & PH opened 9/5/24 and continued to 10/17/24**
  
5. A & R LLC c/o Aman Ulah-Applicant  
Fusco Branford Industrial c/o Louis R. Pepe-Owner  
5 East Industrial Road  
Special Exception- Restaurant (Fast food without a drive-thru window)  
**Application #24-9.5**  
**A/R 9-19-24 & PH set for 10/17/24**

Application #24-8.2 was heard with this item.

Attorney Sara Sharp represented the applicant and noted they have received the necessary variances. Also present were Gareth Wilson (BL Company) and Mike Dion (BL Company).

Gareth Wilson spoke first and reviewed the lighting plan , landscaping and site plan.

Then Mike Dion (Traffic Engineer) presented a PowerPoint for traffic information.

E. Breining reviewed the staff report.

Public Input: No one spoke

**Chairperson C. Andres closed the public hearing for both applications.**

6. Sonia Shannon-Applicant & Owner  
9 East Main Street  
Special Exception- Two Family Residential  
**Application #24-8.8**  
**A/R 9/5/24 & PH set for 10/17/24**

J. Pretti (Criscuolo Engineering) represented the applicant and reviewed the survey. The applicant is proposing to make a one family home into a two-family home. He displayed a photo and noted that this work is all inside the home.

E. Breining reviewed the staff report.

Public Input: No one spoke.

**Chairperson C. Andres closed the public hearing.**

7. Darren Capobianco-Applicant & Owner  
9 High Plains Road  
Special Exception- Grading (Sec. 6.8)  
**Application #24-9.6**  
**A/R 9/19/24 & PH set for 10/17/24**

The applicant spoke and explained this application was for grading .

E. Breining reviewed the staff report.

Public Input: No one spoke.

**Chairperson C. Andres closed the public hearing.**

8. North Branford Rd LLC & 23 North Main St LLC c/o Dan Iammuno-  
Applicant & Owner  
13 & 23 North Main Street  
Special Exception for an Autobody Repair  
**Application # 24-9.4**  
**A/R 9/19/24 & PH set for 10/17/24**

**This application will be heard on 11/7/24 with another Special Exception the applicant needed for a parking modification.**

**MINUTES:** Sept. 19, 2024, Oct. 3, 2024

**F. Russo made a motion to approve the minutes of Sept 19,2024.**

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

**J. Chadwick made a motion to approve Oct. 3, 2024 minutes.**

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

**CORRESPONDENCE:** None

**RETURN TO TABLE:**

9. A & R LLC c/o Aman Ulah-Applicant  
Fusco Branford Industrial c/o Louis R. Pepe-Owner  
5 East Industrial Road  
Special Exception- Gasoline filling Station & retail store above 3,000 sf  
**Application #24-8.2**  
**A/R & PH opened 9/5/24 and continued to 10/17/24**
10. A & R LLC c/o Aman Ulah-Applicant  
Fusco Branford Industrial c/o Louis R. Pepe-Owner  
5 East Industrial Road  
Special Exception- Restaurant (Fast food without a drive-thru window)  
**Application #24-9.5**  
**A/R 9-19-24 & PH set for 10/17/24**

**F. Russo made a motion to authorize widening the driveway entrance per the Town Engineer's recommendation.**

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

**M. Palluzzi made a motion to approve the applications with the Finding and Conditions Below:**

**FINDINGS:**

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per Section 9.8.F.

**CONDITIONS:**

1. Prior to the start of construction, the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
  - a. Erosion control measures shall be installed and maintained throughout construction.
2. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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.
3. 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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
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.

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

5. Sonia Shannon-Applicant & Owner  
9 East Main Street  
Special Exception- Two Family Residential  
**Application #24-8.8**  
**A/R 9/5/24 & PH set for 10/17/24**

**F. Russo made a motion to approve the application with the Findings and Conditions below:**

**FINDINGS:**

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per Section 9.8.F.

**CONDITIONS:**

1. 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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.

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

6. **Darren Capobianco-Applicant & Owner**  
9 High Plains Road  
Special Exception- Grading (Sec. 6.8)  
**Application #24-9.6**  
**A/R 9/19/24 & PH set for 10/17/24**

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

**FINDINGS:**

1. This approval exclusively applies to the already completed grading and clearance of vegetation on the property known as 9 High Plains Road (Map ID: F04/000002/00021) owned by the applicant, Darren Capobianco.

**CONDITIONS:**

1. 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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
2. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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 or after construction.

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

**OLD BUSINESS:**

1. Charles Watts-Applicant & Owner  
38 Howard Avenue  
Special Exception-Grading (Sec. 6.8) -Single Family Residence  
**Application #24-7.5**  
**A/R 7/18/24 & PH set for 11/21/24 with Time extension**

2. Matthew & Stephanie Milano-Applicants & Owners  
115 Thimble Islands Rd  
Special Exception Modification-Grading (Sec 6.8)  
Within 100 ft of a wetland for a single-family home  
**Application #24-9.2**  
**A/R 9/19/24 & Public Hearing requirement waived & Tabled to 10/17/24**

Evan gave a brief over view of the site plan and explained that this work was already done. the public hearing was waived at the last meeting. He then reviewed the staff report.

**F. Russo made a motion to approve the application with the findings and conditions below:**

**FINDINGS:**

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per Section 9.8.F.

**CONDITIONS:**

2. All conditions of the previous approvals shall remain in full force and effect as they may still apply.
3. 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 and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.

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

3. Phil Sullivan-Applicant & Owner  
6 Buena Vista Rd  
Special Exception-Accessory Structure  
**Application#24-9.7**  
**To be A/R & PH to be set**

**Staff will set the public hearing.**

4. Greg Ames- (Applicant ) in conjunction with the Stony Creek Architectural Review Board Zoning Regulation Amendment- To revise the total floor area requirements of Section 5.8.F  
**Application #24-8.3**  
**A/R 10/3/24 & PH set for 11/7/24**

**NEW BUSINESS:**

1. Melinda Formica-Applicant & Owner  
21 Burr Street  
Special Exception- Acc Structure (Garage)  
**Application #24-10.1**  
**To be A/R & PH to be set**

**Staff will set the public hearing.**

2. Premier 200 North Main Realty LLC c/o R. Alvine-  
Applicant & Owner  
200 & 206 North Main Street  
Special Exception- Grading (Sec. 6.8)  
**Application #24-10.2**  
**To be A/R & PH set for 11/7/24**

3. BC Investment Property LLC c/o  
Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Rd. (Lot 7)  
Special Exception Modification-Detention Basin  
**Application #24-10.3**  
**To be A/R & PH to be set**

The commission discussed this, and the consensus was to waive the public hearing.

**F. Russo made a motion to waive the public hearing.**

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

The commission decided to continue this item to the next meeting to make sure the Town Engineer's comments are addressed.

**This item is continued to the 11-7-24 meeting.**

4. BC Investment Property LLC **c/o**  
Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Rd. (Lot 11)  
Special Exception Modification- Pool  
**Application #24-10.4**  
**To be A/R & PH to be set**

Zach Georgina (Juliano Associates LLC) reviewed App#24-10.3 and this application. He first reviewed the site plan for the basin. This is for a modification. The Town Engineer had a few comments and the commission asked a few questions.

The commission discussed it and the consensus was to waive the public hearing.

**J. Chadwick made a motion to waive the public hearing.**

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

Zach Georgina explained this application is for a pool.

**F. Russo made a motion to approve the application.**

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

5. Madison Cassese-Applicant & Owner  
43 & 49 Summer Island Road  
Special Exception- Accessory Apartment  
**Application #24-10.5**  
**To be A/R & PH to be set**

**Staff will set the public hearing**

6. Faulkner Island Development LLC-Applicant  
Anthony Lasala (Trustee)- Owner  
1201 West Main Street  
Special Exception & Coastal Site Plan – Motor Vehicle Service  
**Application #24-10.6**  
**To be A/R & PH to be set**

**The public hearing is set for 11-7-24**

7. Faulkner Island Development LLC-Applicant  
Anthony Lasala (Trustee)- Owner  
1201 West Main Street  
Special Exception – Grading (Sec. 6.8)  
**Application #24-10.7**  
**To be A/R & PH to be set**

**The public hearing is set for 11-7-24**

8. North Branford Rd LLC & 23 North Main St LLC c/o Dan Iammuno-  
Applicant & Owner  
13 & 23 North Main Street  
Special Exception for an Autobody Repair  
**Application # 24-9.4**  
**A/R 9/19/24 & PH set for 10/17/24**

H Smith noted this application number is incorrect. It should be PZ#24-10.8 for a Special Exception for a parking modification. This will be heard with Application #24-9.4 at the 11-7-24 meeting.

**OTHER BUSINESS:**

2. CGS Section 8-24 Referral- Main Street/Town Green Reconstruction & Rehabilitation- **POSITIVE REPORT ADOPTED**
3. Subdivision Modification- 292 & 300 Leetes Island Road  
Doug Anderson spoke explaining this is a lot line revision of about 10 feet.  
E. Breining added a few comments.

**J. Vaiuso made a motion to approve the lot line revision.**  
**J. Chadwick seconded the motion which was approved unanimously.**

4. Planner's Report  
H. Smith noted there is an interpretation question of Section 6.03B of the Subdivision regulations which needs to be added to the agenda.

**F. Russo made a motion to add the item to the agenda.**  
**J. Chadwick seconded the motion which passed unanimously.**



H. Smith displayed section 6.03B of the subdivision regulations.

It pertains to the recording of the mylar, it notes any required easements for drainage, access, utility or other purposes in a form ready for execution be submitted before the mylar is filed.

However, it doesn't say the easements are only for drainage, access and utility to the town.

He noted ,in this particular case, the applicant is asking: what about easements to Eversource if it's outside of a right of way associated with the subdivision. His understanding of how it's been interpreted previously is that if it's a utility easement going to Eversource, we aren't concerned with the form of the easement, and we won't delay the recording of the mylar because often, the specifics of where it's going to be may not be clear yet at this point in time.

H. Smith said that is his understanding but wanted to confirm with the commission that they are in Agreement because this is a subdivision that recently been approved and they want to record the mylar early next month. He noted this is the regal cinema project that was recently approved.

The commission discussed it briefly and agreed with his interpretation.

H. Smith then spoke of some communication that was received at the last meeting from the chair of the Rules & Ordinances committee Peter Hentschel about a public hearing that was held by that committee that past Tuesday, and he was looking for some involvement from the commission itself . H. Smith offered to attend in lieu of other people . They propose to establish a Harbor Management Commission as requested by the First Selectman . One of the commissioner's equated the new commission to be zoning for the water.

It's his understanding there is a harbor master who doesn't have the guidance that would be provided by a commission and there is no Harbor Management plan. He noted there have been a few issues on the water which he listed . To solve some of the concerns, this commission is being proposed. Many other shoreline towns have them already.

H. Smith will send information to the commissioners.

Chairperson Andres noted he and H. Smith received a letter and a conceptual zoning amendment regarding the regulation of docks from a resident. H. Smith noted he will get in touch with him next week.

H. Smith then said he has submitted his letter of resignation (to retire) effective November 15,2024. He has mixed feelings about it and he appreciates the emails he received from the commissioners wishing him well.

Chairperson Andres would like to have a dinner out with Harry and the commission and possibly past commissioners in the near future.

The commissioners thanked him for his service and wished him well.

E. Breinig thanked him for all he has learned from him and for being a great supervisor.

The meeting adjourned at 9:35 pm.