

**APPROVED 4/4/11**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, March 7, 2011 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 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  
Curtis Andrews, Sr., Alternate  
Richard E. Wilson, Alternate, sitting for James J. Giulietti and Brian R. Cummings  
Edward M. Homa, Alternate

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

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

**AGENDA:**

Mr. Giulietti, Chairman, opened the meeting at 7:02 p.m. and introduced the Commissioners, alternates, town staff and the clerk. Then he explained the procedure for the Public Hearings and asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that there were none.

**PUBLIC HEARINGS:**

Mr. Cummings read the call for the first Public Hearing. Mr. Giulietti recused himself from this application and Mr. Wilson sat in his place.

1. #P11-01 Resubdivision Application of Walter Greist, Owner and Applicant, for two (2) lots, relative to 3600 Ridge Road, (Map 92, Lot 59). Plan Entitled: Proposed Resubdivision, Property of Walter W. & Ellen W. Greist, 3600 Ridge Road, North Haven, Connecticut. Prepared by John Paul Garcia and Associates, P.C., Dated 10-6-10. Scale 1" = 50'. R-40 Zoning District.

Mr. John Paul Garcia, P.E. of John Paul Garcia and Associates, P.C. presented the application to permit the division of this 11.532 acre property into two lots of 9.779 acres and 1.753 acres. Only one house is being proposed for the 1.753 acre lot. A positive Subdivision Referral was granted by the Inland Wetlands Commission.

Mr. Garcia reviewed the Land Use and Engineering comments with the Commission and asked to waive the sidewalks. The Commission asked questions and Mr. Garcia responded.

Mrs. Ranciato-Viele asked for public comment. There being no public comment, the Public Hearing was closed.

2. #P11-05S Excavation Permit Application (as authorized by Section 8.9.1) of Robert Neubig, Owner and Applicant, relative to 480 Valley Service Road, (Map 85, Lot 1). Plan Entitled: Proposed Grading, 480 Valley Service Road, North Haven, CT. Prepared by John Whitcomb, III, P.E., Dated 2/3/11. Scale 1" = 50'. IL-80 Zoning District.

Mr. Robert Neubig, owner and applicant, presented the application to permit the excavation and removal of approximately 72,000 cubic yards of material to grade down and level off this 2 ½ acre area for future development. He stated that it will take approximately one year to remove this material.

The Inland Wetlands Commission approved a permit to Conduct Regulated Activity and sent a Positive Site Plan Referral to the Planning & Zoning Commission. Mr. Giulietti stated that the Planning and Zoning regulations require a plan of excavation. The Commission asked questions and Mr. Neubig responded.

Mr. Giulietti asked for public comment. There was no public comment.

#### **SITE PLANS:**

3. #P11-06 Site Plan Application of Carolyn A. Parker, Applicant, Grove Corporation, Owner, relative to 641 Washington Avenue, (Map 100, Lot 11). Plan Entitled: Blue Box Location Plan, Extramart, 641 Washington Avenue, North Haven, CT 06473. Prepared by Carolyn A. Parker Consulting, Dated 1/5/2011. Scale 1" = 20'. IL30 Zoning District.

Mrs. Carolyn Parker, applicant, presented this site plan modification application to permit the construction of a "Blue Box" portable DVD vending machine on the north side of the building. The only site work being proposed is a three feet extension of the existing north sidewalk and restriping of parking spaces on the north side. The Commission asked questions and Mrs. Parker responded.

4. #P11-07 Site Plan Application of Antonio's Restaurant c/o Antonio Occhibove, Applicant, Liuzzi Associates, Owner, relative to 528 Washington Avenue, (Map 95, Lot 4). Plan Entitled: As-Built Pot Plan, 528 Washington Avenue, North Haven, CT. Prepared by John Paul Garcia & Assoc., P.C., Dated 12/5/01, rev. 1/31/11. Scale 1" = 30'. CB-40 Zoning District.

Mr. Giulietti recused himself from this application and Mr. Wilson sat in his place.

Mr. John Paul Garcia of John Paul Garcia and Associates, P.C., presented the application to permit the existing wood roof over an existing cooler on the south side of the building. An additional cooler and storage shed have also been installed. Three dumpsters and two trailers are also present in a non-permitted outdoor storage area. Mr. Garcia stated that one dumpster and one trailer will be eliminated and a fenced in area for outdoor storage is being proposed in the rear of the building. The Commission asked questions and Mr. Garcia responded.

**CHANGE OF USE:**

444 Washington Avenue

Dr. Candace Pollack and Dr. Maxwell Mitchell presented the Change of Use application from a vehicle leasing facility to a chiropractic office. Hours of operation would be Monday through Thursday, 9:00 a.m. to 6:00 p.m., Friday, 9:00 a.m. to 4:00 p.m. and Saturday 10:00 a.m. to 2:00 p.m.. No exterior work is being proposed.

Mr. Cummings moved to approve the Change of Use from a vehicle leasing facility to a chiropractic office; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows.

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

355 Sackett Point Road

Mr. Cummings recused himself from this item and Mr. Wilson sat in his place.

Mr. Sal Barresi presented the Change of Use application from a construction business to a non-retail, dry cleaning business. Hours of operation would be Monday through Friday 7:00 a.m. to 5:00 p.m.. No exterior work or outside storage is being proposed.

The Commission recommended sending a letter from town counsel to the owner of 355 Sackett Point Road regarding their bond and outstanding site items.

Mr. Roberts moved to approve the Change of Use from a construction business to a non-retail dry cleaning business; Mr. Carlson seconded the motion. The Commission voted as follows:

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

The Commission recommended that for a Change Of Use application the owners/representatives must also attend the meeting to address questions and/or concerns regarding site issues.

144A Washington Avenue

Mr. Thomas Agro, IV presented the Change of Use application from service to a flooring business office and showroom. Mrs. Sylvia Dell’Oro, owner, answered questions from the Commission regarding the condition of this site.

Mr. Cummings moved to approve the Change of Use from service to a flooring business office and showroom; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

**BREAK:** 8:51 – 9:02 PM

**DELIBERATION SESSION:**

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

**PUBLIC HEARINGS:**

1. #P11-01 Resubdivision Application of Walter Greist, Owner and Applicant, for two (2) lots, relative to 3600 Ridge Road, (Map 92, Lot 59). Plan Entitled: Proposed Resubdivision.

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

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

The application was approved with appropriate conditions.

2. P11-05S Excavation Permit Application (as authorized by Section 8.9.1) of Robert Neubig, Owner and Applicant, relative to 480 Valley Service Road, (Map 85, Lot 1). Plan Entitled: Proposed Grading.

Mr. Carlson moved to continue the Public Hearing to the April 4, 2011 meeting; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

**SITE PLANS:**

3. #P11-06 Site Plan Application of Carolyn A. Parker, Applicant, Grove Corporation, Owner, relative to 641 Washington Avenue, (Map 100, Lot 11). Plan Entitled: Blue Box Location Plan.

Mrs. Ranciato-Viele 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 – ay

The application was approved with appropriate conditions.

4. #P11-07 Site Plan Application of Antonio's Restaurant c/o Antonio Occhibove, Applicant, Liuzzi Associates, Owner, relative to 528 Washington Avenue, (Map 95, Lot 4). Plan Entitled: As-Built Pot Plan.

Mr. Carlson moved to continue the application to the April 4, 2011 meeting; Mr. Cummings seconded the motion. The Commission voted as follows:

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

- OTHER:**
1. Discuss the status of pending litigation and proposed Motion to Approve Settlement in CMB Capital Appreciation LLC v. Town of North Haven Planning and Zoning Commission, and possible action relating to same.

Attorney Jennifer Coppola, representing the Town of North Haven, presented the status of the above litigation. Currently, this case is pending at the Supreme Court level. Attorney Coppola suggested that the Commission enter into Executive Session to further discuss this matter.

2. Consider whether to convene in executive session to discuss the status of pending litigation and proposed Motion to Approve Settlement in CMB Capital Appreciation LLC v. Town of North Haven Planning and Zoning Commission.

Mr. Carlson moved to go into Executive Session at 9:25 PM; Mr. Roberts seconded the motion. The Commission invited Town Attorney Jennifer Coppola, Mr. Alan Fredricksen, Land Use Administrator, and Mr. Jonathan Bodwell, Town Engineer, into Executive Session. The Commission voted as follows:

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

Mr. Roberts moved to go out of Executive Session at 11:25 PM; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

3. Planning Forum Discussion

Mr. Giulietti stated the he would like this Commission to hold public forums allowing the public to express what they would like to see in Town.

#### 4. Pet Grooming Establishments

Mr. Giulietti discussed regulations regarding pet grooming Establishments with the Commission.

Mr. Terrance Heffernan and Katrina Wright of 180 Sackett Point Road would like to see pet grooming establishments permitted in residential zoning districts.

The Commission suggested a public hearing/variance may be required and feels this use should not be permitted in a residential zoning district.

**EXTENSIONS:** None

**BOND RELEASES & REDUCTIONS:** None

**CHANGE OF USE:** None

**CORRESPONDENCE:** - Letter from Morris Pedersen

Mr. Giulietti stated that he had a copy of the Morris Pedersen letter for the Commission to review and then he distributed the Code of Ethics Policy.

#### **MINUTES:**

February 14, 2011

Mrs. Ranciato-Viele moved to approve the minutes of the February 14, 2011 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

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

#### **ADJOURN:**

There being no further business, Mr. Carlson moved to adjourn; Mrs. Ranciato-Viele seconded the motion. The meeting was adjourned at 11:32 PM.