

**APPROVED 10-1-12**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, September 10, 2012 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:00 PM.

**MEMBERS PRESENT:**

Vern E. Carlson, Chairman  
Curtis D. Andrews, Sr., Secretary  
James J. Giulietti  
Theresa Ranciato-Viele  
Ronald D. Penton  
Richard E. Wilson, Alternate  
Mary Jane Mulligan, Alternate

**MEMBERS ABSENT:**

Edward M. Homa, Alternate

**OTHERS PRESENT:**

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

**AGENDA:**

Mr. Carlson, Chairman, opened the meeting at 7:09 p.m. and introduced the Commissioners, alternates and town staff. Then, Mr. Carlson asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that there were none.

**EXECUTIVE SESSION:**

Mr. Andrews read items 1 and 3 into the record.

1. To consider whether to convene in executive session, and to convene in executive session, to discuss the status of pending litigation and proposed settlement in Spring Road Development LLC, et al. v. Town of North Haven Planning and Zoning Commission.
  
3. To consider whether to convene in executive session and, if the Planning and Zoning Commission votes affirmatively, to convene in executive session to discuss the status of the pending litigation known as East Brown Associates, et al. v. Town of North Haven, Town of North Haven Planning & Zoning Commission, and Town of North Haven Inland Wetlands Commission.

Attorney Jennifer Coppola, Town Counsel, suggested that the Commission enter into Executive Session to further discuss settlement agreements for the above pending litigation.

Mr. Andrews moved to enter into Executive Session at 7:14 PM; The Commission invited Attorney Jennifer Coppola, Town Counsel, Mr. Alan Fredricksen, Land Use Administrator, and Mr. Jonathan Bodwell, Town Engineer, into Executive Session. Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

Mr. Giulietti moved to go out of Executive Session at 8:25 PM; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

Mr. Andrews read item 2 into the record.

2. To discuss the status of the pending litigation and proposed settlement in the Spring Road Development LLC, et al. v. Town of North Haven Planning and Zoning Commission, and possible action relating to same.

Attorney Timothy Lee, representing Vigliotti Construction, explained the history of this project. Mr. Steve Dietzko, P.E. with Milone and McBroom described the site and proposed drainage system. He also discussed modifications being proposed for this development. The Commission asked questions and Attorney Lee and Mr. Dietzko responded.

Mr. Carlson asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, is in favor of 18 units; however, she has drainage concerns and feels the proposed width of the road is too narrow. She also suggested that a pre-blasting neighborhood survey be required and weekly progress reports be submitted to the town. She feels that the zone change to elderly housing was spot zoning.

Mr. Giulietti moved to continue to the October 1, 2012 meeting the discussion of the status of the pending litigation and proposed settlement in the Spring Road Development LLC, et al. v. Town of North Haven Planning and Zoning Commission, Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

Mr. Andrews read item 4 into the record.

4. To consider whether to rescind its decision to approve the Resubdivision Application of East Brown Associates, Owner and Applicant, for fifteen (15) lots relative to 301 Kings Highway, (Map 98, Lot 2) [Plan entitled: Anderson Sunnyside Farm – Section II, Kings Highway, North Haven, Connecticut. Prepared by Conklin & Soroka, Inc. Dated September 2011, rev. 2-10-12. Scale 1” = 50’. R-40 Zoning District.] in order to modify the condition of approval relating to the requirement of sidewalks on Kings Highway, and possible action related to same.

Mrs. Ranciato-Viele moved to recind the decision to approve the Resubdivision Application of East Brown Associates, Owner and Applicant, for fifteen (15) lots relative to 301Kings Highway, in order to modify the condition of approval relating to the requirement of sidewalks on Kings Highway by removing that condition of approval; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Ranciato-Viele – aye Wilson – aye

5. To consider and act upon the Resubdivision Application of East Brown Associates, Owner and Applicant, for fifteen (15) lots relative to 301 Kings Highway, (Map 98, Lot 2) [Plan entitled: Anderson Sunnyside Farm – Section II, Kings Highway, North Haven, Connecticut. Prepared by Conklin & Soroka, Inc. Dated September 2011, rev. 2-10-12. Scale 1” = 50’. R-40 Zoning District], if the Planning and Zoning Commission votes to rescind the current approval of same, in order to modify the requirement of sidewalks on Kings Highway.

Mrs. Ranciato-Viele made a motion to approve the Resubdivision Application of East Brown Associates, Owner and Applicant, for fifteen (15) lots relative to 301 Kings Highway, (Map 98, Lot 2) [Plan entitled: Anderson Sunnyside Farm – Section II, Kings Highway, North Haven, Connecticut. Prepared by Conklin & Soroka, Inc. Dated September 2011, rev. 2-10-12. Scale 1” = 50’. R-40 Zoning District]. Subject to conditions. Mr. Wilson seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Ranciato-Viele – aye Wilson – aye

## **PUBLIC HEARINGS:**

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

1. #P12-27S Special Permit Application (as authorized by Section 2.1.1.5 c), of New Haven Korean Church, Applicant, Lorraine D. Foster Day School, Inc., Owner, relative to 1851-1861 Whitney Avenue, (Map 25, Lot 51). Plan Entitled: Property Survey, 1851 Whitney Avenue, aka #1861, Prepared for Lorraine D. Foster Day School, Hamden/ North Haven Line, Connecticut. Prepared by Codespoti & Associates, P.C., Dated 6/13/12. Scale 1” = 40’. R-12 Zoning District.

Attorney Joe Porto, representing the New Haven Korean Church, presented the application to amend the existing Special Permit for this existing private school to include some religious uses of the New Haven Korean Church. Half of the existing building and property lies in North Haven and half lies in Hamden. A similar application will be heard by the Hamden Planning & Zoning Commission on October 9, 2012. No additions or site work are being proposed. The Commission asked questions and Attorney Porto responded.

Mr. Carlson asked for public comment.

Public comment:

1. David Golden, 30 Short Hill Road, spoke in favor of the application. He asked that the surrounding athletic fields be maintained and that parking lots not be installed on these fields. He also asked about landscaped buffers and if lighting would be updated to prevent light shining into neighboring homes.

Attorney Porto answered further questions from the Commission. Then, Mr. Carlson closed the Public Hearing.

#### **SITE PLANS:**

2. #P12-22 Site Plan Application of John Zyrlis, TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road, (Map 3, Lots 7&10 and Map 6, Lots 26, 28, 29 & 57). Plan Entitled: Master Plan for Covidien Global Headquarters, Middletown Avenue, McDermott Road, North Haven, Connecticut. Prepared by TPA Design Group. Dated June 26, 2012. Scale 1" = 50'. IL-30 Zoning District.

Mr. John Zyrlis of TPA Design Group presented the application to permit an approximately 23,000 square feet addition to the sterilization facility. Certain site plan modifications are being proposed and there is no work being proposed on the abutting properties. The Commission asked questions and Mr. Zyrlis responded.

3. #P12-24 Site Plan Application of John Zyrlis, Jr. – TPA Design Group, Applicant, Joseph Barnick, Owner, relative to 30 Leonardo Drive, (Map 59, Lot 25). Plan Entitled: Site & Building Modifications at 30 Leonardo Drive, North Haven, Connecticut. Prepared by TPA Design Group. Dated August 8, 2012. Scale 1" = 20'. IL-80 Zoning District.

Mr. John Zyrlis of TPA Design Group presented the application to permit the construction of a new, single story, 9,800 square feet warehouse building and minor site modifications on this 2.2 acre site located at 30 Leonardo Drive. The Commission asked questions and Mr. Zyrlis responded.

4. #P12-25 Site Plan Application of PPG Properties, LLC, Applicant, Ceruzzi North Haven LLC, Owner, relative to 79 Washington Avenue, (Map 73, Lot 2). Plan Entitled: Hibachi Sushi & Seafood Buffet, PPG Properties, 79 Washington Avenue, North Haven, Connecticut. Prepared by Wagner Engineering Associates, Inc. Dated August 6, 2012. Scale 1" = 50'. CA-20 Zoning District.

Mr. Bryan Bowser of Wagner Engineering, presented the application to permit the construction of an existing 19' x 38' cooler to the rear of the previously approved "Hibachi Sushi & Seafood Buffet" restaurant. Three new dumpster pads and enclosures are also being proposed. The Commission asked questions and Mr. Bowser responded.

**OTHER:**

278 Maple Avenue, North Haven Pharmacy

Mr. Gerard Acampora, owner of North Haven Pharmacy, explained to the Commission that he would like to install a generator and propane tanks on the south side of the North Haven Pharmacy. Mr. Gerard Acampora, Robert Petrillo and Steve Petrillo, electrical contractors, answered questions from the Commission.

Mr. Andrews moved to approve the installation of a generator and propane tanks on the south side of North Haven Pharmacy; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

**CEASE & DESIST ORDERS:**

Mr. Fredricksen, Land Use Administrator, and Mr. Jonathan Bodwell, Town Engineer, discussed the following zoning violation with the Commission.

- 147 Blue Hills Road – Failure to comply with soil and erosion control measures. A Cease & Desist Order was sent on August 14, 2012.

**INFORMAL PRESENTATION:** None

**EXTENSIONS:**

#P11-05S, 480 Valley Service Road

Mr. Giulietti moved to approve two (2) six (6) month extensions for application #P11-05S, 480 Valley Service Road; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

**BONDS RELEASES & REDUCTIONS:**

#P09-17, 320 Kings Highway

Mr. Giulietti moved to release the entire bond in the amount of \$11,000.00 for application #P09-17, 320 Kings Highway; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

#P05-93, 1981 Whitney Avenue

Mr. Andrews moved to release the entire bond in the amount of \$5,000.00 for application #P05-93, 1981 Whitney Avenue; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

#P05-58, 320 Middletown Avenue, a.k.a. 190 Montowese Avenue

Mr. Andrews moved to release the entire bond in the amount of \$135,000.00 for application #P05-58, 190 Montowese Avenue; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

**CHANGE OF USE:**

144A Washington Avenue

Ms. Sylvia Dell'oro, owner of 144A Washington Avenue, presented the Change of Use application from service to retail. Mr. Paul Mento stated that his business is a second hand store and that he will also be purchasing and selling precious metals.

Mrs. Ranciato-Viele moved to approve the change of use from service to retail; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

352 State Street

Ms. Lynn Madden Executive Director of the APT Foundation and Mr. David Parachini of APT Foundation (outpatient medical facility) presented the Change of Use from a vocational school to medical office.

Mr. Andrews moved to approve the Change of Use from a vocational school to medical office contingent upon site plan approval by Town staff; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton – aye

**BREAK:** 10:35 – 10:55 PM

**DELIBERATION SESSION:**

Mr. Andrews moved to go into deliberations; Mrs. Ranciato-Viele seconded the motion. All were in favor.

**PUBLIC HEARINGS:**

Mr. Giulietti stated that he has reviewed the record of the August 6, 2012 meeting so he is therefore able to sit on this application.

1. #P12-16 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to Add Section 4.4.1.38, to allow an Upper Washington Avenue Multi-Use (UWMU) Development Zone.

Mr. Giulietti moved to re-open and continue the Public Hearing to the October 1, 2012 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

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

2. #P12-27 Special Permit Application (as authorized by Section 2.1.1.5 c), of New Haven Korean Church, Applicant, Lorraine D. Foster Day School, Inc., Owner, relative to 1851-1861 Whitney Avenue.

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

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton - aye

The application was approved.

**SITE PLANS:**

3. #P12-22 Site Plan Application of John Zyrlis, TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road.

Mrs. Ranciato-Viele moved to continue deliberations to the October 1, 2012 meeting; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton - aye

4. #P12-24 Site Plan Application of John Zyrlis, Jr. – TPA Design Group, Applicant, Joseph Barnick, Owner, relative to 30 Leonardo Drive.

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

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton - aye

The application was approved with appropriate conditions.

5. #P12-25 Site Plan Application of PPG Properties, LLC, Applicant, Ceruzzi North Haven LLC, Owner, relative to 79 Washington Avenue.

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

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Penton - aye

The application was approved with appropriate conditions.

**CORRESPONDENCE:** - Letter from Brian D. Testa

Mr. Fredricksen reviewed the correspondence with the Commission.

**MINUTES:**

August 6, 2012

Mr. Andrews moved to approve the minutes of the August 6, 2012 meeting; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Ranciato-Viele – aye Wilson – aye

**ADJOURN:**

There being no further business, Mr. Giulietti moved to adjourn; Mr. Andrews seconded the motion. The meeting was adjourned at 11:40 PM.