

APPROVED 3-2-15
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, January 5, 2015 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
Mary Jane Mulligan, Alternate
Edward M. Homa, Alternate, sitting for James J. Giulietti

MEMBERS ABSENT:

James J. Giulietti
Richard E. Wilson, Alternate

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
Jonathan Bodwell, Town Engineer
Jennifer Coppola, Town Counsel
Laura Magaraci, Zoning Enforcement Officer
Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Carlson, Chairman, opened the meeting at 7:04 PM and introduced the Commissioners, alternates and town staff. Then he stated that he would like to conduct the Executive Session first and asked Mr. Alan Fredricksen, Land Use Administrator, if there were any other changes to the agenda. Mr. Fredricksen stated that there were no further changes.

Mr. Carlson asked to amend the agenda.

Mrs. Ranciatio-Viele moved to amend the agenda by moving the Executive Session to the beginning of the agenda; Mr. Penton seconded the motion. All were in favor.

EXECUTIVE SESSION:

Mr. Andrews read items 1 and 2 into the record.

1. Discuss the status of pending litigation and proposed settlement in Arthur Hausman, et al.v. Francis J. Bartolomeo 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 Arthur Hausman, et al. v. Francis J. Bartolomeo.

Mrs. Ranciato-Viele moved to enter Executive Session at 7:08 PM; Mr. Andrews seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Alan Fredricksen, Land Use Administrator, Jonathan Bodwell, Town Engineer, and Laura Magaraci, Zoning Enforcement Officer, into Executive Session. The Commission voted as follows:

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

Mr. Andrews moved to exit Executive Session at 7:32 PM; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

PUBLIC HEARING:

Mr. Andrews read the call for the Public Hearing.

1. #P14-38 Application of Bernard Pellegrino, Esquire, Applicant, proposed Amendment to the North Haven Zoning Regulations, to add Section 5.1.3.5, to allow Reduced Lot Size. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the application to permit IL-30 lot sizes in IL-80 zoning districts on Universal Drive between Sackett Point Road and the Lippincott/Pearce Bridge. The proposed amendment would require a minimum lot size of ten (10) acres for the “original” lot, and would require that reduced size lots have no direct vehicular access to Universal Drive. Uses for reduced size lots are proposed to be limited to retail, restaurants, office and health clubs. Then Attorney Pellegrino submitted a site plan, Exhibit A. Mrs. Ranciato-Viele and Mr. Penton asked if this amendment could be proposed for other IL-80 zoning districts in town. Mrs. Ranciato-Viele feels this amendment, as proposed, is spot zoning. The Commission asked further questions and Attorney Pellegrino and Mr. Fredricksen responded.

Mr. Carlson asked for public comment:

Public comment:

1. Mary White, 67 Summer Lane, spoke in favor of the application.
2. Richard Lopresti, Chairman of the Economic Development Commission, spoke in favor of the application and asked not to exclude liquor stores.

There being no further questions, the Public Hearing was closed.

2. #P14-40 Site Plan Application of CHMK, LLC., Applicant & Owner, relative to 476 Washington Avenue, (Map 90, Lot 26). Plan Entitled: Site Development Plan, 476 Washington Avenue, North Haven, Connecticut. Prepared by Godfrey Hoffman Associates, LLC. Dated: 3/07/2014, rev. 12/08/2014. Scale: 1" = 20' CB-40 Zoning District.

Attorney Bernard Pellegrino presented the application intended to modify the Site Plan previously approved by the Commission on 7 April 2014 (#P14-06) to include a roof over the majority of the sidewalk areas on the north and west sides of this existing restaurant/retail use building, as well as an entry vestibule. The Zoning Board of Appeals approved a front yard variance at their 18 December 2014 meeting (#14-25) to enable the roof to extend farther towards Washington Avenue. All of the conditions of approval for application #P14-06 should remain in effect, including the \$2,500 bond.

Conditions observed at the site are inconsistent with the drawings, including the presence of the roof above the sidewalk on the northernmost side of the building, the depth of the sidewalk in front of the proposed vestibule, and the absence of the required island at the vertex of the building. The entry configuration does not appear to comply with ADA requirements. Attorney Pellegrino stated that the site plan has been revised to show that the entry configuration now complies with ADA requirements. The Commission asked questions and Attorney Pellegrino responded.

BREAK: 8:29-8:32 PM

DELIBERATION SESSION:

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

PUBLIC HEARING:

1. #P14-38 Application of Bernard Pellegrino, Esquire, Applicant, proposed Amendment to the North Haven Zoning Regulations, to add Section 5.1.3.5, to allow Reduced Lot Size.

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 – nay Homa - aye

The application was approved with appropriate conditions.

SITE PLAN:

2. #P14-40 Site Plan Application of CHMK, LLC., Applicant & Owner, relative to 476 Washington Avenue.

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

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

The application was approved with appropriate conditions.

OTHER:

-411 Universal Drive

Attorney Chris Smith of Shipman and Goodwin stated the Dick’s Sporting Goods Store will have to be moved 13’ to the north with a lot line adjustment. Mr. Patrick O’Leary, P.E., spoke regarding modifying the sewer line, reconfiguring the curb line in the rear of the building with three bollards to accommodate commercial trucks, and adding an underground infiltration system. Then Attorney Smith submitted a site plan, Exhibit A. The Commission asked a few more questions and Mr. O’Leary responded.

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

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

INFORMAL PRESENTATION: None

EXTENSIONS: None

BONDS: None

CHANGE OF USE:

-437 Washington Avenue

Mr. Luigi Ferraro, owner, presented the change of use from retail to office/warehouse.

Mr. Penton moved to approve the change of use from retail to office/warehouse; Mr. Andrews seconded the motion. The Commission voted as follows:

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

- 88 Leonardo Drive

Mr. Jeff Dow of Dow Realty representing Will Leonardo, owner, presented the change of use from office/warehouse to processing of food, pizza truck business. Mr. Dow stated that pizza will be prepared at this site but will be cooked on trucks that will also be stored at this site.

Mrs. Ranciato-Viele moved to approve the change of use from office/warehouse to processing of food products/truck storage; Mr. Homa seconded the motion. The Commission voted as follows:

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

CORRESPONDENCE: None

MINUTES:

December 1, 2014

Mr. Penton moved to approve the December 1, 2014 minutes; Mr. Andrews seconded the motion. The Commission voted as follows:

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

ADJOURN:

There being no further business, Mr. Homa moved to adjourn; Mr. Andrews seconded the motion. The meeting was adjourned at 8:37 PM.