

**APPROVED 6-3-13**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, May 6, 2013 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  
Mary Jane Mulligan, Alternate  
Richard E. Wilson, Alternate  
Edward M. Homa, 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 7:05 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.

**SECTION 8-24 REFERRAL:**

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

1. #P13-12 Section 8-24 Referral – Continuation of the application for the replacement of the volunteer company fire house located at 282 Quinnipiac Avenue.

Mr. Jonathan Bodwell, Town Engineer, continued presenting the 8-24 Referral application for the replacement of the volunteer company fire house located at 282 Quinnipiac Avenue. The Commission asked questions and Mr. Bodwell responded.

## **PUBLIC HEARINGS:**

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

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

1. #P13-11S Continuation of the 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 Continuation of the 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 continued presenting 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. Jim Bubaris of Bubaris Traffic Associates discussed the traffic report with the Commission. The Commission asked questions and Attorney Pellegrino and Mr. Bubaris responded.

Mr. Carlson asked for public comment.

Public comment:

1. Sherman Katz, 40 Sherwood Drive, stated that the north drive previously had a right turn only sign and asked if Quinnipiac would use the same signage.

Mr. Fredricksen, Land Use Administrator, and Attorney Pellegrino addressed the public comment.

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

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

2. #P13-09 Application of John Orsini, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 2.4.1.3, to allow a Medical Epicenter Elderly Residential Zone (MEERZ). The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Dennis Ceneviva presented the amendment to establish a Medical Epicenter Elderly Residential Zone (MEERZ), as an overlay zone to permit elderly multi-family housing within specific proximity parameters of a medical development and of public transportation infrastructure.

The South Central Connecticut Regional Planning Commission has determined that the proposed Amendment does not appear to cause any negative inter-municipal impacts to the towns in the South Central Region, nor any impacts to the habitat or ecosystem of Long Island Sound.

Mr. John Mancini of BL Companies described the site layout. Mrs. Ranciatio-Viele asked if any units would be considered affordable housing. Mr. Mancini, Mr. John Orsini, applicant, and Mr. Alan Fredricksen, responded to the Commission's questions. Mr. Giulietti feels this Amendment could be considered spot zoning and asked what the economic outcome would be. He also asked how the age restriction requirement would be enforced.

Mr. Carlson asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, has concerns with the language in the proposed Amendment such as; no limitation on the number of units that could be proposed, a maximum height of 50', this type of development abutting residential zones where the height is only 35', lack of parking, buffer and privacy concerns, and carports having openings on three sides with only a 10' side yard setback and a 5' rear yard setback from neighboring properties. She is also concerned with no affordable housing being proposed.
2. Sherman Katz, 40 Sherwood Drive, spoke in favor of the application. He lives near the proposed development and feels it would be a good neighbor and a tax gain.
3. Jay Bard, 24 Sherwood Drive, feels that the Commission's hands will be tied if this is approved and that the school system will be impacted by younger families with children moving into homes of residents that will now reside in this development. He asked for the definition of the project being on a bus line.
4. Jim Auger, Quinnipiac Chamber of Commerce, feels this project will have a positive impact on the town.
5. Gary Gargano of North Haven feels this development would be a great attribute for the town and a safe facility for his mother to live in.
6. Joann Gradzik, 5 Fairy Glen Drive, spoke in favor of the Amendment. She feels it would be a beautiful asset to the State Street area and that she would be comfortable living in this type of development.

Attorney Ceneviva responded to the public comment. There being no further public comment, the Public Hearing was closed.

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

The Commission elected to hear applications #P13-13S and #P13-13 together.

3. #P13-13S 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, Health Professions Center Front Entry. Prepared by Nathan L. Jacobson & Associates, Inc., Dated March 27, 2013. Scale 1" = 30'. LO Zoning District.
7. #P13-13 Site Plan Application 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, Health Professions Center Front Entry. Prepared by Nathan L. Jacobson & Associates, Inc., Dated March 27, 2013. Scale 1" = 30'. LO Zoning District.

Attorney Bernard Pellegrino presented the application to permit the site work necessary for the relocation of the parking currently most proximate to the southwest corner of the connection between Buildings 1&2 to a location west of the main access drive. The Special Permit is in accordance with Section 3.1.1.2 of the regulations that permit the use.

The Inland Wetlands Commission approved a Permit to Conduct Regulated Activity and a positive Site Plan Referral at their 24 April 2013 meeting (#I13-09). The two (2) parcels, 370 Bassett Road and 328 Bassett Road have now been merged back into one parcel, negating the subdivision of 1998.

These applications are independent of pending applications #P13-11S & #P13-11 and can be considered separately. Parking provided is being reduced by 10 spaces, but still meets the 2,063 spaces previously required to be provided for the property and, subsequently, the use.

Mr. Howard Pfrommer, Civil Engineer, further discussed the project. The Commission asked questions and Attorney Pellegrino and Mr. Pfrommer responded. Mr. Salvatore Filardi, Vice President of Facilities, discussed security and stated at this point the public is allowed to be on the property.

The Commission asked questions and Attorney Pellegrino responded.

Mr. Carlson asked for public comment.

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

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

The Commission elected to hear applications #P13-10S and #P13-10 together.

4. #P13-10S Special Permit Application (as authorized by Section 8.11.1) of Sullivan Tire of Connecticut, Inc., Applicant, Universal Drive, LLC, Owner, relative to 130 Universal Drive, (Map 6, Lot 4). Plan Entitled: Proposed Improvements, Property Located at #130 Universal Drive, North Haven, Connecticut. Prepared by Criscuolo Engineering, LLC. Dated 4/3/13, rev. 4/5/13. IL-30 Zoning District.
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'. IL-80 Zoning District.

Mr. Bob Criscuolo, P.E. of Criscuolo Engineering presented the applications to permit the granting of a motor vehicle repairer's license for the rear building on this approximately 2.7 acre property, the change of use of the entire 10,500 square feet building from machine repair/manufacturing to motor vehicle repair and accessory outdoor storage for Sullivan Tire. The Commission asked questions and Mr. Criscuolo, Mr. William Berluti and Mr. Roy Donlan, Property Manager, responded.

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

#### **SITE PLANS:**

8. #P13-14 Site Plan Application of Fredrick Nuzzo, Applicant, Ashok Trehan, Owner, relative to 630 Washington Avenue, (Map 101, Lot 92). Plan Entitled: Site Plan for Alpine Plaza, LLC, 630 Washington Avenue, North Haven, Connecticut. Scale 1" = 20'. CB-40 Zoning District.

Mr. Fredrick Nuzzo, owner, presented the application to permit the existing indoor dining area at Apizza Grande, approved as a change of use, for takeout and delivery only, by the Commission on December 3, 2012. The applicant is not requesting outdoor seating and the non-permitted trailer has been removed.

The Commission had some concerns with the submission of a modified site plan and wanted to be sure of what the applicant was requesting in regards to landscaping improvements. The Commission asked that the applicant put in writing and submit at next month's meeting his intentions in regards to landscaping. The Commission asked questions and Mr. Nuzzo and Mr. Fredricksen responded.

**OTHER:**

110 Washington Avenue

Mr. Alan Fredricksen explained the request for a smoking hut at 127 Washington Avenue. The Commission asked questions and Mr. Fredricksen responded.

Mr. Andrews moved to approve a smoking hut at 127 Washington Avenue; Mr. Penton seconded the Motion. The Commission voted as follows:

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

**BREAK:** 9:27 – 9:36 PM

**DELIBERATION SESSION:**

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

**SECTION 8-24 REFERRAL:**

1. #P13-12 Section 8-24 Referral – Continuation of the application for the replacement of the volunteer company fire house located at 282 Quinnipiac Avenue.

Mr. Penton moved to approve the Section 8-24 Referral application for the replacement of the volunteer company fire house located at 282 Quinnipiac 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:**

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

Mr. Andrews 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.

2. #P13-09 Application of John Orsini, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 2.4.1.3, to allow a Medical Epicenter Elderly Residential Zone (MEERZ).

Mr. Penton moved to approve the application with the town wide limitation of not abutting residential zoning districts and with the effective date of June 1, 2013; 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.

3. #P13-13S 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.

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

The application was approved with appropriate conditions.

4. #P13-10S Special Permit Application (as authorized by Section 8.11.1) of Sullivan Tire of Connecticut, Inc., Applicant, Universal Drive, LLC, Owner, relative to 130 Universal Drive.

Mrs. Ranciato-Viele moved to approve the application with limiting the repairer's license use to the replacement, removal, and repair only of commercial truck tires; 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.

5. #P13-10 Site Plan Application of William D. Berluti, Owner and Applicant, relative to 130 Universal Drive.

Mr. Andrews 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. #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 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.

7. #P13-13 Site Plan Application of Quinnipiac University, Owner and Applicant, relative to 370 Bassett Road.

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

The application was approved with appropriate conditions.

8. #P13-14 Site Plan Application of Fredrick Nuzzo, Applicant, Ashok Trehan, Owner, relative to 630 Washington Avenue.

Mr. Giulietti moved to continue the application to the June 3, 2013 meeting; Mr. Penton seconded the motion. The Commission voted as follows:

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

The application was continued.

**CEASE & DESIST ORDERS:**

-2015 Whitney Avenue – Construction of a structure without zoning approval. A Cease & Desist Order was sent on April 15, 2013.

-88 Old Broadway West – Non-permitted use and Site Plan approval requirement. A Cease & Desist Order was sent on April 26, 2013.

-630 Washington Avenue – Non-permitted use and Site Plan approval requirement. A Cease & Desist Order was sent on May 2, 2013.

**INFORMAL PRESENTATION:** None

**EXTENSIONS:** None

**BONDS RELEASES & REDUCTIONS:** None

**CHANGE OF USE:**

222 Universal Drive

Mr. David Kos, Property Manager of 222 Universal Drive, presented the Change of Use application for Building 1. Mr. Frank Tomaszewski described his machining business to the Commission.

Mr. Giulietti moved to approve the Change of Use from a sports training facility to machining business; Mr. Andrews seconded the motion the Commission voted as follows:

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

222 Universal Drive

Mr. David Kos, Property Manager of 222 Universal Drive, presented the Change of Use application for Building 7.

Mr. Giulietti moved to approve the Change of Use from warehouse to warehouse/sales of fitness equipment; Mr. Andrews seconded the motion the Commission voted as follows:

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

144 Washington Avenue

Ms. Sylvia Dell’Oro, owner, presented the Change of Use from office to a service, a party event business. The hours of operation will be Monday through Thursday after school to 7:00 p.m. and Saturday & Sunday during the day only.

Mr. Penton moved to approve the Change of Use from office to service; Mr. Giulietti seconded the motion the Commission voted as follows:

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

**CORRESPONDENCE:** - ZEO Report

- Clearscapes, Winter 2013
- Town of Hamden Proposed Amendment
- Conn. Federation of Planning and Zoning Agencies, Quarterly Newsletter, Spring 2013

**MINUTES:**

April 8, 2013

Mr. Andrews moved to approve the minutes of the April 8, 2013 meeting; Mr. Penton 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, Mr. Andrews moved to adjourn; Mr. Penton seconded the motion. The meeting was adjourned at 10:24 PM.