

APPROVED 1/4/10
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, December 7, 2009 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:00 PM.

MEMBERS PRESENT:

James J. Giulietti, Chairman
Theresa Ranciato-Viele, Vice Chairman
Brian R. Cummings, Secretary
Douglas E. Roberts
Vern E. Carlson
Edward M. Homa, Alternate
Richard E. Wilson, Alternate
Curtis Andrews, Sr., Alternate

MEMBERS ABSENT:

OTHERS PRESENT:

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

Mr. Michael J. Freda, First Selectman, opened the meeting at 7:00 p.m. for the purpose of electing a Chairman, Vice Chairman and Secretary for the Commission. Currently, the Chairman is Mr. Palumbo, the Vice Chairman is Mr. Giulietti and the Secretary is Mr. Roberts. For the office of Chairman of the Planning & Zoning Commission, Mr. Cummings nominated Mr. Giulietti. Mrs. Ranciato-Viele seconded the nomination; all were in favor. For the office of Vice Chairman, Mr. Cummings nominated Mrs. Ranciato-Viele. Mr. Giulietti seconded the nomination; Then, Mr. Roberts nominated Mr. Carlson. Mr. Carlson seconded the motion. The Commission elected Mrs. Ranciato-Viele to the office of Vice Chairman by a vote of three (3) to two (2). Then, for the office of Secretary, Mr. Giulietti nominated Mr. Cummings. Mrs. Ranciato-Viele seconded the nomination; all were in favor. Mr. Freda congratulated and thanked all the members of the Commission.

AGENDA:

Mr. Giulietti, Chairman, 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 application #P09-37, 352 State Street, is postponed to the January 4, 2010 meeting.

8-24 REFERRAL:

1. #P09-41 Application of the Town of North Haven for the design and construction of improvements to the Public Works Garage property at 110 Elm Street. The project will include the construction of an approximately 100' x 80' free standing building to the rear of the existing garage, to be used as truck bays. The project may include minor improvements to the existing garage building as well.

Mr. Fredricksen, Land Use Administrator, explained the modification for the design and construction of improvements to the Public Works Garage located at 110 Elm Street. He stated that due to additional funding the proposed free standing building, to the rear of the existing garage, has been modified from 60' x 80' to 100' x 80'.

PUBLIC HEARINGS:

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

1. #P09-36 Application of Timothy J. Lee, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit Adult rehabilitative and educational facilities, in CB Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Nicholas Mingione with Fasano, Ippilito & Lee, presented the proposed amendment to permit Adult Rehabilitative and Educational Facilities in CB Zoning Districts. This non-residential, non-living facility will incorporate a maximum of 30 disabled participants learning life skills with 12 to 15 employees. Hours of operation will be from 8:00 a.m. to 4:00 p.m.. Mr. Giulietti suggested requiring a Special Permit for this application. The Commission asked a few questions and Attorney Mingione responded.

Being no public comment, the Public Hearing was closed.

Mr. Cummings read the call for the second Public Hearing.

2. #P09-38 Resubdivision application of Bruce Tomlan and Lisa Sosienski, Owners and Applicants, for three (3) lots, relative to #99 Elm Street (Map 52, Lot 21), and #101 Elm Street, (Map 52, Lot 22). Plan Entitled: Record Re- subdivision Map – Existing Conditions, Properties Located at #99 & #101 Elm Street, North Haven, Connecticut, Prepared by Criscuolo Engineering, LLC. Dated 8/20/09, rev. 8/28/09. Scale 1" = 20'. R-20 Zoning District.

Mr. Jim Pretti with Criscuolo Engineering, LLC, presented the application to permit the resubdivision of two lots into a third lot. The two original lots are non-conforming in lot width. The proposed resubdivision conforms to zoning and subdivision regulations. A positive referral was issued by the Inland Wetlands Commission.

Mr. Giulietti has safety concerns with the driveway being installed on the corner of Edison Drive. Mr. Roberts asked about drainage being detained from neighboring properties and the installation of concrete sidewalks. Mr. Pretti submitted a photo of the location of the proposed driveway, Exhibit A.

Mr. Giulietti asked for public comment:

Public comment:

1. Joseph Holovach, 7 Edison Drive, a 30 year resident who is in favor of the application but has concerns with the location of the driveway and the impact this project will have on trees. He suggested a shared driveway located on Elm Street instead of Edison Drive. He would like sidewalks installed, a 6' privacy buffer, and a 50' separation from abutting properties. He then submitted a petition.
2. Joe Alfano, 110 Standish Avenue, stated he would like the house 50' from neighboring properties, a 6' privacy fence, and the site cleaned up.
3. Kevin Rossi representing Randy Rossi, 15 Edison Avenue, has safety concerns with the driveway being located on Edison Drive.

Mr. Pretti responded to the public comment.

Being no further questions, the Public Hearing was closed.

4. #P09-37 Site Plan Application of L&M Realty, LLC, Owner and Applicant, relative to 352 State Street (Map 34, Lot 103). Plan Entitled: As Built Gal-Mar Academy, 352 State Street, North Haven, Connecticut, Prepared by Winterbourne Land Services. Dated December 7, 1994, rev. 8/11/09. Scale 1" = 30'. CB-40/R-20 Zoning Districts.

This application is postponed to the January 4, 2010 meeting.

5. #P09-39 Site Plan Application of Homony Cheung, Owner, Barry Steinberg, Applicant, relative to 585 Washington Avenue (Map 95, Lot 37). Plan Entitled: Homony's Cafe, Restaurant and Food Market, 585 Washington Avenue, North Haven, Connecticut, Prepared by Steinberg Associates. Dated 7/31/09, rev. 10/28/09. Scale 1" = 20'. IL-30 Zoning District.

Mr. Barry Steinberg of Steinberg Associates presented the application to permit a change of use for this existing building to include a restaurant/cafe/kitchen in the front 5,620 square feet of the building. The rear portion of the building is proposed to be both storage and retail. Fifty-one parking spaces are being proposed. The hours are from 7:00 a.m. to 10:00 p.m. with approximately 10 to 14 employees. Outside storage is not being proposed. The Commission asked a few more questions and Ms. Cheung responded.

6. #P09-40 Site Plan Application of Sylvia Dell'Oro, Applicant, Irrevocable Trust of Velma C. Dell'Oro, Owner, relative to 144-154 Washington Avenue (Map 73, Lot 34). Plan Entitled: Dell'Oro Plaza, 144-154 Washington Avenue, North Haven, Connecticut, Prepared by McK. - Brown & Associates, LLC. Dated November 6, 2009. Scale 1" = 20'. CB-20 Zoning District.

Mr. Robert Brown, Land Surveyor with Brown & Associates, LLC, presented the application to permit the change of use of Space 144B (1,110 square feet) from Basic Neighborhood Services to a Martial Arts School and the change of use of Space 144A from Basic Neighborhood Services to Basic Neighborhood Stores (703 square feet). Ms. Sylvia Dell'Oro addressed questions from the Commission.

BREAK: 9:10 PM – 9:21 PM

DELIBERATION SESSION: None

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

8-24 REFERRAL:

1. #P09-41 Application of the Town of North Haven for the design and construction of improvements to the Public Works Garage property at 110 Elm Street.

Mr. Carlson moved to send a positive referral; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts – aye Carlson – aye

PUBLIC HEARINGS:

1. #P09-36 Application of Timothy J. Lee, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit Adult rehabilitative and educational facilities, in CB Zoning Districts.

Mr. Carlson moved to approve the application with the requirement of a Special Permit; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts – aye Carlson – aye

2. #P09-38 Resubdivision application of Bruce Tomlan and Lisa Sosienski, Owners and Applicants, for three (3) lots, relative to #99 Elm Street (Map 52, Lot 21), and #101 Elm Street.

Mrs. Ranciato-Viele moved to approve the application; Mr. Cummings seconded the motion.

Mr. Carlson moved to amend the motion to include the following:

1. Install concrete sidewalks on Edison Drive.
2. Provide a 6' privacy barrier to run entire length of both abutting properties with Town staff approval.
3. Maintain a 50' separation from property lines.
4. Submit an as-built after the foundation is installed.

Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts – aye Carlson – aye

SITE PLANS:

5. #P09-39 Site Plan Application of Homony Cheung, Owner, Barry Steinberg, Applicant, relative to 585 Washington Avenue.

Mr. Carlson moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with appropriate conditions.

6. #P09-40 Site Plan Application of Sylvia Dell'Oro, Applicant, Irrevocable Trust of Velma C. Dell'Oro, Owner, relative to 144-154 Washington Avenue.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with appropriate conditions.

OTHER: None

CORRESPONDENCE: Environment & Human Health, Inc. - Information package Nancy Alderman of 1191 Ridge Road and President of Environment & Human Health, requested banning outdoor wood-burning furnaces. Ms. Leslie Balch, Director of QVHD, further discussed this issue with the Commission. The Commission stated that they would look into this issue further.

INFORMAL PRESENTATION: None

EXTENSIONS:

#P08-63, 332 Washington Avenue

Mr. Cummings moved to approve one (1) six month extension for application #P08-63, 332 Washington Avenue; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows.

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts - aye Carlson – aye

#P08-36, 585 Washington Avenue

Mr. Carlson moved to approve a second six month extension for application #P08-36, 585 Washington Avenue; Mr. Roberts seconded the motion. The Commission voted as follows.

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts - aye Carlson – aye

#P08-40, #P08-40A & #P08-40S, 240-300 Universal Drive

Mr. Cummings moved to approve a second six month extension for applications #P08-40, #P08-40A & #P08-40S, 240-300 Universal Drive, Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows.

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts - aye Carlson – aye

BOND RELEASES & REDUCTIONS:

#P98-57, 550 Universal Drive

Mrs. Ranciato-Viele moved to release the entire bond for application #P98-57, 550 Universal Drive, in the amount of \$86,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts - aye Carlson – aye

#P88-13, 550 Universal Drive

Mrs. Ranciato-Viele moved to release the entire bond for application #P88-13, 550 Universal Drive, in the amount of \$5,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts - aye Carlson – aye

#P09-14, 328 Bassett Road

Mrs. Ranciato-Viele moved to release the entire bond for application #P09-14, 328 Bassett Road, in the amount of \$5,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts - aye Carlson – aye

CHANGE OF USE:

528 Washington Avenue

Mr. Domenic Liuzzi explained the Change of Use from a tanning salon to a restaurant and presented proof of the sidewalk waiver granted on May 1, 2000.

Mr. Carlson moved to approve the Change of Use for 528 Washington Avenue from a tanning salon to a restaurant. Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts - aye Carlson – aye

41 Middletown Avenue

Mr. Lou Rubano, owner, presented the Change of Use from office to retail. Mr. Rubano is proposing a dancer's shop to be located on the second floor of his building. The first floor is office space. The Commission suggested a site plan be submitted.

Mr. Roberts moved to continue the Change of Use for 41 Middletown Avenue to the January 4, 2010 meeting. Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele - aye Cummings – aye Roberts - aye Carlson – aye

MINUTES:

November 9, 2009

Mr. Carlson moved to approve the minutes of the November 9, 2009 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Cummings – aye Roberts – aye Carlson –aye

ADJOURN:

There being no further business, Mr. Cummings moved to adjourn; Mr. Carlson seconded the motion. The meeting was adjourned at 10:02 PM.