

**APPROVED 9-9-13**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, August 5, 2013 at the Mildred A. Wakelely Community & Recreation Center, 7 Linsley Street, in the Gymnasium, at 7:00 PM.

**MEMBERS PRESENT:**

Vern E. Carlson, Chairman  
Curtis D. Andrews, Sr., Secretary  
Theresa Ranciato-Viele  
Ronald D. Penton  
Richard E. Wilson, Alternate, sitting for James J. Giulietti  
Edward M. Homa, Alternate  
Mary Jane Mulligan, Alternate

**MEMBERS ABSENT:**

James J. Giulietti

**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 7:10 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 applications #P13-21 and #P13-25 are postponed to the September 9, 2013 meeting.

**SECTION 8-24 REFERRAL:**

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

1. #P13-27 Application of the Town of North Haven for the construction of a bike path at Grover Wyman Park, 11 Blakeslee Avenue.

Mr. Jonathan Bodwell, Town Engineer, presented the application for a proposed 8' wide bituminous bike path at Grover Wyman Park located at 11 Blakeslee Avenue. The Commission asked questions and Mr. Bodwell responded.

## **PUBLIC HEARINGS:**

1. #P13-21 Application of Bernard Pellegrino, Esquire, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 5.2.1.61, Recycling Center – Transfer Station. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

This application has been continued to the September 9, 2013 meeting.

Mr. Andrews read the call for the Public Hearing.

2. #P13-24S Special Permit Application (as authorized by Section 8.10.1) of Regina Saldanna, dba Wine Merchants, Applicant, Commercial Design Builders, LLC, Owner, relative to 63 Montowese Avenue, (Map 17, Lot 3) and 238 Quinnipiac Avenue, (Map 17, Lot 4). Plan Entitled: Proposed Site Plan, 238 Quinnipiac Avenue & 63 Montowese Avenue, North Haven, Connecticut. Prepared by John Paul Garcia and Associates, P.C. Dated 6-6-13. Scale 1" = 20'. IL-30 Zoning District.

Mr. Nick Saldanna stated that he would like to move his liquor store from Clintonville Road to Quinnipiac Avenue. Mrs. Ranciato-Viele asked if a traffic study was conducted for the proposed site on Quinnipiac Avenue.

Mr. Carlson asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, spoke in opposition to the application. She asked the Commission to deny this application because it is not in conformance with the character of the neighborhood. She also has concerns with the lack of parking and increased traffic. She feels this development poses a risk to the health and safety of the public. She stated that this liquor store proposal is in violation of regulation 8.10.2.2. and the CT General Statutes Chapter 545 Part IV, Sec. 30-14a. She submitted her presentation, photographs, and a town map, Exhibit 1.
2. Joseph DeMartino, 10 Papa Lane, spoke in opposition to the application. He feels that the town does not need another liquor store and that it is too close to a residential area. He also has concerns with litter and lack of parking. He feels this liquor store should be located on Washington Avenue instead. He stated that the size of the proposed building is excessive and asked that this application be denied. He submitted photographs of the site, Exhibit 2.
3. John Heeron, 47 Debra Lane, has traffic concerns.
4. Sherman Katz, 40 Sherwood Drive, has concerns with ZBA granting the variances for this proposal and asked that this application be denied.
5. Karla Proto, 55 Montowese Avenue and Ed & Kristen Wilczynski, 59 Montowese Avenue, have traffic concerns and stated that they would like to see a better proposal for this site.

6. John Lambert, 25 Trumbull Place, representing Victor Tenedine of Vic's Cafe', stated that the parking calculations do not meet the regulation requirements. He also stated that a parking variance should be rejected and that the site plan does not comply with regulations 8.7.9.1. and 5.1.3.3 which pertain to landscaping and the percent of area left in its natural state. He submitted an ITE chart, photographs of the Carter Mario site, regulations pertaining to 75% maximum impervious surface and 10% landscaping requirement and site plan fragments, Exhibit, 3.
7. Gina Saldanna, applicant, Mansfield Road, stated that she will provide a quality business that will not be detrimental to the neighborhood.
8. Julius Ardito, 25 Eaton Street, has traffic concerns.
9. Susan Lepre, 245 Quinnipiac Avenue, spoke in opposition to the application. She feels this business will only add more congestion to an already congested area. She also feels that parking is inadequate for this site.
10. Brian Johnson, 242 Maple Avenue, has traffic concerns.
11. Kelley Dearborne, 52 Clark Avenue, has traffic flow concerns on Clark Avenue and Moulthrop Street.
12. Shawn Laydon, 16 Sonne Drive, asked about the recycling center amendment.

Mr. Nick Saldanna, applicant, responded to the public comment. He stated that this location is appropriate for his business.

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

**BREAK:** 8:30 – 8:41 PM

3. #P13-25 Subdivision Application of Tony D'Agostino, Applicant, Alexander & Jennifer Staple Clark, Owners, for two (2) lots, relative to 3 Ives Street, (Map 82, Lot 38). Plan Entitled: Subdivision Plan of Parcel #38 for Alexander Clark & Jennifer Staple Clark, #3 Ives Street, North Haven, CT. Prepared by Kratzert, Jones & Associates, Inc. Dated March 5, 2013, rev. 6/25/13. R-40 Zoning District.

This application has been postponed to the September 9, 2013 meeting.

**SITE PLANS:**

4. #P13-24 Site Plan Application of Raymond J. Akoury, dba Commercial Design Builders, LLC, Applicant, CT Autoquest & James Shea & Nicholas Merola, Owners, relative to 238 Quinnipiac Avenue and 63 Montowese Avenue, (Map 17, Lots 3 & 4). Plan Entitled: Proposed Site Plan, 238 Quinnipiac Avenue & 63 Montowese Avenue, North Haven, Connecticut. Prepared by John Paul Garcia and Associates, P.C. Dated 6-6-13. Scale: 1" = 20'. IL-30 Zoning District.

Mr. John Paul Garcia, P.E. of John Paul Garcia & Associates, presented the application to permit the construction of a new two story building with an approximately 6,400 square feet first floor proposed for retail use and an approximately 3,400 square feet second floor proposed for office use.

The Zoning Board of Appeals granted a front yard variance of 25' and a continuous strip of landscaped area variance of 14'. Also, a request has been made to provide 4' wide sidewalks instead of the customary 5' width. A parking study conducted by VN Engineers concluded that 31 parking spaces is adequate for this site; however, the regulations require 45 spaces. He stated that the D.O.T. approves of this proposal and that this type of business is not a major traffic generator. The Commission asked questions and Mr. Garcia and Mr. Fredricksen, Land Use Administrator responded. Mr. Carlson stated that he would like to see a traffic study report. Mr. Penton has concerns regarding the stockpiling of snow and the lack of parking spaces.

The Commission would like to see a traffic study report and comments from the Police and Fire Departments. Mr. Carlson suggested that this application be continued to next month in order to address further questions and concerns from the Commission.

5. #P13-26 Site Plan Application of Elm City Management, Applicant, Elm City Manufacturing Jewelers, Inc., Owner, relative to 342 State Street, (Map 34 Lot 106). Plan Entitled: Amendment to Site Plan, North Haven Planning & Zoning Commission, 342 State Street (US Route 5) North Haven, CT. Prepared by BL Companies, Dated July 8, 2013. Scale: 1" = 20'. CB-40 Zoning District.

Mr. John Schmitz of BL Companies presented the application to permit the change of use of approximately 800 square feet of restaurant space to a basic neighborhood store in this existing non-conforming building on a non-conforming lot. Landscaping improvements are being proposed along with 34 parking spaces and sidewalks. The Commission asked questions and Mr. Schmitz responded.

#### **OTHER:**

-195 McDermott Road

Mr. Alan Fredricksen stated the Covidien is requesting the installation of a sound barrier curtain to absorb and diffuse sound from fans. The Commission asked questions and Mr. Fredricksen responded.

Mr. Andrews moved to approve the sound barrier curtain with the condition that it matches the exterior of the building; Mr. Penton seconded the motion. The Commission voted as follows:

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

#### **CHANGE OF USE:**

-111 Universal Drive

Mr. Barry Steinberg, P.E. of Steinberg and Associates presented the change of use from retail to a restaurant. This business will consist of two employees working from 11:00 a.m. to 9:00 p.m., seven days a week.

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

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

-87 Washington Avenue

Ms. Betsy Platia, applicant, presented the change of use from retail to a fitness center. The hours of operation will be from 5:00 a.m. to 11:00 p.m.

Mr. Andrews moved to approve the change of use from retail to a fitness center; Mr. Penton seconded the motion. The Commission voted as follows:

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

**DELIBERATION SESSION:**

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

**SECTION 8-24 REFERRAL:**

1. #P13-27 Application of the Town of North Haven for the construction of a bike path at Grover Wyman Park, 11 Blaskeslee Avenue.

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

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

The application was approved.

**PUBLIC HEARINGS:**

2. #P13-24S Special Permit Application (as authorized by Section 8.10.1) of Regina Saldanna, dba Wine Merchants, Applicant, Commercial Design Builders, LLC, Owner, relative to 63 Montowese Avenue,

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

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

The application was denied.

**SITE PLANS:**

4. #P13-24 Site Plan Application of Raymond J. Akoury, dba Commercial Design Builders, LLC, Applicant, CT Autoquest & James Shea & Nicholas Merola, Owners, relative to 238 Quinpiac Avenue and 63 Montowese Avenue.

Mr. Penton moved to continue the application to the September 9, 2013 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

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

The application was continued.

5. #P13-26 Site Plan Application of Elm City Management, Applicant, Elm City Manufacturing Jewelers, Inc., Owner, relative to 342 State Street.

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

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

The application was approved with appropriate conditions.

**INFORMAL PRESENTATION:** None

**EXTENSIONS:** None

**BONDS:** None

**CEASE & DESIST ORDERS:**

-630 Washington Avenue – Non-permitted sign. A Cease & Desist Order was sent on July 10, 2013.

-528 Washington Avenue – Non-permitted sign. A Cease & Desist Order was sent on July 11, 2013.

-15 Del Avenue – Keeping of chickens. A Cease & Desist Order was sent on July 15, 2013.

-15 Kimberly Circle – Keeping of motor vehicles over the ¾ ton capacity. A Cease & Desist Order was sent on July 17, 2013.

-1 Rance Court – Non-permitted hoop shed – A Cease & Desist Order was sent on July 19, 2013.

**CORRESPONDENCE:** - CT Department of Energy & Environmental Protection  
- ZEO Report

**MINUTES:**

July 1, 2013

Mrs. Ranciato-Viele moved to approve the July 1, 2013 minutes; Mr. Andrews seconded the motion. The Commission voted as follows:

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

**ADJOURN:**

There being no further business, Mr. Penton moved to adjourn; Mr. Andrews seconded the motion. The meeting was adjourned at 9:38 PM.