

APPROVED 7-1-19
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, June 3, 2019 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
Richard E. Wilson, Secretary
James J. Giulietti
Theresa Ranciato-Viele
Lewis S. Borrelli Sr., Alternate

MEMBERS ABSENT:

Edward M. Homa, Alternate
Joseph M. Solimene, Alternate

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
J. Andrew Bevilacqua, Town Engineer
Jennifer Coppola, Town Counsel
Mary Lee Rydzewski, Public Stenographer
Pam Miller, Clerk

AGENDA:

Mr. Carlson, Chairman, opened the meeting at 7:00 p.m. He then introduced the Commissioners, town staff and the Court Reporter. Mr. Carlson then proceeded to ask the Land Use Administrator, Mr. Fredricksen if there were any changes to the agenda. Mr. Fredricksen stated that applications #P19-12 and #P19-12A have been postponed to the July 1, 2019 meeting.

PUBLIC HEARINGS:

Mr. Wilson read the call for the first Public Hearing:

The Commission elected to hear Applications #P19-04S, #P18-45 and #P18-45A together.

1. #P19-04S Special Permit Application (as authorized by Section 5.1.1.23) of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, relative to 381 State Street, (Map 34, Lot 111). Plan Entitled: 381 State Street, North Haven, Connecticut. Prepared by: Nafis & Young Engineers, Inc. Dated: December

2018. Scale: 1"=20'. IL-30 Zoning District.

4. #P18-45 Site Plan Application of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, (Map 34, Lot 111). Plan Entitled: 381 State Street, North Haven, Connecticut. Prepared by: Nafis & Young Engineers, Inc. Dated: December 2018. Scale: 1"=20'. IL-30 Zoning District.
5. #P18-45A CAM Application of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, (Map 34, Lot 111). Plan Entitled: 381 State Street, North Haven, Connecticut. Prepared by: Nafis & Young Engineers, Inc. Dated: December 2018. Scale: 1"=20'. IL-30 Zoning District.

Mr. Jim Galligan of Nafis & Young Engineering presented the applications to permit the construction of an approximately 1800 square foot car rental facility on the western side of this approximately 16 acre parcel. The car rental facility would utilize less than one acre along the State Street frontage to the south of the existing main access drive for National Lumber, an existing lumberyard and construction products supplier, which occupies the balance of the property. The Inland Wetlands Commission approved a Permit to Conduct Regulated Activity and a Positive Site Plan referral (#I18-17) at their 22 May 2019 meeting. Mr. Galligan presented a site plan and explained the proposed project and discussed the parking, driveways, drainage system and the rain garden. A request for a waiver to extend the sidewalks was presented.

Mr. John Petrie of Enterprise Holdings discussed the parking and the number of employees.

Mr. Penton asked questions regarding the floodplain and they were answered by Mr. Galligan. The Commission asked additional questions and they were answered by Mr. Galligan.

Mr. Carlson asked for public comment.

There being no public comment, the public hearing was closed.

Mr. Wilson read the call for the next Public Hearing:

2. #P19-16 Resubdivision Application of Cinemark USA, Inc., Applicant & Owner, for three (3) lots, relative to 550 & 570 Universal Drive North, (Map 21, Lots 2 & 11). Plan Entitled: Land of Cinemark USA Inc., 550 & 570 Universal Drive North, North Haven, Connecticut. Prepared by: BL Companies. Dated: 4/19/2019. Scale: 1"=60'. IL-80 Zoning District.

Mr. John Schmitz, Project Manager of BL Companies, presented the application to permit the resubdivision of the original "Cinemark" parcel into 5 lots. The Inland Wetlands Commission approved a Subdivision referral (#I19-07) at their 22 May 2019 meeting. The applicant proposes to develop the site with a future application for a Hotel on Lot #4.

The Commission asked questions and they were answered by Mr. Schmitz

Mr. Carlson asked for public comment.

1. Brian Munson of 107 Carriage Drive spoke about the easement on the property for the purpose of a trail.
2. Fran Notaro spoke on behalf of the North Haven Trail Association.
3. Hugh Davis of the North Haven Trail Association opposes the application until the trail easement is completed.
4. Mary White of 67 Summer Lane requested that the application be continued until the easement is granted.
5. Don Rocklin spoke about the pending trail easement.

Mrs. Jennifer Coppola, Town Counsel spoke about the status of the negotiation of the trail easement.

Mr. Schmitz addressed the public comment.

There being no further public comment, the public hearing was closed.

Mr. Wilson read the call for the last Public Hearing:

3. #P19-17S Special Permit Application [as authorized by Section 2.1.1.5(a)] of Tammie L. Ulbrich, Applicant, Hope Christian Church, Owner, relative to 211 Montowese Avenue, (Map 18, Lot 75). Plan Entitled: Proposed Resubdivision for Calvin & Naomi Bacon, Land of the Gospel Tabernacle, Inc., 211 Montowese Ave., Assessor's Map #17 & 18, Route 75, Fitch Street & Judd Drive, North Haven, CT. Prepared by: Diversified Technology Consultants. Dated: 9/24/98. Scale: 1"=40'. R-40 Zoning District.

Mrs. Tammie Ulbrich of the Ulbrich Boys and Girls Club, presented the application to permit the establishment of an after school children's program at Hope Christian Church. She stated that the program will be operated by the Ulbrich Boys & Girls Club and will have an after school drop in program for elementary and middle school students. Mrs. Ulbrich stated that the programs are projected to have approximately between 50-100 children and it's purpose is to expand the Boys and Girls Club from Wallingford to North Haven as an additional site location.

Mr. Carlos Collazo, Executive Director of the Ulbrich Boys and Girls Club, discussed the hours of operation and the possibility of an occasional evening event.

Mr. Jim Detweiler of 1 Hemingway Road, Pastor of Hope Christian Church explained the proposed project.

The Commission asked questions and they were answered by Mrs. Ulbrich and Mr. Collazo.

Mr. Carlson asked for public comment.

1. Erik Scaranuzzo of 2350 Ridge Road spoke in favor of the application. He stated that the town has a need for affordable after school care.
2. Pat Nuzzolillo of 7 Mansfield Road spoke in favor of the application. He stated that there is a need for this program in the community.
3. Anita Anderson of 32 Sheffield Road spoke in favor of the application and stated that the town is lacking after school care and programs for middle school students.
4. Mary White of 67 Summer Lane spoke in favor of the application and asked questions about traffic, lighting and activities.
5. Melissa Daniele of 5 Rock Road spoke in opposition to the application. She is concerned with the hours of operation, traffic and liability.
6. Frank Daniele III of 5 Rock Road spoke in opposition and is concerned with noise. He submitted photos of the property and the neighboring property as Exhibit 1.
7. Bob Fiondella of 217 Montowese Avenue spoke in opposition and is concerned with noise.
8. Don Harger of 16 Judd Drive spoke in opposition and asked about the programs and buses.
9. Frank Daniele spoke in opposition and is concerned with privacy and an increase of traffic.
10. Mike Morano of 11 Rock Road opposes the application and is concerned with traffic.

Mrs. Ulbrich addressed the public comment and requested to continue the application to the July 1, 2019 meeting.

BREAK: 8:28 PM-8:36 PM

SITE PLANS:

6. #P19-12 Site Plan Application of North Haven Business Park LLC, Applicant, Alvina's, LLC, Owner, relative to 71 Leonardo Drive, (Map 52, Lot 65). Plan Entitled: Site Plan Application of North Haven Business Park, LLC, 71 Leonardo Drive, North Haven, Connecticut 06473. Prepared by: Criscuolo Engineering LLC. Dated: 1/09/2013. Scale: 1"=20'. IL-80 Zoning District.

This application has been postponed to the July 1, 2019 meeting.

7. #P19-12A Site Plan Application of North Haven Business Park LLC, Applicant, Alvina's, LLC, Owner, relative to 71 Leonardo Drive, (Map 52, Lot 65). Plan Entitled: Site Plan Application of North Haven Business Park, LLC, 71 Leonardo Drive, North Haven, Connecticut 06473. Prepared by: Criscuolo Engineering LLC. Dated: 1/09/2013. Scale: 1"=20'. IL-80 Zoning District.

This application has been postponed to the July 1, 2019 meeting.

8. #P19-18 Site Plan Application of John Zyrlis-Agent for Kerstine, LLC, Applicant,

Kerstine, LLC, Owner, relative to 85 Sackett Point Road, (Map 37, Lot 126).
Plan Entitled: Inland Wetlands & Planning and Zoning Applications for
Warehouse - 2-Development, 85 Sackett Point Road, North Haven,
Connecticut. Prepared by: TPA Design Group. Dated: 4-23-19. Scale: 1"=30'.
IL-80 & IG-80 Zoning Districts.

Mr. John Zyrlis with TPA Design Group presented the application to permit the construction of an approximately 9,000 square feet, single story warehouse building on the northernmost portion of this uniquely shaped, approximately 9.17 acre, property. The Inland Wetlands Commission approved a Permit to Conduct Regulated Activity and a Positive Site Plan referral (#I19-08) at their 22 May 2019 meeting. He presented a site drawing and explained the property and the proposed building, parking area and landscaping plan. Mr. Zyrlis stated that a waiver of the irrigation plan is requested as well as a waiver of sidewalks. Then, he presented photos of the site; Exhibit A.

The Commission asked questions and they were answered by Mr. Zyrlis.

DELIBERATION SESSION:

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

PUBLIC HEARINGS:

1. #P19-04S Special Permit Application (as authorized by Section 5.1.1.23) of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, relative to 381 State Street.

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

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

The application was approved with appropriate conditions.

2. #P19-16 Resubdivision Application of Cinemark USA, Inc., Applicant & Owner, for three (3) lots, relative to 550 & 570 Universal Drive North.

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

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

The application was approved with appropriate conditions.

3. #P19-17S Special Permit Application [as authorized by Section 2.1.1.5(a)] of Tammie L.

Ulbrich, Applicant, Hope Christian Church, Owner, relative to 211 Montowese Avenue.

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

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

The application was continued.

SITE PLANS:

4. #P18-45 Site Plan Application of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, (Map 34, Lot 111). Plan Entitled: 381 State Street.

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

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

The application was approved with appropriate conditions.

5. #P18-45A CAM Application of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, (Map 34, Lot 111). Plan Entitled: 381 State Street.

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

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

The application was approved with appropriate conditions.

8. #P19-18 Site Plan Application of John Zyrlis-Agent for Kerstine, LLC, Applicant, Kerstine, LLC, Owner, relative to 85 Sackett Point Road.

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

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

The application was approved with appropriate conditions.

OTHER: None

EXTENSIONS: None

CORRESPONDENCE:

- Connecticut Federation of Planning and Zoning Agencies, Spring 2019

The correspondence was briefly discussed.

MEETING SCHEDULE: 2020 Meeting Dates

Mr. Giulietti moved to approve the 2020 Meeting Dates; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

The Meeting Dates were approved.

BONDS:

- 124 Mansfield Road, #P17-16

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$50,000.

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

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

The bond release was approved.

- 500 Middletown, #P13-04

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a partial release of a bond from \$40,000 to \$20,000.00

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

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

The bond reduction was approved.

CHANGE OF USE:

- 2 Broadway

Ms. Jaime Pressman of 119 Main Street in Durham is requesting a change of use from medical office to a hair salon.

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

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

The change of use was approved.

MINUTES:

- May 6, 2019

Mr. Penton moved to approve the May 6, 2019 meeting minutes; Mr. Wilson seconded the motion. The Commission voted as follows:

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

EXECUTIVE SESSION:

1. Discuss the status of the pending litigation of Laura Magaraci, et al. v. Robert P. Neubig, et al., and possible action relating to same.
2. Consider whether to convene in executive session to discuss the status of the pending litigation of Laura Magaraci, et al. v. Robert P. Neubig, et al.
3. Discuss status of the pending litigation in Joseph Mineri, et al. v. Planning and Zoning Commission of Town of North Haven and possible action relating to same.
4. Consider whether to convene in executive session to discuss the status of the pending litigation in Joseph Mineri, et al. v. Planning and Zoning Commission of Town of North Haven.

Mr. Giulietti moved to enter Executive Session at 9:30 PM; Mr. Penton seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Alan Fredricksen, Land Use Administrator, and J. Andrew Bevilacqua, Town Engineer, into Executive Session. The Commission voted as follows:

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

Mr. Giulietti moved to exit Executive Session at 10:12 PM; Mrs. Ranciato - Viele seconded the motion. The Commission voted as follows:

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

Mrs. Ranciato-Viele read the following motion into the record:

I make a motion to Authorize Town Counsel Jennifer Coppola and Zoning Enforcement Officer Laura Magaraci, Land Use Administrator Alan Fredricksen, and Town Engineer Andrew Bevilacqua to negotiate the final terms of Stipulation for Judgement in the pending action of Laura Magaraci, et al. v. Robert P. Neubig, et al., which Stipulation shall include but not be limited to terms which allow for the release of a cash bond in the amount of \$8,000 currently being held against the subject property at 480 Valley Service Road for Zoning Application #P11-05S to be held by the Town in escrow by one or both of the Parties' counsel to be disbursed solely for payment of expenses or costs associated with the proper removal and disposal of all solid waste from the property in compliance with all applicable statutes and regulations;

Mr. Giulietti seconded the motion. The Commission voted as follows:

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

ADJOURN:

There being no further business, Mr. Penton moved to adjourn; Mrs. Ranciato-Viele seconded the motion. The meeting was adjourned at 10:14 PM.