

APPROVED 1-7-13
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, December 3, 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
Richard E. Wilson, Alternate
Mary Jane Mulligan, Alternate

MEMBERS ABSENT: None

OTHERS PRESENT:

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

AGENDA:

Mr. Carlson, Chairman, opened the meeting at 7:03 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 the following applications regarding 41 Stiles Lane, #P12-34S, #P12-34 and #P12-34A, are postponed to the January 7, 2013 meeting.

8-24 REFERRAL:

1. #P12-37 Section 8-24 Referral – Application of the Town of North Haven for the replacement of playground equipment at the Montowese Elementary School, 145 Fitch Street.

Mr. Jonathan Bodwell, Town Engineer, presented the 8-24 Referral for the replacement of playground equipment at the Montowese Elementary School located at 145 Fitch Street. The Commission asked questions and Mr. Bodwell responded.

PUBLIC HEARINGS:

1. #P12-34S Fill Permit Application of Pharmacia & Upjohn Company, LLC, Owner and Applicant, relative to 41 Stiles Lane, (Map 43, Lot 34). Plan Entitled: East Side Remedial Components Construction, Pharmacia & Upjohn Company, LLC Site, 41 Stiles Lane, North Haven, CT. Prepared By Brown and Caldwell. Dated October 29, 2012. Scale 1" = 120' IG-80 Zoning District.

This application has been postponed to the January 7, 2013 meeting.

The Commission elected to hear applications #P12-36S and #P12-36A together.

Mr. Bodwell, Town Engineer, recused himself from this application and Lynn Sadosky, Public Works Director, submitted comments.

2. #P12-36S Fill Permit Application of 200 Sackett Point Road, LLC, Owner and Applicant, relative to 300 Elm Street and 200 & 144 Sackett Point Road, (Map 36, Lots 3, 8, & 18). Plan Entitled: Proposed Soil Stockpile Permit, 200 Sackett Point Road, LLC, 300 Sackett Point Road, North Haven, Connecticut. Prepared by Milone & MacBroom, Dated Oct. 25, 2012. IL-80 Zoning District.
7. #P12-36A CAM Application of 200 Sackett Point Road, LLC, Owner and Applicant, relative to 300 Elm Street and 200 & 144 Sackett Point Road, (Map 36, Lots 3, 8, & 18). Plan Entitled: Proposed Soil Stockpile Permit, 200 Sackett Point Road, LLC, 300 Sackett Point Road, North Haven, Connecticut. Prepared by Milone & MacBroom, Dated Oct. 25, 2012. IL-80 Zoning District.

Attorney Bernard Pellegrino, Jr. presented the application to permit the stockpiling of approximately 90,000 cubic yards of fill from off site in an area on the west side of this parcel. He stated that it will take 80 working days to deposit fill and the hours of operation will be from 7:00 am to 5:00 pm. There will be no truck access on Elm Street. The fill will be approximately 30' high and it will be capped. The Commission requested an inspection report of the fill.

The Commission asked questions and Attorney Pellegrino and Mr. Tom Daly, Project Manager, of Milone and MacBroom and Mr. Tom Haynes of the Haynes Construction Company responded. Mr. Tom Daly described the site and the proposed project. The Commission asked questions and Mr. Haynes and Mr. Daly responded. Mr. Kwesi Brown of Milone and MacBroom further described the project and the affect it will have on traffic on Sackett Point Road. There is some concern with safety in regards to the sightline.

Mr. Carlson asked for public comment.

Public comment:

1. Sherman Katz, 40 Sherwood Drive, has traffic concerns and asked if trucks will be traveling over the Sackett Point Road Bridge. If so, he feels this will hasten the necessity to repair that bridge.
2. Frank Clos, 152 Sackett Point Road, has concerns with traffic and noise from the trucks. He would like to see a test report on the quality of the soil. He also asked about future plans regarding this site.
3. Jerry Remillard, President of Quail Run Village Association, has health concerns for the elderly due to dust. He wants to make sure appropriate measures are taken to control dust. He also feels home values will be impacted by this project. He would like to know the quality of the soil and asked who would be responsible for maintaining the fill cap in the future and if it fails.

Mr. Pellegrino, Mr. Haynes and Mr. Daly responded to the public comment and further questions from the Commission.

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

SITE PLANS:

3. #P12-33 Site Plan Application of David Sessions, Owner and Applicant, relative to 158 State Street, (Map 51, Lot 7). Plan Entitled: Medical Office Building, Lot 6: 8 Devine Street, Lot 7: 158 State Street, North Haven, CT, 06473. Prepared by LADA, P.C., North Haven, CT, 06473. Dated 01/27/11, rev. 10/25/12. . O-12 Zoning District.

Mr. Philip Doyle of LADA, P.C. presented the application to modify application #P11-08, approved by the Commission on April 4, 2011, and subsequently modified by application #P12-10 approved by the Commission on April 2, 2012 to accommodate a Veterinary Referral Center. The modifications proposed by this application include the construction of a large earth berm approximately 18' high with additional landscaping to help screen the new buildings from neighbors to the north and west. Also, minor modifications have been made to the site.

A Permit to Conduct Regulated Activity and a positive Site Plan Referral was approved by the Inland Wetlands Commission on November 28, 2012. The Commission asked questions and Mr. Doyle responded.

4. #P12-34 Site Plan Permit Application of Pharmacia & Upjohn Company, LLC, Owner and Applicant, relative to 41 Stiles Lane, (Map 43, Lot 34). Plan Entitled: East Side Remedial Components Construction, Pharmacia & Upjohn Company, LLC Site, 41 Stiles Lane, North Haven, CT. Prepared By Brown and Caldwell. Dated October 29, 2012. Scale 1" = 120'. IG-80 Zoning District.

This application has been postponed to the January 7, 2013 meeting.

5. #P12-34A CAM Application of Pharmacia & Upjohn Company, LLC, Owner and Applicant, relative to 41 Stiles Lane, (Map 43, Lot 34). Plan Entitled: East Side Remedial Components Construction, Pharmacia & Upjohn Company, LLC Site, 41 Stiles Lane, North Haven, CT. Prepared By Brown and Caldwell. Dated October 29, 2012. Scale 1" = 120'. IG-80 Zoning District.

This application has been postponed to the January 7, 2013 meeting.

6. #P12-35 Site Plan Application of 600 Washington Avenue, LLC, Owner and Applicant, relative to 600 Washington Avenue, (Map 101, Lot 93). Plan Entitled: Site Plan, Proposed Improvements To Mercedes-Benz Showroom, 600 Washington Avenue (Route 5), North Haven, Connecticut. Prepared by Milone & MacBroom. Dated October 30, 2012. Scale 1" = 20'. CB-40 Zoning District.

Mr. Tom Daly of Milone and MacBroom presented the application to permit certain alterations to the front facade of the Mercedes-Benz of North Haven car dealership building located at 600 Washington Avenue. Grillwork and columns will be added to align the structure with the current corporate image. Also, two small roofed areas are proposed to be enclosed and two parking spaces, in the very front of the building, are intended to be converted to sidewalks. The Commission asked questions and Mr. Daly responded.

OTHER:

#P12-22, 195 McDermott Road

Mr. John Zyrlis of TPA Design presented the modification to expand the ice farm and chiller yard area, located within the enclosed area on the east side of the main Covidien plant, and to upgrade and expand the units making them more efficient and quieter to operate. Mr. Zyrlis submitted a drawing of the chiller yard area, Exhibit A.

Mr. Penton 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

BREAK: 9:41 – 9:47 PM

DELIBERATION SESSION:

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

8-24 REFERRAL:

1. #P12-37 Section 8-24 Referral – Application of the Town of North Haven for the replacement of playground equipment at the Montowese Elementary School, 145 Fitch Street.

Mr. Giulietti moved to send a positive referral to the Selectman for the 8-24 Referral for the replacement of playground equipment at the Montowese Elementary School; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

The Section 8-24 Referral was approved.

PUBLIC HEARING:

2. #P12-36S Fill Permit Application of 200 Sackett Point Road, LLC, Owner and Applicant, relative to 300 Elm Street and 200 & 144 Sackett Point Road.

Mrs. Ranciato-Viele moved to approve the application with capping and vegetating of the fill and submitting test reports, on all fill to be placed, as a part of the approval; Mr. Andrews seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions, by a 4-1 vote.

SITE PLANS:

3. #P12-33 Site Plan Application of David Sessions, Owner and Applicant, relative to 158 State Street, (Map 51, Lot 7). Plan Entitled: Medical Office Building, Lot 6: 8 Devine Street, Lot 7: 158 State Street, North Haven, CT, 06473.

Mr. Giulietti moved to approve the application; Mr. Penton 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.

6. #P12-35 Site Plan Application of 600 Washington Avenue, LLC, Owner and Applicant, relative to 600 Washington Avenue, (Map 101, Lot 93). Plan Entitled: Site Plan, Proposed Improvements To Mercedes-Benz Showroom.

Mr. Andrews moved to approve the application with a waiver of the sidewalk requirement; Mr. Penton 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.

7. #P12-36A CAM Application of 200 Sackett Point Road, LLC, Owner and Applicant, relative to 300 Elm Street and 200 & 144 Sackett Point Road.

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

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

The application was approved with appropriate conditions, by a 4-1 vote.

CEASE & DESIST ORDERS: None

INFORMAL PRESENTATION: None

EXTENSIONS: None

BONDS RELEASES & REDUCTIONS:

#P07-31, 66 Leonardo Drive

Mr. Andrews moved to release the bond for application #P07-31, 66 Leonardo Drive, in the amount of \$25,000.00; Mr. Penton seconded the motion. The Commission voted as follows:

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

#P10-07, 66 Leonardo Drive

Mr. Andrews moved to release the bond for application #P10-07, 66 Leonardo Drive, in the amount of \$15,000.00; Mr. Penton seconded the motion. The Commission voted as follows:

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

#B98-22, 30 Leonardo Drive

Mrs. Ranciato-Viele moved to release the bond for application #B98-22, 30 Leonardo Drive, in the amount of \$25,000.00; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

CHANGE OF USE:

117 Washington Avenue

Mr. Anthony Marino, President of the Smoker’s Club, continued presenting the Change of Use from retail to a social club. He stated that he addressed the concerns of the Fire Chief and then further described the purpose of this social club. The Commission feels this location is not appropriate for a social club.

Mr. Andrews moved to deny the Change of Use application from retail to a social club; Mr. Penton seconded the motion. The Commission voted as follows:

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

510 Washington Avenue

Ms. Elisa Katz, applicant and Ms. Dana Warren, Architect, continued presenting the change of use from an indoor miniature golf course to a veterinary hospital. Ms. Katz submitted an e-mail from Jim Cummings of the Dialysis Center in favor of the application; however, he asked that parking spaces near his entry doorway not be blocked, Exhibit A.

Ms. Warren described the modifications being proposed for this site in order to accommodate this veterinary hospital. The Commission still has concerns with not having an appropriate area for the animals to relieve themselves and feel this location may not be appropriate for a veterinary hospital.

Mrs. Ranciato-Viele moved to deny the Change of Use application from an indoor miniature golf course to a veterinary hospital; Mr. Andrews seconded the motion. The Commission voted as follows:

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

630 Washington Avenue

Mr. Rick Nuzzo, applicant, presented the change of use from retail to a pizza delivery and take out business. The Commission requested that the landlord make improvements to this site.

Mr. Andrews moved to approve the Change of Use application from retail to a pizza delivery and take out business; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

CORRESPONDENCE: - ZEO Report

MINUTES:

November 13, 2012

Mrs. Ranciato-Viele moved to approve the minutes of the November 13, 2012 meeting; Mr. Andrews 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. Andrews seconded the motion. The meeting was adjourned at 10:17 PM.