

**APPROVED 8-1-11**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, July 11, 2011 at the Mildred A. Wakeley Community & Recreation Center, 7 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  
Curtis Andrews, Sr., Alternate  
Richard E. Wilson, Alternate  
Edward M. Homa, Alternate

**MEMBERS ABSENT:** None

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Jennifer Coppola, Town Attorney  
Ted O'Hanlon, Town Attorney  
Joel Norwood, Town Attorney  
Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Giulietti, Chairman, opened the meeting at 7:06 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 application #P11-20 is postponed to the August 1, 2011 meeting and that he would like to add 52-58 Washington Avenue under "Other" on the agenda.

**PUBLIC HEARINGS:**

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

1. #P11-15 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Sections 5.1.3.16 and 5.2.1.63, to permit crematories in IL and IG Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Bernard Pellegrino, Jr. of the Pellegrino Law Firm continued the amendment application to permit crematories in IL and IG Districts. The proposed location for the crematorium is 222 Universal Drive. Mr. Cummings read into the record a proposed regulation submitted by Attorney Pellegrino regarding “Proposed Additional Permitted Use In IL And IG Districts”.

Mr. Ron Salvatore of Matthews Cremation gave an overview of his business along with operation standards and procedures for crematoriums. Then he answered questions from the Commission. The Commission stated that they have concerns with the types of fumes and chemicals being released into the air.

Mr. Giulietti asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, a 22 year resident of North Haven, spoke in opposition to the application. She stated that crematories pose a public health and safety hazard to those living and working in close proximity due to toxins emitting from crematory stacks. She is concerned that an unlimited number of crematoriums could open up in town if this amendment is approved. She asked if there is a need for crematoriums in town and if profit is more important than health. She also spoke of similar cases in other states opposing crematories. Mrs. White submitted information regarding crematoriums to the Commission, exhibits 1 through 10 and a petition from residents in opposition to the zone change, exhibit 13.
2. Paulette Licht, 212 Half Miles Road, East Haven, has environmental concerns and feels that the Commission should put public health first.
3. Ann Ruocco, 23 Ansonia Drive, has concerns with air pollution. She felt that the information presented on crematoriums was too vague.
4. Mr. Joseph DiMartino, 10 Papa Lane, has environmental concerns and feels 222 Universal Drive is not an appropriate site for a crematorium because there is a recreation facility and restaurants near that location. He stated that he obtained a petition which includes residents in opposition to crematoriums. He asked that this application be denied.
5. Joan Mazurek, 154 Cloudland Road, has concerns with the cremation of people that had been treated with radiation. She feels North Haven does not need further environmental damage. She explained that there are already many residents with leukemia in her area of town and having a crematory will only compound this issue. She read and submitted her letter dated July 11, 2011, in opposition to the application, exhibit 12.
6. David Durant, 82 Culver Lane, a 52 year resident, spoke in opposition to the application. He feels that there are too many changes happening in North Haven and we are losing the “old fashioned” town appeal. He asked the Commission to deny this application.
7. Roseanne Cristofano, 90 Summer Lane, has environmental concerns. She feels that there are already too many chemicals in this area and children are the ones suffering.
8. Richard Howe, 67 Half Mile Road, spoke in opposition to the application.

9. Kerriann Lopez, 82 Culver Lane, feels North Haven is a safe family town and a crematory would not be appropriate for the town. She asked that this application be denied.
10. Helen Less, 77 Half Mile Road, spoke in opposition to the application.
11. Terry Martin, 13 Louis Street, a 46 year resident, spoke in opposition to the application. He has concerns with pollutants being emitted into the air.
12. Rico Gatillia, 3 School Lane, has concerns with the monitoring of the stacks. He has no confidence in DEP and EPA testing and asked that this application be denied.
13. Tom White, 67 Summer Lane, read and submitted a petition from residents in opposition to the application. He feels crematories pose a health and safety concern and asked the Commission to deny this application.

Mr. Salvatore responded to the public comment and Attorney Pellegrino gave closing remarks.

There being no further public comment, the Public Hearing was closed.

**BREAK:** 9:00 – 9:12 PM

2. #P11-20 Application of Giacomo Tolomeo, Esquire, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 2.6.1, Uses Permitted In Mixed Use Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

This application is postponed to the August 1, 2011 meeting.

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

3. #P11-21S Special Permit Application/Certificate of Location (as authorized by Section 8.10.1), of Jim Bitzonis, Four M Food Service, Applicant, Stephan Sperling, Owner, relative to 350 Universal Drive North (Map 16, Lot 4 ). Plan Entitled: Site Plan and Details, Buffalo Wild Wings, North Haven Commons, 350 Universal Drive North, Building B, North Haven, CT. Prepared by Patrick G. Blee, Architect, Dated June 01, 2011. Scale 1" = 40'. IL-80 Zoning District.

Mr. James Bitzonis of Four M Food Service presented the application to permit the issuance of a Certificate of Location for a liquor permit for the Buffalo Wild Wings Restaurant for a full service bar. The restaurant will hire 85 employees. The hours of operation will be Monday through Friday, 11:00 a.m. to 11:00 p.m. and 11:00 a.m. to 1:00 a.m. on weekends. The Commission asked questions and Mr. Bitzonis responded.

Mr. Giulietti asked for public comment. There being none, the Public Hearing was closed.

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

Mr. Giulietti recused himself and Mr. Homa sat in his place.

4. #P11-22 Resubdivision Application of Peter S. Knudsen, Jr., c/o Joan Molloy, Esquire, Applicant, Peter S. Knudsen, Jr., Owner, 1405 Hartford Turnpike, Peter S. Knudsen, Jr. & Judith K. Canonic, Trustees, Owners, 1415 Hartford Turnpike, for twelve (12) lots, relative to 1405 and 1415 Hartford Turnpike, (Map 65, Lots 132 & 33). Plan Entitled: Clamshell Hill Subdivision, #1405 & #1415 Hartford Turnpike, North Haven, Connecticut. Prepared by Juliano Associates, LLC, Dated 6/3/11. Scale 1" = 50". R-20 Zoning District.

Attorney Joan Molloy presented the application to permit the resubdivision of this 12.03 acre parcel into twelve single-family residential building lots. On May 25, 2011, a positive Subdivision Referral and Permit to Conduct Regulated Activity was granted by the Inland Wetlands Commission. Since the Land Trust Committee denied the open space the open space and retention basin will now be incorporated into lot #10. Mr. Christopher Juliano of Juliano Associates further described the site and the proposed development of the property. The Commission asked questions and Mr. Juliano, Attorney Molloy and Mr. Jonathan Bodwell, Town Engineer, responded.

Mrs. Ranciato-Viele asked for public comment.

Public comment:

1. Jeff Wayne, 61 Allendale Drive, he stated that this parcel was previously farmland and he is concerned with contamination. He asked that the soil be tested before excavation. He feels that orchards should not be developed and has concerns with wetlands being impacted from construction. He is also concerned with the health of the neighbors, water runoff, and the maintenance of the pond.
2. Dave Rosadini, 18 Allendale Drive, has concerns with contamination. He asked that the soil be tested prior to excavation.
3. John Early, 34 Greenhill Road, abuts lot #10 and is requesting a deed restriction for a 15' buffer. He also asked if more than one house could be built on lot #10.
4. William Barber, 30 Greenhill Road, is also requesting a 15' buffer.
5. Karen Peterson, 96 Allendale Drive, North, has drainage concerns.
6. Adam Sirot, 58 Allendale Drive, asked if lot #10 is not sold, who would be responsible for maintaining the pond. He also stated that he is in favor of a cul-de-sac.
7. Ann Ruocco, 23 Ansonia Drive, asked who will maintain the shared driveway for the properties located at 1401 and 1415 Hartford Turnpike.

Mr. Peter Knudsen, 175 Chestnut Lane, Hamden, presented the history and use of this site and Attorney Molloy and Mr. Juliano responded to the public comment.

There being no further public comment; the Public Hearing was closed.

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

The Commission elected to hear applications #P11-23S and #P11-23 together.

5. #P11-23S Special Permit Application (as authorized by Section 4.4.1.38), of Easter Seals Goodwill, Applicant, Rossotto, Inc., Owner, relative to 432 Washington Avenue, (Map 90, Lot 59). Plan Entitled: Easter Seals/Goodwill Industries, 432 Washington Avenue, North Haven, Connecticut. Prepared by John A. Matthews, AIA, Dated 6/21/11. Scale 1" = 20'. CB-40 Zoning District.
8. #P11-23 Site Plan Application of Easter Seals Goodwill, Applicant, Rossotto, Inc., Owner, relative to 432 Washington Avenue, (Map 90, Lot 59). Plan Entitled: Easter Seals/Goodwill Industries, 432 Washington Avenue, North Haven, Connecticut. Prepared by John A. Matthews, AIA, Dated 6/21/11. Scale 1" = 20'. CB-40 Zoning District.

Mr. Richard Borer, President of Easter Seals, and Mr. John Matthews, Architect, described the site and presented the application to permit the change of use of an approximately 4,500 square feet portion of this building to an adult rehabilitative center and approximately 1,300 square feet to a donation center for Easter Seals Goodwill. The balance of this 24,100 square feet building would remain office use for Easter Seals Goodwill. A small canopy is being proposed at the rear entry and outdoor storage of up to 25 vans is also being requested. This business will have approximately 85 employees and 100 clients. The hours of operation will be Monday through Friday 8:00 a.m. to 4:00 p.m. The Commission asked questions and Mr. Matthews and Mr. Borer responded.

Mr. Giulietti asked for public comment.

Public comment:

1. Joseph DiMartino, 11 Papa Lane, is concerned with the beeping noise of the vans disturbing neighbors.

There being no further public comment, the Public Hearing was closed.

**OTHER:**

52-58 Washington Avenue – Cherry Trees

Mr. Barry Steinberg stated that he submitted a letter to the Commission from the Connecticut D.O.T Traffic Engineer dated November 9, 2009 stating that Cherry Trees are not allowed to be planted in the right-of-way. Mr. Giulietti would like to hear the opinion of the Garden Club before a decision is made regarding the trees.

**INFORMAL PRESENTATION:** None

**CHANGE OF USE:**

70 Old Broadway West

Mr. Bill Mezzano presented the Change of Use from storage to a fitness training facility.

Mrs. Ranciato-Viele moved to approve the Change of Use from storage to a fitness training facility; Mr. Roberts seconded the motion. The Commission voted as follows:

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

460 Universal Drive North, Weight Watchers

Mrs. Ranciato-Viele moved to approve the Change of Use from retail to service; Mr. Cummings seconded the motion. The Commission voted as follows:

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

**EXTENSIONS:**

#P04-4, 441 Washington Avenue

Mr. Carlson moved to approve a two (2) year extension for application #P04-4, 441 Washington; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

Mr. Cummings read into the record the following items:

6. Discussion of the status of the 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. A copy of the proposed Motion To Approve Settlement is on file at the Town Clerk's Office.
7. Consideration of 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. A copy of the proposed Motion To Approve Settlement is on file at the Town Clerk's Office.

Attorney Jennifer Coppola of Ciulla & Donofrio, representing the Town of North Haven, presented the status of the above litigation. Then Mr. Giulietti asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, stated that the settlement language is very vague and asked that the following questions and concerns be addressed:

- What will the development look like? She would like to see proposed single, one-family detached units not exceeding two levels.
- Will a section of the development be located in East Haven?
- How much acreage would be used for this project?
- Concerned with rental units and, if multifamily units, how many buildings?
- Concerned with a setback of 10' feet only.
- Questioned the footage between the multifamily units and the height and square feet of the buildings.
- Where will public sewers, water and gas tie into? She stated that the sewer connection language is confusing.
- How much impervious surface is being proposed?
- Will there be a community building and where will it be located?
- Are there amenities?
- Will the Benedict Drive access road be used for emergency access only?
- Will road improvements be made on Half Mile Road?
- Concerned with excessive traffic on Half Mile Road.
- Will open space be donated to the town?
- Drainage and blasting concerns of surrounding neighbors.

Attorney Jennifer Coppola suggested that the Commission enter into Executive Session to further discuss this matter.

Mr. Carlson moved to go into Executive Session at 11:07 PM; Mrs. Ranciato-Viele seconded the motion. The Commission invited Jennifer Coppola, Town Attorney, Attorney Ted O'Hanlon of Robinson & Cole, Attorney Joel Norwood, Mr. Jonathan Bodwell, Town Engineer, Mr. Alan Fredricksen, Land Use Administrator, Attorney Neil Marcus, Christopher Migliaro and Barbara Migliaro into Executive Session. The Commission voted as follows:

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

Mr. Carlson moved to go out of Executive Session at 12:05 PM; Mr. Roberts seconded the motion. The Commission voted as follows:

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

## **DELIBERATION SESSION:**

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

## **PUBLIC HEARINGS:**

1. #P11-15 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Sections 5.1.3.16 and 5.2.1.63, to permit crematories in IL and IG Zoning Districts.

Mrs. Ranciato-Viele moved to deny the application; Mr. Carlson seconded the motion. The Commission voted as follows:

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

The Commission stated the following reasons for the denial:

1. Public health & safety concerns.
  2. The public expressed their opposition to crematories.
  3. The Town doesn't feel this regulation should be added at this time.
3. #P11-21S Special Permit Application/Certificate of Location (as authorized by Section 8.10.1), of Jim Bitzonis, Four M Food Service, Applicant, Stephan Sperling, Owner, relative to 350 Universal Drive North (Map 16, Lot 4 ). Plan Entitled: Site Plan and Details, Buffalo Wild Wings.

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 conditions.

4. #P11-22 Resubdivision Application of Peter S. Knudsen, Jr., c/o Joan Molloy, Esquire, Applicant, Peter S. Knudsen, Jr., Owner, 1405 Hartford Turnpike, Peter S. Knudsen, Jr. & Judith K. Canonic, Trustees, Owners, 1415 Hartford Turnpike, for twelve (12) lots, relative to 1405 and 1415 Hartford Turnpike.

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

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

The application was approved with conditions.

5. #P11-23S Special Permit Application (as authorized by Section 4.4.1.38), of Easter Seals Goodwill, Applicant, Rossotto, Inc., Owner, relative to 432 Washington Avenue.

Mr. Carlson moved to approve the application. Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

The application was approved with conditions.

**SITE PLANS:**

8. #P11-23 Site Plan Application of Easter Seals Goodwill, Applicant, Rossotto, Inc., Owner, relative to 432 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 conditions.

**BOND RELEASES & REDUCTIONS: None**

**CORRESPONDENCE:** -2012 Meeting Dates

- City of New Haven, West Rock Planned Development District
- Letter from Michael Sacchetti dated June 15, 2011
- Letter Dated July 7, 2011 Pond View Estates – refer to Town Attorney

Mrs. Ranciato-Viele moved to approve the Planning & Zoning 2012 Meeting Dates with the change of the July 2, 2012 meeting date to July 9, 2012; Mr. Cummings seconded the motion. All were in favor.

Mr. Cummings read a letter into the record from Michael Sacchetti dated June 15, 2011, asking the Commission to call bond of Alexandria Estates to repair Half Mile Road. The Commission asked that this matter be referred to Town Counsel.

Mr. Carlson moved to refer the above matter to Town Counsel; Mr. Roberts seconded the motion. All were in favor.

**MINUTES:**

June 6, 2011

Mrs. Ranciato-Viele moved to approve the minutes of the June 6, 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. Roberts moved to adjourn; Mr. Cummings seconded the motion. The meeting was adjourned at 12:45 PM.