

**APPROVED 12/7/09**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, November 9, 2009 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

**MEMBERS PRESENT:**

James J. Giulietti, Vice Chairman  
Douglas E. Roberts, Secretary  
Vern E. Carlson  
Brian R. Cummings  
William D. O'Hare, Alternate, sitting for Dominic M. Palumbo

**MEMBERS ABSENT:**

Dominic M. Palumbo, Chairman  
Antoinetta A. Carmody, Alternate  
John H. Vanacore, Alternate

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Giulietti, Acting Chairman, called the meeting to order at 7:02 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Giulietti then explained the procedure for the public hearing and asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that there is one item he would like to add under "Change of Use", 139 Washington Avenue. Mr. O'Hare stated that this would be his last meeting. Mr. Giulietti thanked Mr. O'Hare for serving on the Commission.

**PUBLIC HEARINGS:**

Mr. Roberts read the call for the first Public Hearing.

1. #P09-33 Application of Steven M. Wolk, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit other art studios for the creation and instruction of fine and commercial art forms including painting, illustration, sculpture, limited edition fine art printing, graphic arts, multimedia, and dermagraphics in CB Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

No one was present to represent the applicant. Mr. Carlson moved to close the Public Hearing; Mr. Roberts seconded the motion. All were in favor. The Public Hearing was closed.

## **OTHER:**

### DMV Certification Resolution

Mr. Roberts read the resolution into the record.

Mr. Carlson moved to adopt the Department of Motor Vehicles Resolution, allowing the Planning & Zoning Chairman, or Secretary, or the Zoning Enforcement Officer to sign for DMV certifications; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

## **CORRESPONDENCE:**

### 320 Middletown Avenue, Pondview Estates

Ms. Kristie Leff, attorney for the Pondview Estates Condominium Association, stated that site work is not complete. She also spoke of the sidewalks that the homeowners would like waived. She stated that the Association would rather have the developer put money into completing the site work instead of towards installing sidewalks. Mr. Carlson stated the site plan shows everything that needs to be completed on this site and that sidewalks will enhance the area. Mr. Giulietti stated that the developer has tried three times to waive the sidewalks and was denied. He explained that the sidewalks are required for safety reasons.

Mr. Roberts further addressed the need for sidewalks in this area. Mr. Giulietti stated that the bond can't be pulled until May 2010 when the project expires. Mr. Giulietti suggested that the Pondview Association make an application to waive the sidewalks.

Mr. Giulietti also suggested to appoint a town attorney, as soon as possible, to handle this situation and not to issue any future certificates of occupancy until sidewalks are installed. Mr. Fredricksen, Land Use Administrator, further discussed the situation with the Commission.

Mr. Giulietti asked if members of the Pondview Estates Association would like to comment.

### Public Comment:

1. Mr. Tony Rossley of Pondview Estates would like the sidewalks waived.
2. Mr. Richard Corcoran, 14 Pondview Estates, is concerned with site work that has not been completed and feels that the bond amount is not sufficient to finish the work. He would also like the sidewalks waived.
3. Mr. John Nerkowski, President of Pondview Estates Association, asked if the builder backed out of the project, what work would be completed with the remaining bonds? He also stated that Middletown Avenue is a busy road so there is no pedestrian traffic; therefore, sidewalks would be useless.

Zoning ordinance 8.4.2.1., keeping of chickens

A letter dated September 30, 2009, was submitted by Mrs. Teri Osburn of 137 Buell Street, requesting one acre instead of two acres for keeping of chickens. The Commission suggested that Mrs. Osburn would need to submit an application to change this regulation; however, the Commission is not in favor of changing this regulation.

**BREAK:** 8:24 – 8:31 PM

**DELIBERATION SESSION:** None

Mr. Carlson moved to go into deliberations; Mr. Roberts seconded the motion. All were in favor.

**PUBLIC HEARINGS:**

1. #P09-33 Application of Steven M. Wolk, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit other art studios for the creation and instruction of fine and commercial art forms including painting, illustration, sculpture, limited edition fine art printing, graphic arts, multimedia, and dermagraphics in CB Zoning Districts.

Mr. Carlson moved to deny the application without prejudice; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

The Commission stated the following reasons for denial:

1. QVHD is opposed to having a dermagraphics use together with an Art Studio.
2. A business of this type should require a Special Permit.
3. Washington Avenue is not an appropriate area for a dermagraphic art studio.

**SITE PLANS:** None

**INFORMAL PRESENTATION:** None

**EXTENSIONS:** None

**BOND RELEASES & REDUCTIONS:**

#P08-04, 240-300 Universal Drive

Mr. Carlson moved to reduce the bond for application #P08-04, 240-300 Universal Drive, from \$900,000.00 to \$375,000.00; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

**CHANGE OF USE:**

528 Washington Avenue

Mr. Domenic Liuzzi presented the Change of Use from a tanning salon to a restaurant. Mr. Giulietti stated that the site plan calls for sidewalks on this site which have not been installed. Mr. Liuzzi, cousin of the applicant, believes that the sidewalks were waived. The Commission suggested to present proof of the sidewalk waiver.

Mr. Carlson moved to continue the Change of Use for 528 Washington Avenue to the December 7, 2009 meeting; Mr. Roberts seconded the motion. All were in favor.

139 Washington Avenue

Mr. Tom Kelleher, owner, stated that he is proposing a nail salon were Tommy K's Video was located.

Mr. Carlson moved to approve the Change of Use from retail to a nail salon; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

**MINUTES:**

October 5, 2009

Mr. Carlson moved to approve the minutes of the October 5, 2009 meeting; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts – aye Carlson –aye Cummings – aye O'Hare – aye

**GENERAL PUBLIC COMMENT:** There was no public comment.

**ADJOURN:**

There being no further business, Mr. Carlson moved to adjourn; Mr. Roberts seconded the motion. The meeting was adjourned at 8:46 PM.