

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

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

**MEMBERS ABSENT:**

Edward M. Homa, Alternate

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jennifer Coppola, Town Counsel  
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.

**PUBLIC HEARINGS:**

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

The Commission elected to hear applications #P13-16 & #P13-16A together.

1. #P13-16      Excavation Permit Application of John Zyrilis, for TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road, (Map 3, lots 7 & 10, and Map 6, lots 26, 28 & 29). Plan Entitled: Drainage Maintenance for Covidien Global Headquarters, Middletown Avenue, McDermott Road, North Haven, Connecticut. Prepared by TPA Design Group. Dated March 22, 2013. Scale 1" = 50'. II-30 Zoning District.

7. #P13-16A CAM Application of John Zyrlis, for TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road, (Map 3, lots 7 & 10, and Map 6, lots 26, 28 & 29). Plan Entitled: Drainage Maintenance for Covidien Global Headquarters, Middletown Avenue, McDermott Road, North Haven, Connecticut. Prepared by TPA Design Group. Dated March 22, 2013. Scale 1" = 50'. Il-30 Zoning District.

Mr. John Zyrlis of TPA Design Group presented the applications to permit the removal of accumulated sediment in an approximately 900 foot length of existing drainage watercourse immediately south of the main facility on the property. Approximately 225 cubic yards of material are proposed to be excavated and removed from the site. No construction is being proposed at this time. He submitted photographs of the drainage watercourse, Exhibits A & B.

The CAM application is required because a portion of the site falls within the Coastal Area Management boundary. The Inland Wetlands Commission approved a Permit to Conduct Regulated Activity and a positive Site Plan Referral on May 22, 2013. The Commission asked questions and Mr. Zyrlis 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. #P13-17 Resubdivision Application of Bernard Pellegrino, Applicant, Claudio & Emilio Arduini and Lorenzo & Luciano Coletta, Owners, for six (6) lots relative to 19 & 51 Patten Road, (Map 56, Lots 20 & 21). Plan Entitled: Proposed Residential Subdivision, "Roma Estates", 19 & 51 Patten Road, North Haven, Connecticut. Prepared by Godfrey Hoffman Associates, LLC. Dated 09/7/12, rev. 10/02/12. Scale 1" = 50'. R-40 Zoning District.

Attorney Bernard Pellegrino, Jr. presented the application to reapprove application #P12-09 approved by the Commission on April 2, 2012. This application seeks the subdivision of this 13.87 acre parcel into six (6) single family residential building lots and is identical to the previously approved application. All of the conditions of the previous approval have been met, except the filing of the required sightline easement. Attorney Pellegrino submitted the previous approval letter (#P12-09) from the April 2, 2012 meeting, Exhibit, A. The Commission asked questions and Attorney Pellegrino responded.

Mr. Carlson asked for public comment.

Public comment:

1. Tom White, 67 Summer Lane, spoke in favor of the application. He stated that this project will improve Patten Road.
2. Jo-Ann Bertrand, 39 Stonehedge Drive, has sightline concerns. She is also concerned with chemicals from the fire safety system seeping into wells and the wetlands.
3. Laura Cross, 3 Patten Road, has concerns with blasting impacting wells and foundations.

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

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

3. #P13-18        Zone Change Application of John Orsini/Executive Auto Group, Applicant, 162 State Street, LLC, Owner, relative to 160-164 State Street, (Map 51, Lots 13 & 14). Plan Entitled: Proposed Zone District Change, 162 State Street (Route 5), North Haven, New Haven, CT. Dated 05/08/13. Scale 1" = 80. CB-40 Zoning District.

Attorney Dennis Ceneviva presented the application intended to change the zone of this approximately 4.2 acre property from CB-40 to a Medical Epicenter Elderly Residential Zone (MEERZ). Attorney Ceneviva stated that five percent of the units will be proposed as affordable housing. The Commission asked questions and Attorney Ceneviva responded.

Mr. Carlson asked for public comment.

Public comment:

1. Sherman Katz, 40 Sherwood Drive, spoke in favor of the application. He asked if affordable housing would be requested of other proposed developments in town. He also asked questions pertaining to blasting and clearing of the site.

Mr. Chris Gagnon, P.E. of BL Companies responded to the public comment.

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

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

4. #P13-19        Excavation Permit Application of John Orsini/Executive Auto Group, Applicant, 162 State Street, LLC, Owner, relative to 160-164 State Street, (Map 51, Lots 13 & 14). Plan Entitled: Excavation Permit, 162 State Street (US Route 5), North Haven, CT. Prepared by BL Companies. Dated May 8, 2013. Scale 1" = 30'. CB-40 Zoning District.

Mr. Chris Gagnon, P.E. of BL Companies presented the application to permit the excavation of 21,187 cubic yards of material from this property in preparation for future development. It will take 1,413 trips, approximately two months, to remove all of this material. The Commission asked questions and Mr. Gagnon and Attorney Ceneviva responded.

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

5. #P13-20 Excavation Permit Application of Mark J. Papa, Applicant, Anthony S. Papa, Sr., Owner, relative to 999 Mount Carmel Avenue, (Map 98, Lot 66). Plan Entitled: Pond Sediment Removal, 999 Mt. Carmel Avenue, North Haven, Connecticut. Prepared by Mark J. Papa, L.A., LLC. Dated 4-29-13. Scale 1" = 20'. R-40 Zoning District.

Mr. Mark Papa, Landscape Architect, presented the application to permit the removal of accumulated sediment from this existing pond. The majority of this excavated material is proposed to be retained on the property, being used to augment and improve existing dirt roads and driveways. This is not a development application; no construction is proposed. The Inland Wetlands Commission approved a Permit to Conduct Regulated Activity and a Positive Site Plan Referral at their May 22, 2013 meeting (#113-12). The Commission asked questions and Mr. Papa responded.

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

#### **SITE PLANS:**

6. #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, "Existing Conditions Survey", 630 Washington Avenue, Rte. 5, North Haven, Connecticut. Prepared by Anthony Mello, Jr. Scale 1" = 20'. CB-40 Zoning District.

Mr. Rick Nuzzo, owner, continued presenting 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 now requesting indoor seating only. He submitted a proposed landscaping list, as requested at the May 6, 2013 meeting, Exhibit A. Scott & Wendy Sibbick of the Steel Horse Saloon submitted a letter dated May 24, 2013 that pertains to parking concerns and a Cease and Desist Order issued for Apizza Grande. The Commission asked questions and Mr. Nuzzo and Mr. Fredricksen, Land Use Administrator, responded.

The Commission elected to hear applications #P13-15 & #P13-15A together.

8. #P13-15 Site Plan Application of A-Plus Building Supply, LLC, Applicant, Vincent & Anthony DePaola, Owners, relative to 171 McDermott Road (Map 6, Lot 36). Plan entitled: Property Located at #171 McDermott Road, North Haven, Connecticut. Prepared by Criscuolo Engineering, LLC. Dated 3/28/13. Scale 1"=30'. IL-30 Zoning District
9. #P13-15A CAM Application of A-Plus Building Supply, LLC, Applicant, Vincent & Anthony DePaola, Owners, relative to 171 McDermott Road (Map 6, Lot 36). Plan entitled: Property Located at #171 McDermott Road, North Haven, Connecticut. Prepared by Criscuolo Engineering, LLC. Dated 3/28/13. Scale 1"=30'. IL-30 Zoning District.

Mr. Bob Criscuolo of Criscuolo Engineering presented the application to permit the change of use of this existing 9,000 square feet building from a maintenance facility to a building supply dealer. Some outdoor storage of building products, roofing shingles, has been requested and some minor site improvements have been proposed. This business will have 7 employees. The CAM application is required because a portion of the site falls within the Coastal Area Management boundary. A positive Site Plan Referral was approved by the Inland Wetlands Commission at their May 22, 2013 meeting (#I13-10). The Commission asked questions and Mr. Criscuolo responded.

**OTHER:** None

**DELIBERATION SESSION:**

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

**PUBLIC HEARINGS:**

1. #P13-16 Excavation Permit Application of John Zyrlis, for TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road.

Mr. Penton 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. #P13-17 Resubdivision Application of Bernard Pellegrino, Applicant, Claudio & Emilio Arduini and Lorenzo & Luciano Coletta, Owners, for six (6) lots relative to 19 & 51 Patten Road.

Mrs. Ranciato-Viele moved to approve the application; Mr. Penton 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.

3. #P13-18 Zone Change Application of John Orsini/Executive Auto Group, Applicant, 162 State Street, LLC, Owner, relative to 160-164 State Street.

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 – nay Penton – aye

The application was approved with appropriate conditions.

4. #P13-19 Excavation Permit Application of John Orsini/Executive Auto Group, Applicant, 162 State Street, LLC, Owner, relative to 160-164 State Street.

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 – nay Penton – aye

The application was approved with appropriate conditions.

5. #P13-20 Excavation Permit Application of Mark J. Papa, Applicant, Anthony S. Papa, Sr., Owner, relative to 999 Mount Carmel Avenue.

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.

**SITE PLANS:**

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

Mr. Andrews moved to approve the application with a limitation of five indoor tables only; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

7. #P13-16A CAM Application of John Zyrllis, for TPA Design Group, Applicant, Covidien, Owner, relative to 195 McDermott Road.

Mr. Andrews moved to approve 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 application was approved with appropriate conditions.

8. #P13-15 Site Plan Application of A-Plus Building Supply, LLC, Applicant, Vincent & Anthony DePaola, Owners, relative to 171 McDermott Road.

Mr. Andrews moved to approve the application with a waiver of the sidewalk requirement; Mrs. Ranciato-Viele 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.

9. #P13-15A CAM Application of A-Plus Building Supply, LLC, Applicant, Vincent & Anthony DePaola, Owners, relative to 171 McDermott Road.

Mr. Giulietti moved to the application; Mrs. Ranciato 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.

**INFORMAL PRESENTATION:** None

**EXTENSIONS:** None

**BONDS:**

#P07-01, 2 Dwight Street

Mr. Andrews moved to release the entire bond for application #P07-01, 2 Dwight Street, in the amount of \$150,000.00; Mr. Penton seconded the motion. The Commission voted as follows:

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

**CHANGE OF USE:**

-2 Broadway

Mr. Robert Anastasio, owner, and Mr. Gary Riccitelli presented the change of use application and answered questions from the Commission.

Mrs. Ranciato-Viele moved to approve the Change of use from office to a restaurant use; Mr. Penton 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 and Mr. Tim Shea presented the change of use from a theater to an athletic training facility.

Mr. Andrews moved to approve the change of use from a theater to an athletic training facility; Mr. Penton seconded the motion. The Commission voted as follows:

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

**BREAK:** 9:10 - 9:20 PM

**CEASE & DESIST ORDERS:**

Mr. Fredricksen, Land Use Administrator, outlined current zoning violations with the Commission.

-24 Brock Street – Conducting a non-permitted business. A Cease and Desist Order was sent on May 24, 2013.

**CORRESPONDENCE:** -ZEO Report  
-South Central CT, Regional Planning Commission Letters  
-Steel Horse Saloon Letter dated May 24, 2013

**MINUTES:**

May 6, 2013

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

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

Mr. Giulietti asked if the North Haven Fair Association had approvals for the present use. Mr. Fredricksen stated that he would get Mr. Hausman, Zoning Enforcement Officer, to provide him with an update regarding the current status of the use for this site.

**EXECUTIVE SESSION:**

1. Discuss the status of the pending litigation and proposed settlement in Lexington Properties LLC, et al. v. Town of North Haven Planning and Zoning Commission, and possible action relating to same.
2. Consider whether to convene in executive session to discuss the status of pending litigation and proposed settlement in Lexington Properties LLC, et al. v. Town of North Haven Planning and Zoning Commission.

Mrs. Ranciato-Viele moved to enter into Executive Session at 9:40 PM; The Commission invited Attorney Jennifer Coppola, Town Counsel, Mr. Alan Fredricksen, Land Use Administrator, and Mr. Jonathan Bodwell, Town Engineer, into Executive Session; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

Mr. Andrews moved to go out of Executive Session at 9:52 PM; 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 9:55 PM.