

APPROVED 12-1-14
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, November 10, 2014 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
Ronald D. Penton, Vice-Chairman
James J. Giulietti
Theresa Ranciato-Viele
Mary Jane Mulligan, Alternate
Richard E. Wilson, Alternate

MEMBERS ABSENT:

Curtis D. Andrews, Sr., Secretary
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 7:12 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 applications #P14-24, 333 State Street, #P14-32S, 17 Stiles Lane, and #P14-31, Amendment, are postponed to the December 1, 2014 meeting.

PUBLIC HEARINGS:

Ms. Mulligan read the call for the first Public Hearing.

1. #P14-23 Subdivision Application of John Taylor, Applicant and Owner, for five (5) lots, relative to 44 & 54 Pond Hill Road, (Map 76, Lots 1 & 2) Plan Entitled: Pond Hill Road Subdivision, 44 & 54 Pond Hill Road, North Haven, 1100 Clintonville Road, Wallingford. Prepared by Milone & MacBroom. Dated July 28, 2014. Scale 1" = 40'. R-40 Zoning District.

Mr. Carlson recused himself and Mr. Penton served as acting Chairman and Mr. Wilson sat.

Mr. Daniel Kroeber P.E. of Milone & MacBroom continued presenting the application to permit the subdivision of two (2) parcels in North Haven, #44 Pond Hill Road and #54 Pond Hill Road, approximately 2.24 and 14.85 acres respectively. A third parcel which is located in Wallingford is also a part of this subdivision. He then spoke regarding the issue of supplying public water for this site instead of wells.

Attorney Coppola addressed the Commission regarding the issue of providing public water supply to this development and submitted a regulation from the Department of Public Health, Exhibit 1. The Commission asked further questions regarding the extension of the public water supply for this subdivision and Attorney Coppola responded.

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

2. #P14-24 Resubdivision Application of Berchem Moses & Devlin, PC., Applicant, Hawthorne Realty LLC, Owner, for two (2) lots, relative to 333 State Street, (Map 35, Lot 1). Plan Entitled: Resubdivision Plan, Mersick Industrial Park, 333 State Street North Haven, CT. Prepared by Godfrey Hoffman Associates, Dated 5-28-14. Scale 1" = 60'. IL-30 Zoning District.

This application has been postponed to the December 1, 2014 meeting.

3. #P14-31 Application of Bernard Pellegrino, Esquire, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 8.8.8, to allow Outdoor Advertising Signs. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

This application has been postponed to the December 1, 2014 meeting.

Ms. Mulligan read the call for the second Public Hearing.

4. #P14-26 Site Plan Application of CWRE Management, LLC, Applicant, CMB Capital Appreciation LLC, Owner, relative to Half Mile Road, (Map 24, Lot 24 and Map 31, Lots 35, 36 & 45)) Plan Entitled: Indian Ridge, Proposed Residential Development, Half Mile Road & Benedict Drive, North Haven, Connecticut. Prepared by Milone & MacBroom, Dated August 18, 2014. Scale 1" = 40'. R-40 Zoning District.

Attorney Neil Marcus presented the application to permit the development of this approximately 42 acre site with 149 residential dwelling units. The plan is intended to comply with the terms of the Settlement Agreement between CMB Capital Appreciation, LLC and the Commission, dated 8 September 2011. Also, the Inland Wetlands Commission approved a Positive Site Plan Referral with one (1) referral comment at their 17 September 2014 meeting.

Mr. Darin Overton, P. E. of Milone and MacBroom gave a brief overview of the current conditions at the site and the development being proposed. Mr. Overton submitted a Phasing Narrative, Exhibit A and a Sewer Sketch, Exhibit B. Then Attorney Marcus reviewed staff comments with the Commission. Mr. Carlson asked about the walking trail interfering with the planting plan. Attorney Marcus stated that the buffer will be moved outside the walking trail to further buffer abutting neighbors from the trail. Mr. Overton described the architecture of the proposed housing units.

Attorney Chuck Andres, Town Counsel, introduced himself to the Commission and Attorney Marcus and Mr. Overton further spoke regarding the proposed units and answered questions from the Commission. Mr. Penton asked if cars will have to park on both sides of the street which could pose a safety issue. Mr. Penton would like the approved plan to show where parking would be permitted on the street. Mrs. Ranciato-Viele has concerns regarding the enforcement of parking on the street.

Mr. Carlson asked for public comment.

Public comment:

1. Charles DeMartino, 27 Benedict Drive, submitted his letter, Exhibit 1. He has safety concerns with the proposed infrastructure of this development and the topography of the site. He would like to see modifications made. He asked if sidewalks will be installed on the access road from Half Mile Road to the site. He feels the access strip should be widened to 30' and the drainage systems on Benedict Drive and Half Mile Road should be checked to see if they can handle additional runoff from the access strip. He feels the utilities proposed for this site (natural gas, sewers) should be extended to Benedict Drive and Half Mile Road.
2. Marge Quinn, 11 Deer Run, asked about the square footage and price range of the units. She also asked who the builder would be and if the units will have basements and what type of amenities will be offered.
3. Mary White, 67 Summer Lane, asked what the maximum height of the houses are and if the duplexes will have the same height as single units. She asked about curb side trash pick up and has concerns with the open space being land locked. She asked if blasting will be reduced and what phases will have blasting and if the nature trail is the only amenity. She also asked for more details on the four phases and is in favor of parking on only one side of the street. She also asked about mid range pricing, school bus stop locations and having a maintenance plan for catch basins.
4. Joseph DeMartino, Papa Lane, has concerns with truck traffic and asked if the trucks could not use Montowese Avenue. He also has concerns with building to market demand and the road only being 24' wide. He asked that a maximum bond amount be set for this project.
5. Liz Okoniewski, 11 Benedict Drive, asked where the drainage will be located on the property and if sidewalks will be provided for children to walk to school bus stops. She asked the Commission to look at the bend in the road located on Benedict Drive.
6. Paula Licht, 212 Half Mile Road, East Haven, asked about fire hydrants.
7. Penny Maher, 25 Warner Road, asked about the location for getting water to Benedict Drive. She also has traffic safety concerns.

Attorney Neil Marcus and Mr. Overton addressed questions from public comment and the Commission. Attorney Marcus gave closing remarks then Mr. Carlson closed the Public Hearing.

BREAK: 9:30 – 9:43 PM

5. #P14-32 Special Permit Application/Certificate of Location (as authorized by Section 8.10.1) of Mazzaro Properties, LLC, Applicant & Owner, relative to 17 Stiles Lane (Map 51, Lot 25). Plan Entitled: Redevelopment of Existing Warehouse, 17 Stiles Lane, North Haven, Connecticut. Prepared by BL Companies. Dated 03/10/2014. Scale: 1"= 30'. IL-30 Zoning District.

This application has been postponed to the December 1, 2014 meeting.

SITE PLANS:

6. #P14-33 Site Plan Application of The Price Reit, Inc., Applicant & Owner, relative to 411 Universal Drive North, (Map 21, Lot 4). Plan Entitled: Proposed Dicks Sporting Goods, 411 Universal Drive North, North Haven, Connecticut. Prepared by Vanasse Hangen Brustlin, Inc. Dated: October 8, 2014, rev. November 8, 2014. Scale: 1" = 20'. IL-80 Zoning District.

Mr. Giulietti recused himself from this application and Mr. Wilson sat.

Attorney Christopher Smith of Shipman and Goodwin presented the application to permit the demolition of the northernmost 42,500 square feet of this existing shopping center, and the reconstruction of a new 48,000 square feet, taller, but still single story, addition in its place to contain a Dick's Sporting Goods retail store. The additional 5,500 square feet of footprint is proposed to the rear of the existing structure. Only minor site work is proposed, principally in the rear loading area.

Mr. Patrick O'Leary, P.E. of VHB submitted photographs of the site Exhibit B and a wetland memo, Exhibit A. Responses to comments, Exhibit C. Then he described the project and answered questions from the Commission. Mrs. Ranciatio-Viele asked for sidewalks between the two main driveways along Universal Drive then Mr. Nicholas Brown gave closing remarks.

7. #P14-34 Site Plan Application of Bernard Pellegrino, Applicant, 61 State Street LLC, Owner, relative to 61 State Street, (Map 59, Lot 38). Plan Entitled: Improvement/Location Survey for 61 State Street LLC, 61 State Street, North Haven, Connecticut. Prepared by Brown & Associates Surveying Services LLC. Dated: October 8, 2014. Scale: 1" = 20'. IL-30 Zoning District.

Mr. Giulietti recused himself from this application and Mr. Wilson sat.

Attorney Bernard Pellegrino presented the application to permit the addition of an 8'x 8' freezer at the northeast corner of the existing restaurant/bar on the property, and the construction of two exterior decks on the east and south sides of the existing structure. The Commission asked questions and Attorney Pellegrino responded.

CHANGE OF USE:

-222 Elm Street, Unit 6

Mr. Ciro Longobardi, applicant, presented the change of use from warehouse/office to a fitness training facility.

Mrs. Ranciato-Viele moved to approve the change of use from warehouse/office to a fitness training facility; Mr. Penton seconded the motion. The Commission voted as follows:

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

-200 State Street

Mr. Chris Larson, contractor, presented the change of use from a medical office to a hair salon.

Mr. Giulietti moved to approve the change of use from a medical office to a hair salon; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

-172 Washington Avenue

Mr. Peter LaPointe, Project Manager of the Colvest Group presented the change of use from retail to a medical office.

Mr. Penton moved to approve the change of use from retail to a medical office; Ms. Mulligan seconded the motion. The Commission voted as follows:

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

EXECUTIVE SESSION:

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

Attorney Jennifer Coppola of Ciulla & Donofrio representing the Town of North Haven, suggested that the Commission enter into Executive Session to further discuss the status of the above pending litigation.

Mr. Penton moved to enter Executive Session at 10:25 PM; Mrs. Ranciato-Viele seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Alan Fredricksen, Land Use Administrator, and Jonathan Bodwell, Town Engineer, into Executive Session. The Commission voted as follows:

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

Mrs. Ranciato-Viele moved to exit Executive Session at 11:10 PM; Ms. Mulligan seconded the motion. The Commission voted as follows:

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

DELIBERATION SESSION:

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

PUBLIC HEARINGS:

2. #P14-23 Subdivision Application of John Taylor, Applicant and Owner, for five (5) lots, relative to 44 & 54 Pond Hill Road.

Mr. Giulietti moved to approve the application with the condition that if city water has been brought to within 200' of the property at the time of the filing of the mylar, the applicant must provide city water to the development . Also, the installation of sidewalks will be required; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Penton – aye Giulietti – aye Ranciato-Viele – aye Mulligan – aye Wilson - aye

The application was approved with appropriate conditions.

4. #P14-26 Site Plan Application of CWRE Management, LLC, Applicant, CMB Capital Appreciation LLC, Owner, relative to Half Mile Road.

Mrs. Ranciato-Viele moved to approve the application.

Mr. Penton requested that she amend her motion to include all of the conditions set forth by town staff; Mrs. Ranciato-Viele amended her motion accordingly. Ms. Mulligan seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

SITE PLANS:

6. #P14-33 Site Plan Application of The Price Reit, Inc., Applicant & Owner, relative to 411 Universal Drive North.

Mrs. Ranciato-Viele moved to approve the application; Ms. Mulligan seconded the motion.

Mrs. Ranciato-Viele moved to amend the motion to include the installation of sidewalks at the two main entrances of the plaza; Ms. Mulligan seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

7. #P14-34 Site Plan Application of Bernard Pellegrino, Applicant, 61 State Street LLC, Owner, relative to 61 State Street.

Mr. Penton moved to approve the application with the condition that the storage container in the northeast corner of the site be removed prior to the issuance of a Certificate of Occupancy; Mrs. Mulligan seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

8. #P13-04, 500 Middletown Avenue

Mr. Penton moved to approve the application with all Town staff comments and the additional condition that “any underground storage tanks” be inserted into the Land Use Administrator’s Recommended Conditions of Approval #1d; Ms. Mulligan seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

OTHER:

-93 State Street

Mr. Alan Fredricksen explained the site plan modification then answered questions from the Commission.

-37 Pond Hill Road

This item has been postponed to the December 1, 2014 meeting.

INFORMAL PRESENTATION: None

EXTENSIONS: None

BONDS:

- #P06-31, 320 Kings Highway

Mr. Giulietti moved to release the bond for application #P06-31, 320 Kings Highway, in the amount of \$6,000.00; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

CORRESPONDENCE: - Cease & Desist Orders (1)
- CT Federation of P & Z Agencies Newsletter
- Federal Communications Commission Notice
- DEEP Letter

Mr. Fredricksen reviewed the correspondence with the Commission.

MINUTES:

October 6, 2014

Mr. Penton moved to approve the October 6, 2014 minutes; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Giulietti – aye Ranciato-Viele – 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 11:34 PM.