

APPROVED 8-3-15
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, July 6, 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, sitting for James J. Giulietti
Richard E. Wilson, Alternate

MEMBERS ABSENT:

James J. Giulietti
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 7:03 PM and introduced the Commissioners, alternates and town staff. Then he asked Mr. Alan Fredricksen, Land Use Administrator, if there were any changes to the agenda. Mr. Fredricksen stated that there were none.

PUBLIC HEARINGS:

Mr. Andrews read the call for the Public Hearing.

The Commission elected to hear applications #P15-16S and #P15-16 together.

1. #P15-16S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of Anthony Acri, III, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West, (Map 66, Lot 16). Plan Entitled: Horseless Carriage Co., 81 Old Broadway Street, North Haven, Connecticut. Prepared by Nafis & Young Engineers, Inc., Dated: May 13, 2014. Scale 1" = 20'. IL-30 Zoning District.

SITE PLANS:

2. #P15-16 Site Plan Application of Anthony Acri, III, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West, (Map 66, Lot 16). Plan Entitled: Horseless Carriage Co., 81 Old Broadway Street, North Haven, Connecticut. Prepared by Nafis & Young Engineers, Inc., Dated: May 13, 2014. Scale 1" = 20'. IL-30 Zoning District.

Mr. Anthony Acri, applicant, presented the applications to permit the transfer of the existing Used Car Dealer's License for this property, currently held by Louis Giangola, dba Horseless Carriage Company, to Anthony Acri, III, dba Horseless Quality Carriage, LLC. The property was approved by the Zoning Board of Appeals in 1981 for a Repairer's License and then in 1982 for a Used Car Dealer's License. In 2001, the ZBA approved the expansion of the Used Car Dealer's License to include land obtained from the railroad.

The use, Used Car Dealer, is a permitted use in this IL-30 Zoning District, but the lot does not conform with the requirements of Section 8.11.4 regarding lot width, lot area, the requirement for pavement in all parking areas, and the requirement for a vehicle showroom. Tire Express, an automobile tire retailer and installer, occupies the westernmost and southernmost two buildings on the property. They hold no license for repair or sales of motor vehicles. The Site Plan Application includes a request for outdoor storage on the property. Mr. Acri stated that he is trying to bring this property up to code and also to aesthetically improve the property.

Mr. Carlson asked Mr. Acri if he is selling cars. Mr. Acri stated that he is selling cars under Mr. Giangola's license. Mrs. Ranciato-Viele asked about the number of cars currently parked on the property and in the street. Then, Mr. Acri submitted photographs of the site as Exhibits A - G. Mr. Penton asked questions regarding the proposed parking. Mr. Acri is requesting twelve parking spaces in the front and thirty parking spaces in the rear. Mr. Penton suggested revising the site plan to show where parking is being proposed. Mr. Acri stated that the fence, in the rear of the property, belongs to the railroad and that he would not be installing a new fence.

Mr. Penton stated that he has concerns with cars being parked on the railroad's land. He also stated that the racks of tires, located on the property, have to be shown on the plan and the landscaping does not state the size of the plantings being proposed. Also, there needs to be a dumpster delineation with the enclosure added to the plan. Mr. Penton also has environmental concerns with vehicle repairs being conducted on graveled areas. Then, Mr. Penton reviewed town staff comments with Mr. Acri.

Attorney Coppola, Town Counsel, stated that it is imperative that the revised plans show where the curb cuts are located so neighbors can see what is being proposed. Then, Mr. Andrews asked about site lighting. Mr. Acri stated that he has concerns with neighbors being affected by additional lights and feels the current lighting is efficient. Then, he stated that the hours of operation will be from 7:30 a.m. to 5:30 p.m. Monday through Friday and 7:30 a.m. to 1:00 p.m. on Saturdays. The Commission asked a few more questions then they requested that the applicant submit a revised site plan.

Mr. Carlson asked for public comment.

Public Comment:

1. Victor Huliew, 5 Kings Highway, spoke in favor of the application.
2. Katherine Swiderski-McCarthy, 30 Bear Path Road, Hamden, stated that she is a long time customer of Tire Express and the Horseless Carriage. She spoke in favor of the application and asked questions regarding curbing. She stated that this business is an asset to the town.
3. Benjamin Pough, 10 Phillips Place, works at Tire Express and spoke in favor of the application.
4. Andrew Guckian, 85 Old Broadway, is a customer of Tire Express but has concerns with this type of business being proposed especially if the previous owner is involved.
5. Victoria Hine, 3 Phillips Place, has safety concerns with children getting on the school bus.
6. Bill Mezzano, 123 Highland Park Road and 70 Old Broadway, has had concerns with the previous owner and has concerns with curbing that may cause safety vehicles difficulty when entering the site.
7. Joe Chiaia, 83 Old Broadway, has concerns with the quality of life in his neighborhood and doesn't want to see it get worse.
8. Mary Ann Chiaia, 83 Old Broadway, has concerns with speeding cars and would like to see speed limit signs installed.

Mr. Acri submitted letters to the Commission, in support of his application, as Exhibit H then he responded to the public comment.

Attorney Coppola updated the Commission regarding the status of violations on this property and addressed questions from the Commission. Then, Mr. Acri asked to continue the Public Hearing and Site Plan to next month. Mr. Carlson suggested Mr. Acri meet with town staff before next month's meeting.

DELIBERATION SESSION:

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

PUBLIC HEARING:

1. #P15-16S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of Anthony Acri, III, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West.

Mr. Penton moved to continue the application to the August 3, 2015 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

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

SITE PLAN:

2. #P15-16 Site Plan Application of Anthony Acri, III, Applicant, Louis Giangola, Owner, relative to 81 Old Broadway West.

Mr. Penton moved to continue the application to the August 3, 2015 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

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

OTHER: None

INFORMAL PRESENTATION: None

EXTENSIONS:

-#P13-39 & #P13-39A, 200 State Street

Mr. Andrews moved to approve two (2) six (6) month extensions for application #P13-39 & #P13-39A, 200 State Street; Mr. Penton seconded the motion. The Commission voted as follows:

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

-#P15-05, 87 North Hill Road

Mrs. Ranciato-Viele moved to approve one (1) ninety (90) day extension for application #P15-05, 87 North Hill Road; Mr. Penton seconded the motion. The Commission voted as follows:

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

BONDS: None

CHANGE OF USE:

42 State Street

Attorney DeChello of the DeChello Law Firm, 110 Washington Avenue, North Haven, Connecticut, submitted a packet containing the application, a floor plan, zoning regulations and photographs of the site as Exhibit A. Then, he presented the change of use from an office use to a personal training center and answered questions from the Commission.

Mr. Andrews moved to approve the change of use from an office to a personal training center; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

CORRESPONDENCE: #P13-12, 162 State Street, Affordability Plan

MINUTES:

June 1, 2015

Mr. Penton moved to approve the June 1, 2015 minutes; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Penton – aye Andrews – aye Mulligan - aye Wilson - aye

ADJOURN:

There being no further business, Mr. Andrews moved to adjourn; Mrs. Ranciato-Viele seconded the motion. The meeting was adjourned at 8:33 PM.