

APPROVED 5-6-13
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, April 8, 2013 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in the Gymnasium, at 7:00 PM.

MEMBERS PRESENT:

Vern E. Carlson, Chairman
Curtis D. Andrews, Sr., Secretary
James J. Giulietti
Theresa Ranciato-Viele
Ronald D. Penton
Mary Jane Mulligan, Alternate
Richard E. Wilson, 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 7:13 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 application, #P13-10, 130 Universal Drive, is postponed to the May 6, 2013, and that he would like to add to the agenda under "Other" Jennifer Coppola, Town Counsel.

Mrs. Ranciato-Viele moved to add Jennifer Coppola, Town Counsel, to the Agenda under "Other"; Mr. Andrews seconded the motion. All were in favor.

SECTION 8-24 REFERRAL:

Mr. Andrews read the call for the 8-24 Referral.

1. #P13-12 Section 8-24 Referral – Application of the Town of North Haven for the renovation of the Town Firehouses.

Mr. Jonathan Bodwell, Town Engineer, presented the 8-24 Referral application for the replacement of the three volunteer company fire houses located at 282 Quinnipiac Avenue, 1331 Ridge Road and 366 Washington Avenue and the construction of an addition to and the renovation of the Fire Headquarters located at 11 Broadway.

The scope of work includes building construction and necessary associated site work. The Commission asked questions and Mr. Bodwell responded. Mr. Penton stated that he has concerns with traffic safety because the fire trucks are forced to back out onto the road due to the way the fire houses are being reconstructed.

PUBLIC HEARINGS:

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

1. #P13-06S Special Permit Application (as authorized by Section 8.10.1), of Nicholas J. Coppola, Owner and Applicant, relative to 3013 Ridge Road, (Map 87, Lot 52). Plan Entitled: Untitled As-Built Survey Fragment. Scale: Graphic. R-40 Zoning District.

Mr. Nick Coppola presented the application for a Certificate of Location/Special Permit, in accordance with Section 8.10.1 of the Planning & Zoning Regulations. The applicant is requesting an approval for a manufacturer's permit to produce wine in a 440 square feet area of the basement of his residence.

The applicant has stated that he currently operates and proposes to continue to operate in accordance with Section 2.1.1.3 of the Regulations as "a customary incidental home occupation". This proposed location does not appear to be within 500' of any premises used or reserved to be used for a college, school, church, synagogue, hospital or library. The Commission asked questions and Mr. Coppola responded.

Mr. Carlson asked for public comment. There being no public comment the Public Hearing was closed.

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

2. #P13-04 Site Plan Application of Lexington Properties, LLC, Owner and Applicant, relative to 500 Middletown Avenue, (Map 23, Lot 72). Plan Entitled: Lexington Gardens, 500 Middletown Avenue, North Haven, Connecticut. Prepared by Milone & MacBroom. Dated January 7, 2013. Scale 1" = 40'. R-40 Zoning District.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the application to permit the construction of 76, single family, residential units on this 14.9 acre site. Twenty-three of these units will be designated as affordable housing. Attorney Pellegrino submitted an Affordable Housing Land Use Appeals List 2011, dated July 1, 2012, Exhibit A. Attorney Pellegrino then reviewed town comments with the Commission. The Commission asked questions and Attorney Pellegrino and Mr. Tom Daly, P.E. of Milone and MacBroom responded. Attorney Pellegrino stated that the applicant is not in favor of modifying their proposal in response to certain town comments.

Mr. Tom Daly, P.E. further described the site in its current state and the new development being proposed for this site. He stated that parking is only being proposed for one side of the 24' proposed road. Mr. Daly submitted a fire truck turning radius plan, Exhibit B and a letter regarding water access, Exhibit C. The bond estimate form for the project was also submitted. Mr. Kwesi Brown, P.E. with Milone and MacBroom discussed the traffic study. The Commission asked questions and Mr. Brown and Attorney Pellegrino responded. Mr. Penton then stated that an independent review of the Traffic Impact Report was conducted by VN Engineers, Inc., on behalf of the Commission and was in agreement with Milone and MacBroom's findings.

Mr. Mario DiGioia, President of DonMar Development and owner of 500 Middletown Avenue, spoke regarding the positive impacts this project will have on the town and why we need affordable housing. The Commission asked questions and Attorney Pellegrino, Mr. DiGioia and Mr. Daly responded.

Mr. Carlson asked for public comment:

Public comment:

1. Bob Buenger, owner of CT Home Insulation Company in North Haven, spoke in favor of the application. He feels this project will help boost the economy and is a good opportunity for young couples wanting to live in town.
2. Nicholas Barone, 30 Del Avenue, spoke in favor of the application. He feels new homes will be more efficient.
3. Ann Clark, 27 Bowling Green Drive, asked about drainage and top soil removal.
4. Mary White, 67 Summer Lane, stated that she has six positive reasons for liking this proposal: The houses are single family detached homes; the maximum height is 35'; the minimum square feet is 1,530 and the maximum square feet is 2,012; 18 different home styles are being offered; and surrounding neighbors may be able to tie into the development's services such as water. She asked questions regarding the detention basin. She also stated that she has health and safety concerns regarding this project. She has concerns with the impact on the sewer system, the difficulty emergency vehicles may have trying to enter this site and increased traffic on Middletown Avenue and surrounding side streets. She feels this development is too dense and would like to have the number of units reduced. She suggested that college students register with the town. Then, she asked the Commission to deny this application and submitted her presentation, Exhibit 1.
5. Mike Zuccarelli, 520 Middletown Avenue, asked what the median income is for North Haven. He also asked if there was an underground fuel tank on the property and where the pile of dirt deposited on this site came from and what is in it. He has safety concerns with emergency vehicles entering the development and construction trucks constantly traveling on Middletown Avenue. He also feels that this project will have an impact on the school system and taxes.
6. John Ferraro, 176 Fitch Street, asked what would happen if homes don't sell? He feels this project will impact the school system and that children living in this development will have no area in which to play due to the lack of back yards. He also has concerns regarding drainage and asked how deep the detention basin is.

7. Joan Mazurek, Cloudland Road, has traffic safety concerns. She feels this project will impact the sewer system, the Police and Fire Departments, the school system and will increase the tax rate. She also asked which units are priced at \$299,000 and the cost of the condo fees.
8. Bob Mazurek, 154 Cloudland Road, feels the project will have an impact on Livingston Drive.
9. Sandy Stetson, 542 Middletown Avenue, has traffic concerns. She feels that this development is too dense. She also has safety concerns with emergency vehicles trying to enter this site. She is also concerned with the ground not being stable enough to support these homes.
10. Leonda Fermo, 62 Juniper Drive, has concerns with snow removal. She feels that this area is not suitable for a dense development. She stated that when Mr. Fink spoke in favor of this project, at last month's meeting, he tried to influence the Commission and that this development is not consistent with the Act he proposed. Ms. Fermo then submitted Mr. Fink's Act, Exhibit #2.
11. Ann Ruocco, 23 Ansonia Drive, spoke in opposition to the application. She feels this development is too dense. She has safety concerns with children waiting for the school bus and with cars parked on the street while children are playing in the area. She also has drainage concerns and had questions regarding the drainage easement on Spring Road. She asked that the R-40 zoning district not be changed and feels this project will impact the school system. Then she submitted an Incident Report, Exhibit 3.
12. Bob Johnson, 839 Middletown Avenue, questions the lack of affordable housing in town and feels this project will have a negative impact on town services, the sewer system and taxes. He feels that the R-40 zoning district should not be proposed for affordable housing. He suggested other venues that can be pursued such as creating a demolition fund for old homes and a rehabilitation tax credit. He asked that this application be denied and then submitted his presentation, Exhibit 4.
13. Tom White, 67 Summer Lane, recommends signage on the new road where it will be congested and to have improperly parked vehicles towed.
14. Susan Hill, 530 Middletown Avenue, feels that there are many affordable houses in town and that this development is too dense and will not enhance her property. She asked about the mound of dirt stockpiled on the property. She feels the town is losing control of zoning and that this property is not the right place for this development. She also has concerns with maintenance of this development after it is built.
15. Pasquale Perrotti, 451 Middletown Avenue, asked if the sewer easement on his property will be affected by this project.
16. Marcy Faiman, 501 Clintonville Road, spoke in opposition to the application. She feels that this development will be difficult to plow and asked where will they put the snow? She also has safety concerns with emergency vehicles entering the site.
17. Andy Ferraro, 36 Spring Road, asked questions regarding zoning.

Attorney Pellegrino, Mr. Daly and Mr. DiGioia responded to the public comment. Then Attorney Pellegrino made closing remarks.

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

BREAK: 10:55 – 11:07 PM

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

The Commission elected to hear applications #P13-11S and #P13-11 together.

3. #P13-11S Special Permit Application (as authorized by Section 3.1.1.2) of Quinnipiac University, Owner and Applicant, relative to 370 Bassett Road, (Map 91, Lot 22) and 328 Bassett Road, (Map 91, Lot 19). Plan Entitled: Quinnipiac University, North Haven Campus, North Haven, Connecticut, Law School. Prepared by Nathan L. Jacobson & Associates, Inc. Dated March 8, 2013. Scale 1" = 30'. LO Zoning District.
6. #P13-11 Site Plan Application (as authorized by Section 3.1.1.2) of Quinnipiac University, Owner and Applicant, relative to 370 Bassett Road, (Map 91, Lot 22) and 328 Bassett Road, (Map 91, Lot 19). Plan Entitled: Quinnipiac University, North Haven Campus, North Haven, Connecticut, Law School. Prepared by Nathan L. Jacobson & Associates, Inc. Dated March 8, 2013. Scale 1" = 30'. LO Zoning District.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the application to permit the Change of Use of Building 3 by Quinnipiac University for use as a Law School. Building 1 was for use as a Law School. Building 1 was approved by Quinnipiac University in 2007 and Buildings 2 and 4 were approved in 2011. A new entry portico and associated site work are proposed on the north side of this existing building. The Special Permit is in accordance with Section 3.1.1.2 of the regulations that permit the use. Mr. Howard Pfrommer, P.E. discussed the proposed exterior site work. Mr. John Lavy discussed the proposed interior work.

The Inland Wetlands Commission issued a positive Site Plan Referral at their March 20, 2013 meeting (#I13-05). The two (2) parcels, 37 Bassett Road and 328 Bassett Road have now been merged back into one parcel, negating the subdivision of 1998.

The Commission requested to continue this application to the May 6, 2013 meeting so they can review the traffic study.

SITE PLANS:

4. #P13-08 Site Plan Application of WE 69 Dodge Avenue, LLC, Applicant, Eric Perler, Owner, relative to 69 Dodge Avenue (Map 100, Lot 6). Plan Entitled: Parking Site Plan, WE 60 Dodge Avenue, LLC, 69 Dodge Avenue, North Haven, Conn. Prepared by Meehan & Goodin. Dated 2-26- 13. Scale 1" = 30'. IL-80 Zoning District.

Mr. Russell Johnston of Meehan and Goodin presented the application for a Permit to Conduct Regulated Activity to permit a relatively small expansion to this existing parking lot as well as certain drainage improvements to accommodate a new tenant for the property.

A request is being made for the outdoor storage of motor vehicles for the new business. A waiver of a 5' wide concrete sidewalks along a portion of the northerly property line has been requested. Mr. Penton suggested creating a 50' easement for the walking trail at the northeast corner of the site. The Commission asked questions and Mr. Johnston and Mr. Eric Nelson responded.

5. #P13-10 Site Plan Application of William D Berluti, Owner and Applicant, relative to 130 Universal Drive, (Map 6, Lot 4). Plan Entitled; #130 Universal Drive, North Haven, Connecticut. Prepared by Criscuolo- Shepard, Associates. Dated Jan. 4, 1993, rev. 4/7/93. Scale 1" = 30'. IG-80 Zoning District.

This application has been postponed to the May 6, 2013 meeting.

OTHER:

Metro PCS Communications, Inc., 3 Horseshoe Hill Road

Mrs. Ranciato-Viele recused herself from this application and Ms. Mulligan sat in her place.

Mr. Dick Man of Metro PCS Communications, Inc. is requesting approval to remove one (1) existing Nextel radio cabinet and replacing it with one (1) Ericsson radio cabinet and one (1) battery cabinet, and relocating the existing PPC cabinet and GPS antenna. Also, there will be a slight expansion of the ground area to a 9' x 10' rectangular equipment area and the existing fence will be replaced in order to enclose the 9' x 10' ground equipment area. The Commission asked a few questions and Mr. Man responded.

Mr. Penton moved to approve the modifications of the wireless facility located at 3 Horseshoe Hill Road; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Penton – aye Mulligan – aye

Jennifer Coppola, Town Counsel

Attorney Jennifer Coppola spoke regarding the Roma Estates subdivision located on 19 & 51 Patten Road. She stated that the applicant will file the subdivision mylar now and would like to file the easement for a sightline issue at a later date. She asked the Commission for their opinion regarding this matter. The Commission preferred not to have the applicant wait to file the easement.

DELIBERATION SESSION:

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

PUBLIC HEARINGS:

1. #P13-03 Application of Bernard Pellegrino, Esquire, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 8.15, to allow an Affordable Housing Opportunity Development Zone.

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

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

The Commission stated that the reasons for the denial are contained in the record.

SECTION 8-24 REFERRAL:

1. #P13-12 Section 8-24 Referral – Application of the Town of North Haven for the renovation of the Town Firehouses.

Mrs. Ranciato-Viele moved to approve the Section 8-24 Referral application for the renovation of the Fire Headquarters located at 11 Broadway; Mr. Andrews seconded the motion. The Commission voted as follows:

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

Mr. Giulietti moved to continue to the May 6, 2013 meeting the Section 8-24 Referral application for the replacement of the three volunteer company fire houses located at 282 Quinnipiac Avenue, 1331 Ridge Road and 366 Washington Avenue; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

PUBLIC HEARINGS CON'T:

1. #P13-06S Special Permit Application (as authorized by Section 8.10.1), of Nicholas J. Coppola, Owner and Applicant, relative to 3013 Ridge Road.

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

2. #P13-04 Site Plan Application of Lexington Properties, LLC, Owner and Applicant, relative to 500 Middletown Avenue.

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

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

The Commission stated that the reasons for the denial are contained in the record.

3. #P13-11S Special Permit Application (as authorized by Section 3.1.1.2) of Quinnipiac University, Owner and Applicant, relative to 370 Bassett Road.

Mr. Penton moved to continue the application to the May 6, 2013 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

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

SITE PLANS:

4. #P13-08 Site Plan Application of WE 69 Dodge Avenue, LLC, Applicant, Eric Perler, Owner, relative to 69 Dodge Avenue.

Mr. Penton moved to approve the application with a waiver of the sidewalks and two parking spaces and the addition of an easement for the walking trail; Mr. Giulietti 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. #P13-11 Site Plan Application (as authorized by Section 3.1.1.2) of Quinnipiac University, Owner and Applicant, relative to 370 Bassett Road.

Mr. Penton moved to continue the application to the May 6, 2013 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

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

CEASE & DESIST ORDERS:

-37 Nettleton Avenue – Conducting a wood processing business without zoning approval. A Cease & Desist Order was sent on March 11, 2013.

-156 State Street – Storage of commercial trailers on property. A Cease & Desist Order was sent on March 20, 2013.

-62 Bishop Street – Dumpster violation and commercial use in a residential zone. A Cease & Desist was sent on March 22, 2013.

-18 Janet Drive – Non-permitted truck and shed encroachment. A Cease & Desist was sent on March 25, 2013.

INFORMAL PRESENTATION: None

EXTENSIONS:

#P11-25, 19 Peck Street

Mr. Andrews moved to approve two (2) six (6) month extensions for application #P11-25, 19 Peck Street; Mr. Penton seconded the motion. The Commission voted as follows:

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

BONDS RELEASES & REDUCTIONS:

#B93-34, 291-297 State Street

Mr. Andrews moved to release the remaining balance of the bond for application #B93-34, 291-297 State Street, in the amount of \$50,000.00; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

#P04-11, 1194 Hartford Turnpike

Mrs. Ranciato-Viele moved to release the entire bond for application #P04-11, 1194 Hartford Turnpike, in the amount of \$2,500.00; Mr. Penton seconded the motion. The Commission voted as follows:

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

CHANGE OF USE: None

CORRESPONDENCE: - ZEO Report

-City of New Haven Amendment

-SCROG Referral Letter, City of New Haven

-SCROG Referral Letter, Town of East Haven

MINUTES:

March 4, 2013

Mr. Giulietti moved to approve the minutes of the March 4, 2013 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Penton – aye Mulligan – aye

ADJOURN:

There being no further business, Mr. Penton moved to adjourn; Mrs. Ranciato-Viele seconded the motion. The meeting was adjourned at 12:15 PM.