

APPROVED 11-13-12
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, October 1, 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
Edward M. Homa, Alternate
Mary Jane Mulligan, Alternate

MEMBERS ABSENT:

Richard E. Wilson, 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 7:08 p.m. and introduced the Commissioners, alternates and town staff. Then, he explained to the public that the Commission will deliberate on application #P12-22, 195 McDermott Road, first and Executive Session will be conducted near the end of the meeting.

DELIBERATION SESSION:

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

SITE PLAN:

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

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.

Mr. Giulietti moved to go out of deliberations; Mrs. Ranciato-Viele seconded the motion. All were in favor.

Attorney Tony Elia, representing the DePaola family, asked that the information he submitted be entered into the record of application #P12-22, 195 McDermott Road.

PUBLIC HEARINGS:

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

1. #P12-16 Continuation of the 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. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Bernard Pellegrino, Jr. continued presenting the application to add Section 4.4.1.38 to the North Haven Zoning Regulations to allow an Upper Washington Avenue Multi-Use Development Zone. He gave a powerpoint presentation which summarized modifications made to this Amendment and Mr. Steve Inglese, Developer, discussed the benefits this Amendment would have to the town.

Attorney Jennifer Coppola, Town Counsel, stated that she wanted to present information from a neighborhood meeting she held on September 25, 2012 in regards to this Amendment. First, she presented Attorney John Parese's comments and recommendations regarding the proposed Amendment and then she presented comments and recommendations from residents who attended the neighborhood meeting. Attorney Pellegrino responded to questions from the Commission.

Mr. Carlson asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, spoke in favor of the Amendment. She stated that she attended the neighborhood meeting on September 25, 2012 and is in favor of the proposed modifications.
2. Attorney John Parese, 25 Tokeneke Drive, spoke in favor of the Amendment. He stated that site plan applications submitted for the project should require a Public Hearing. He also asked the Commission to not limit buildings to New England style only. He stated that the west side of Washington Avenue could also benefit from this Amendment.
3. James Fitzgerald, 25 Kimberly Circle, stated that he would support this amendment if it was fully tied to the housing of Quinnipiac students.
4. Ted Wysocki, 58 Coventry Circle, asked if an environmental study would be conducted for water runoff and what kind of impact this project would have on police and trash collection. He has safety concerns with vehicles taking a left turn out of Scrub Oak Road onto Washington Avenue. He also asked why this Amendment was being proposed for the east side of Washington Avenue only.

Attorney Pellegrino and Mr. Inglese responded to the public comment and further questions from the Commission. Then, Attorney Jennifer Coppola submitted and reviewed her recommendations pertaining to this Amendment and Attorney Pellegrino responded to her recommendations. The Commission asked further questions and Attorney Pellegrino and Mr. Inglese responded.

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

BREAK: 9:45 – 9:57 PM

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

2. #P12-29 Subdivision Application of Joseph Mineri, Applicant, The Estate of Betty Creamer, c/o William Gambardella, Esquire, Owner, for two (2) lots relative to 162 Clintonville Road, (Map 68, Lot 41). Plan Entitled: Property Located at #162 Clintonville Road, North Haven, Connecticut. Prepared by Criscuolo Engineering, LLC. Dated 9/5/12. Scale 1" = 20'. R-20 Zoning District.

Attorney William Gambardella, representing the Estate of Betty Creamer, and Mr. Robert Criscuolo, P.E. of Criscuolo Engineering, presented the application for a two lot subdivision on a 1.31 acre parcel relative to 162 Clintonville Road. The Commission asked questions and Mr. Criscuolo and Attorney Gambardella responded.

Mr. Carlson asked for public comment.

Public comment:

1. Michelle Bissell, 154 Clintonville Road, has drainage concerns.
2. Eunice Evans, 156 Clintonville Road, has drainage concerns.
3. Lucille Degregorio, 16 Country Way, asked about the setbacks and how the position of the proposed houses, on the lots, was determined. She would like to see the rear of the second lot fully cleared to the property line.

Mr. Criscuolo and Attorney Gambardella responded to the public comment.

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

8-24 REFERRAL:

1. #P12-30 Section 8-24 Referral – Application of the Town of North Haven for the construction of an addition to the rear (west side) of the Town Hall for handicapped accessibility.

Mr. Alan Fredricksen, Land Use Administrator, presented the Section 8-24 Referral for the construction of an addition to the rear (west side) of the North Haven Town Hall for handicapped accessibility. The Commission asked questions and Mr. Fredricksen responded.

EXECUTIVE SESSION:

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.
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.

Mr. Giulietti moved to enter into Executive Session at 10:25 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

Mrs. Ranciato-Viele moved to go out of Executive Session at 10:28 PM; Mr. Andrews seconded the motion. The Commission voted as follows:

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

OTHER: None

CEASE & DESIST ORDERS: None

INFORMAL PRESENTATION: None

EXTENSIONS: None

BONDS RELEASES & REDUCTIONS:

#P12-02, 88 Leonardo Drive

Mr. Giulietti moved to release the entire bond for application #P12-02, 88 Leonardo Drive, in the amount of \$2,750.00; Mr. Andrews seconded the motion. The Commission voted as follows:

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

#P98-26, 370 Bassett Road

Mr. Andrews moved to release the entire bond for application #P98-26, 370 Bassett Road, in the amount of \$4,000.00; 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:

84 Washington Avenue

Mr. Lou Coppola and Ms. Cat Dubail presented the Change of Use from retail to office/retail to permit the use of “pop up” shops at 84 Washington Avenue.

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

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

275 Valley Service Road

Mr. Olek Golinowski of The Only Game in Town, presented the temporary change of use from an amusement center to a haunted house. The haunted house will be in operation from October 4 through November 3, 2012.

Mr. Andrews moved to approve the temporary change of use from an amusement center to a haunted house contingent upon an approval letter from the Fire Chief; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

DELIBERATION SESSION:

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

EXECUTIVE SESSION:

1. 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.

Mr. Giulietti moved to approve the proposed settlement in the Spring Road Development LLC, et al. v. Town of North Haven Planning and Zoning Commission, and to authorize Town Counsel, Jennifer Coppola, to execute the Motion to Approve Settlement, on behalf of the Commission; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

8-24 REFERRAL:

1. #P12-30 Section 8-24 Referral – Application of the Town of North Haven for the construction of an addition to the rear (west side) of the Town Hall for handicapped accessibility.

Mrs. Ranciato-Viele moved to approve the Section 8-24 Referral for the construction of an addition to the rear (west side) of the North Haven Town Hall for handicapped accessibility; Mr. Andrews seconded the motion. The Commission voted as follows:

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

PUBLIC HEARINGS:

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. Penton moved to approve the application as modified by Town Counsel, Jennifer Coppola, and submitted to the Planning and Zoning Commission at the October 1, 2012 meeting but further modified to have a maximum floor plan area of 1,300 square feet per residential dwelling unit; Mr. Andrews seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

2. #P12-29 Subdivision Application of Joseph Mineri, Applicant, The Estate of Betty Creamer, c/o William Gambardella, Esquire, Owner, for two (2) lots relative to 162 Clintonville Road.

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

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

The application was approved with appropriate conditions.

CORRESPONDENCE: - Town of Hamden, Zone Amendment
-Town of Branford, Zone Amendment
-SCROG Letter, Town of Hamden Zone Amendment
-SCROG Letter, Town of North Branford Zone Amendment
-ZEO Report
-828 Thompson Street

Mr. Fredricksen reviewed the correspondence with the Commission. The Commission requested that Mr. Hausman, Zoning Enforcement Officer, attend next month's meeting to discuss zoning violations.

MINUTES:

September 10, 2012

Mr. Penton moved to approve the minutes of the September 10, 2012 meeting; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

ADJOURN:

There being no further business, Mrs. Ranciato-Viele moved to adjourn; Mr. Penton seconded the motion. The meeting was adjourned at 11:12 PM.