

APPROVED 8-4-14
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, July 7, 2014 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:00 PM.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

James J. Giulietti

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 PM and introduced the Commissioners, alternates and town staff. Then he asked if there were any changes to the agenda. Mr. Alan Fredricksen, Land Use Administrator, stated that the Commission may want to consider requiring a Public Hearing for application #P14-19, 518 Clintonville Road. The Commission then elected to consider the following item out of order.

10. #P14-19 Site Plan Application of TO Design, LLC, Applicant, North Haven Opportunities for Affordable Housing, Inc., Owner, relative to 518 Clintonville Road, (Map 70, Lot 37). Plan Entitled: 518 Clintonville Road, Prepared by TO Design LLC, Dated June 9, 2014. Scale: 1"= 20'. R-40 Zoning District.

Mr. Carlson stated that due to the enormous public interest on this application, he would entertain a motion to require a public hearing for this application.

Mr. Andrews moved to postpone this application to the August 4, 2014 meeting and require a Public Hearing; Mrs. Ranciato-Viele responded. The Commission voted as follows:

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

SECTION 8-24 REFERRAL:

1. #P14-18 Application of the Town of North Haven for the design and construction of a renovate as new and new academic addition project at the North Haven Middle School at 55 Bailey Road.

Mr. Gary Johns, Chairman of the Middle School Building Committee and Mr. Grant Curtis, P.E. presented the application for the design and construction of a renovate as new and new academic addition project at the North Haven Middle School at 55 Bailey Road at the site of the existing North Haven Middle School.

The project will consist of approximately 135,847 square feet of building space to serve approximately 773 students, including (1) a two-story academic wing, an approximately 450-seat auditorium, an approximately 350-seat gymnasium, cafeteria, library-media center, and parking lots for visitor and staff parking, (2) demolition of a portion of the existing middle school facility located at 55 Bailey Road, and (3) construction of athletic fields and facilities at the site. The Commission asked questions and Mr. Johns and Mr. Curtis responded. Then Mr. Andrews read the proposed resolution.

Mr. Penton moved to approve the proposed resolution approving the Section 8-24 Referral for the design and construction of a renovate as new and new academic addition project at the North Haven Middle School; Mr. Andrews seconded the motion. The Commission voted as follows:

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

PUBLIC HEARINGS:

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

2. #P14-11 Application of Bernard Pellegrino, Applicant, proposed amendment to The North Haven Zoning Regulations, to add Section 5.1.3.16, to allow an IL Upper Washington Avenue Multi-Use (ILUWMU) Development Zone in the IL-30 Zoning District. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Bernard Pellegrino presented the application to establish a multi-use overlay zone in IL-30 zoning districts, on the west side of Washington Avenue, north of the Interstate 91 interchange. This amendment would permit multi-family housing under specified conditions, which include a component of non-residential development. He reviewed the proposed regulation and submitted a Retail Market Study for Upper Washington Avenue, Exhibit A. The Commission would like to see the first floor of residential buildings contain commercial uses. Mr. Penton feels this proposal

needs to be modified and suggested eliminating Section 5.1.3.16.15. The Commission asked questions and Attorney Pellegrino responded.

Mr. Carlson asked for public comment.

Public comment:

1. Mary White, 67 Summer Lane, spoke in favor of the application but wanted to incorporate some suggestions. She feels that apartments would benefit Quinnipiac students and asked if affordable housing is allowed in an IL-30 zone. She also asked about environmental testing and stated that she has concerns with residential buildings being built near the railroad. She suggested using sound proof material for any residential building located near commercial properties, and that 8' solid vinyl fencing be installed at the rear and sides of apartment buildings. She stated that she has concerns with industrial uses being allowed near residential units. Then she submitted her presentation, Exhibit 1.
2. Sherman Katz, 40 Sherwood Drive, has concerns with restrictions on housing and agrees with rebuilding Washington Avenue.
3. Attorney John Parese, 25 Tokeneke Drive, feels this amendment is a good proposal but suggested that it be modified. He submitted a letter regarding the modifications he would like to see made to the amendment, Exhibit 2. He suggested to reduce the proposed lot sizes from 160,000 square feet to 120,000 square feet and asked the Commission why they want to use the first floor of residential buildings for commercial uses. He feels a 25 foot buffer is excessive and that buffers should be looked at for each individual site. He also feels that the requirement for 10 percent affordable housing should be required of all developers in all zoning districts if it is to be required here.
4. Julius Ardito, 25 Eaton Street, spoke in favor of the application and feels this project will benefit Quinnipiac students.

Attorney Pellegrino responded to the public comment.

The Commission suggested that this application be continued to next month in order for the applicant to consider public comment and modify the amendment.

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

The Commission elected to hear application #P14-14S & #P14-14 together.

3. #P14-14S Continuation of the Special Permit Application (as authorized by Section 8.11) of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street (Map 43, Lot 37) and 17 Stiles Lane (Map 51, Lot 25). Plan Entitled: Proposed Cumberland Farms Convenience Store with Gas, 249 State Street, North Haven, Connecticut. Prepared by Vanasse Hangen Brustlin, Inc. Dated May 8, 2014. Scale: 1"= 20'. IL-30 Zoning District.

6. #P14-14 Continuation of the Site Plan Application of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street (Map 43, Lot 37) and 17 Stiles Lane (Map 51, Lot 25). Plan Entitled: Proposed Cumberland Farms Convenience Store with Gas, 249 State Street, North Haven, Connecticut. Prepared by Vanasse Hangen Brustlin, Inc. Dated May 8, 2014. Scale: 1"= 20'. IL-30 Zoning District.

Attorney Joseph Williams of Shipman and Goodwin continued presenting the applications to permit the construction of a new 4,513 square feet convenience store and a new gas fueling facility on this .9 acre property, which currently contains J. Roos restaurant. The Commission previously approved the Site Plan Application for J. Roos to relocate adjacent to this property at 17 Stiles Lane (#P14-05). An access driveway is proposed connecting this site to Stiles Lane, passing through a portion of the 17 Stiles Lane parking areas. Mr. Chris Gagnon of BL Companies addressed safety concerns with vehicles exiting the site on Stiles Lane near the JRoo's parking lot. The Special Permit Application is required by Section 8.11 for a new fueling facility.

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

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

4. #P14-17S Special Permit Application/Certificate of Location (as authorized by Section 8.10.4.1) of Dalton Velez, Applicant, Velez, LLC, Owner, relative to 28-34 Broadway, (Map 66, Lot 99). Plan Entitled: Ludals, 28/34 Broadway, North Haven, CT. Prepared by Chef's Equipment Emporium Co. Dated 6/3/14. Scale: 1/4"= 1'- 0". CA-20 Zoning District.

Mr. Ken Guido of Capital Studio Architects in East Hartford, CT presented the application to permit the expansion of Ludal's Restaurant into the space most recently occupied by Cafe on Broadway. The application is required to expand the liquor permit. Since this is not a change of use, no site plan application is required and no site work is being proposed.

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

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

The Commission elected to hear applications #P14-20S & #P14-20 together.

5. #P14-20S Special Permit Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro Sr., Owner, relative to 30 Montowese Avenue, (Map 16, Lot 52). Plan Entitled: Life Changing Outreach Ministries, 30 Montowese Avenue, North Haven, CT. Prepared by Edward Samuel Architect, Dated 5-5-14. Scale: 1"= 15'. IL-30 Zoning District.

11. #P14-20 Site Plan Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro, Sr., Owner, relative to 30 Montowese Avenue, (Map16, Lot 52). Plan Entitled: Life Changing Outreach Ministries, 30 Montowese Avenue, North Haven, CT. Prepared by Edward Samuel Architect, Dated 5-5-14. Scale: 1"= 15'. IL-30 Zoning District.

Lisa Sessions-Gray of Life Changing Outreach Ministries continued presenting the applications to permit the change of use of approximately 11,250 square feet existing, primarily single story, building from a manufacturing office use to a church. Thirty-one (31) parking spaces are proposed for the facility, which “backs into” the stated maximum occupancy of 124 persons. The Commission had concerns with the lack of parking. Ms. Sessions stated that Glidden Paint located at 2 Montowese Avenue will allow them to use 12 parking spaces on their site. Ms. Sessions stated that they are also waiting for Flight Support to respond to their request for additional parking.

Mr. Carlson asked for public comment.

Public comment:

1. Julius Ardito, 25 Eaton Street, has concerns with parking and feels that Flight Support will not allow them to use their site for parking. He asked about the installation of a gate so there will be no parking on his property.
2. Mary White, 67 Summer Lane, asked about the hours of operation and about the hours of the outreach programs.

Ms. Sessions responded to the public comment then Mr. Gary Sessions of Life Changing Outreach Ministries formally withdrew his previous applications, #P14-13S and #P14-13.

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

BREAK: 8:57 – 9:05 PM

SITE PLANS:

The Commission elected to hear application #P14-15 & #P14-15A together.

7. #P14-15 Site Plan Application of Pharmacia & Upjohn Company, LLC., Applicant & Owner, relative to 41 Stiles Lane (Map 43, Lot 34) Plan Entitled: Full Scale In-Situ Thermal Remediation System, Pharmacia & Upjohn Company LLC Facility, North Haven, Connecticut. Prepared by Golder Associates. Dated May 2014. Scale: 1"= 100'. IG-80 Zoning District.

8. #P14-15A CAM Application of Pharmacia & Upjohn Company, LLC., Applicant & Owner, relative to 41 Stiles Lane, (Map 43, Lot 34). Plan Entitled: Full Scale In-Situ Thermal Remediation System, Pharmacia & Upjohn Company LLC Facility, North Haven, Connecticut. Prepared by Golder Associates. Dated May 2014. Scale: 1"=100'. IG-80 Zoning District.

Attorney John Parese presented the application to permit the installation and operation of an In-Situ Thermal Remediation System in accordance with the United States Environmental Protection Agency (USEPA) and the Connecticut Department of Energy and Environmental Protection (CTDEEP) approved site-wide remedy for contaminated groundwater and soils. Minor modifications to the site stormwater conveyance infrastructure are a necessary portion of the proposed work. This is not a development application.

The CAM Application is required because the eastern portion of the site lies within the Coastal Boundary. The Inland Wetlands Commission approved a positive Site Plan Referral (#I14-09) on 25 June 2014. Mr. Gary Herda of Golder Associates presented a power point presentation explaining the remediation process being proposed. The Commission asked questions and Mr. Herda responded. Work is scheduled to begin August of 2014 and commence in May 2016. Mr. Nick Andreopoulos of Pfizer answered questions regarding the bond and what would happen to the wells at the end of this process.

9. #P14-16 Site Plan Application of Suite Development, LLC, Applicant & Owner, relative to 3 Lincoln Street, (Map 73, Lot 61). Plan Entitled: Site Development Plan, 3 Lincoln Street, North Haven, Connecticut. Prepared by Godfrey Hoffman Associates, LLC. Dated 06.06.2014. Scale: 1" = 20'. CB-20 Zoning District.

Mr. Jason Teitlebaum of Godfrey Hoffman, representing David Branco of Dunkin Donuts, presented the application to permit the change of use of this existing, approximately 860 square feet, single story structure from a single family residence to an office use. A parking lot consisting of nine parking spaces, a handicapped ramp and landscaping improvements are also proposed. The Zoning Board of Appeals granted front and rear yard variances and granted approval to enlarge this existing non-conforming building on 17 April 2014. Mr. Teitlebaum asked for a waiver of the sidewalk requirement. Then the Commission asked questions and Mr. Teitlebaum responded.

CHANGE OF USE:

- 510 Washington Avenue

Mr. Fredricksen presented the Change of Use application from Indoor Miniature Golf to a bike shop.

Mr. Penton moved to approve the change of use from Indoor Miniature Golf to a bike shop; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

- 510 Washington Avenue

Mr. Fredricksen presented the Change of Use application from Indoor Miniature Golf to a personal training studio.

Mr. Penton moved to approve the change of use from Indoor miniature Golf to a personal training studio; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

- 630 Washington Avenue

Mr. Fredricksen, Land Use Administrator, presented the Change of Use application from service to retail, an electronic cigarette store.

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

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

DELIBERATION SESSION:

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

PUBLIC HEARINGS:

- 2. #P14-11 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 5.1.3.16, to allow an IL Upper Washington Avenue Multi-Use (ILUWMU) Development Zone in the IL-30 Zoning District.

Mr. Penton moved to continue the application to the August 4, 2014 meeting; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

3. #P14-14S Special Permit Application (as authorized by Section 8.11) of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street.

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

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

The application was approved with appropriate conditions.

4. #P14-17S Special Permit Application/Certificate of Location (as authorized by Section 8.10.4.1) of Dalton Velez, Applicant, Velez, LLC, Owner, relative to 28-34 Broadway.

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

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

The application was approved with appropriate conditions.

5. #P14-20S Special Permit Application of Life Changing Outreach Ministry, Applicant, 30 Montowese LLC, Owner, relative to 30 Montowese Avenue.

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

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

The application was approved with appropriate conditions.

SITE PLANS:

6. #P14-14 Continuation of the Site Plan Application of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street (Map 43, Lot 37) and 17 Stiles Lane (Map 51, Lot 25).

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

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

The application was approved with appropriate conditions.

7. #P14-15 Site Plan Application of Pharmacia & Upjohn Company, LLC., Applicant & Owner, relative to 41 Stiles Lane.

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

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

The application was approved with appropriate conditions.

8. #P14-15A CAM Application of Pharmacia & Upjohn Company, LLC., Applicant & Owner, relative to 41 Stiles Lane.

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

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

The application was approved with appropriate conditions.

9. #P14-16 Site Plan Application of Suite Development, LLC, Applicant & Owner, relative to 3 Lincoln Street.

Mrs. Ranciato-Viele moved to continue the application to the August 4, 2014 meeting; Mr. Penton seconded the motion. The Commission voted as follows:

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

11. #P14-20 Site Plan Application of Life Changing Outreach Ministry, Applicant, Luigi Ferraro, Sr., Owner, relative to 30 Montowese Avenue.

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

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

The application was approved with appropriate conditions.

INFORMAL PRESENTATION: None

EXTENSIONS: None

BONDS: None

CORRESPONDENCE: -2015 Meeting Dates
-Town of North Branford Referral
-Town of Wallingford Referral (2)
-FCC - 182 Kings Highway Cell Tower

Mr. Fredricksen reviewed the correspondence with the Commission and asked the Commission to vote on the 2015 Meeting Dates.

Mrs. Ranciato-Viele moved to approve the Planning & Zoning 2015 Meeting Dates; Mr. Penton seconded the motion. All were in favor.

MINUTES:

June 2, 2014

Mr. Andrews moved to approve the June 2, 2014 minutes; Mr. Penton seconded the motion. The Commission voted as follows:

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

ADJOURN:

There being no further business, Mr. Penton moved to adjourn; Mr. Andrews seconded the motion. The meeting was adjourned at 10:06 PM.