

APPROVED 11-12-19
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, October 7, 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
James J. Giuliatti
Theresa Ranciato-Viele, acting secretary
Lewis S. Borrelli Sr., Alternate
Joseph M. Solimene, Alternate

MEMBERS ABSENT:

Richard E. Wilson, Secretary

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 7:03 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 #P19-24 and #P19-31 have been postponed to the 12 November 2019 meeting.

PUBLIC HEARINGS:

1. #P19-24 Application of Middletown 102, LLC, Applicant, proposed Amendment to the North Haven Zoning Regulations to amend Section 4.4.2 and add Section 4.4.1.39 and Section 4.4.3.11 to permit residential apartments above first floor commercial uses in CB-20 Zoning Districts along Quinnipiac Avenue & Middletown Avenue. The proposed amendment is on file in the Land Use Office and in the Office of the Town Clerk.

This application has been postponed to the 12 November 2019 meeting.

Mrs. Ranciato-Viele read the call for first the Public Hearing:

The Commission elected to hear Applications #P19-25 and #P19-25S together.

2. #P19-25 Subdivision Application of Senior Luxury Housing, LLC, Applicant, FPJ Investments, LLC, Owner, for eight (8) lots, relative to 79T, 87, 87T, 91, 95 And 95 Warner Road, (Map 40, Lots 39-44). Plan Entitled: Proposed Cluster Resubdivision 79T, 87, 87T, 91, 95 and 95 Warner Road, North Haven, Connecticut. Prepared by: Milone & MacBroom. Dated: June 25, 2019. Scale: 1"=80'. R-40 Zoning District.
3. #P19-25S Special Permit Application (as authorized by Section 2.5.1) of Senior Luxury Housing, LLC, Applicant, FPJ Investments, LLC, Owner, for (8) eight lots, relative to 79T, 87, 87T, 91, 95 and 95 Warner Road, (Map 40, Lots 39-44). Plan Entitled: Proposed Cluster Resubdivision 79T, 87, 87T, 91, 95 and 95 Warner Road, North Haven, Connecticut. Prepared by: Milone & MacBroom. Dated: June 25, 2019. Scale: 1"=80'. R-40 Zoning District.

Mr. Michael Bennett, Land Surveyor, presented the application for an 8 lot "cluster" subdivision in accordance with Section 2.5 of the Regulations. He described the 28.892 acre property. He discussed the water course, the upland review area and the comments of the town staff. Mr. Bennett presented Exhibit A; a proposed drainage easement sketch and Exhibit B; a plan for the extension of sewers in phase two.

Mr. John Gilmore, Engineer of Milone and McBroom in Cheshire discussed the sanitary sewer system. He spoke about the comments of the Fire Chief and the water mains that service the area. He discussed the water pressure at the property. Mr. Gilmore presented Exhibit C; a letter from the water authority.

The Commission asked questions and they were answered by Mr. Bennett and Mr. Gilmore.

Mr. Carlson asked for public comment.

1. Frank Maher of 25 Warner Road asked about water pressure.
2. Barbara Kovacs of 80 Warner Road asked about the 50 foot easement.
3. Thomas Borrelli of 69 Warner Road spoke in favor and is concerned with drainage and asked about environmental testing of soils.
4. Michael Cavaliere of 9 Timothy Drive is concerned with water pressure.

Mr. Gilmore and Mr. Bennett responded to the public comment.

Mr. Bennett granted the Commission permission to continue the application to the November meeting to enable the applicant to obtain further data regarding the water pressure.

Mrs. Ranciato-Viele read the call for the next Public Hearing:

4. #P19-32 Resubdivision Application of Updike, Kelly & Spellacy, PC, Applicant, Connecticut Investment Development LLC, Owner, for two (2) lots, relative to 100 Powdered Metals Drive, (Map 29, Lot 112). Plan Entitled: Resubdivision Plan, Portion of Section 3, Grasso Associates, et al Subdivision, Property of Connecticut Investment Development, LLC, 100 Powdered Metals Drive, North Haven, Connecticut. Prepared by: Loureiro Engineering Associates, Inc. Dated: June 19, 2019. Scale: 1"=30'. IG-80 Zoning District.

Attorney Robert Pethick, presented the application for Resubdivision Approval, with no construction proposed at this time. The site is a 6.0 acre parcel proposed to be subdivided into two (2) lots of approximately 3.7 and 2.3 acres each. If approved, the westernmost, 3.7 acre lot would contain the one structure on the property, which is approximately 56,000 square feet and is approved for storage, warehouse and associated office use. Mr. Pethick stated that a waiver of the requirement of street trees and sidewalks, is requested.

Mr. Clint Brown, Engineer presented the site plan and explained the proposed project. He explained the proposed sewer system and the easement.

Attorney John Acampora of Updike, Kelly & Spellacy responded to the Commission's question regarding street trees.

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

Mr. Carlson asked for public comment.

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

SITE PLANS:

The Commission elected to hear Applications #P19-28 and #P19-28A together.

5. #P19-28 Site Plan Application of Niklyn Corp., Applicant, Mettler Realty, LLC, Owner, relative to 400 Sackett Point Road, (Map 35, Lot 9). Plan Entitled: Site Plan Package, 400 Sackett Point Road, North Haven, Connecticut. Prepared by Fuss & O'Neil, Inc. Dated: March 2018, revised July 2019. Scale: 1"=40'. JG-80 Zoning District.
6. #P19-28A CAM Application of Niklyn Corp., Applicant, Mettler Realty, LLC, Owner, relative to 400 Sackett Point Road, (Map 35, Lot 9). Plan Entitled: Site Plan Package, 400 Sackett Point Road, North Haven, Connecticut. Prepared by Fuss & O'Neil, Inc. Dated: March 2018, revised July 2019. Scale: 1"=40'. JG-80 Zoning District.

Attorney Bernard Pellegrino of the Pellegrino Law Firm presented the applications to satisfy the condition of approval imposed by the Commission on 5 June 2017 in approving the applicant's change of use for a metal fabricating and finishing use. The condition required

receipt and approval of Site Plan and CAM applications within 90 days. Mr. Pellegrino discussed the history of the property and previous applications. Mr. Penton asked about the planting plan and Mr. Pellegrino responded. The comments of the fire chief were then discussed.

Mr. Pellegrino granted the Commission an extension to continue the application to the November meeting to allow town staff to meet at the property with the applicant regarding the outdoor storage issues.

The Commission elected to hear Applications #P19-30 and #P19-30A together.

7. #P19-30 Site Plan Application of Pharmacia & Upjohn Company LLC, Applicant & Owner, relative to 41 Stiles Lane, North Haven, CT, (Map 43, Lot 34). Plan Entitled: Brickyard Point Interpretive Trail Project, Proposed Site Plan. Prepared by: Woodard & Curran. Dated: July 2019. Scale: 1"=80'. IG-80 Zoning District.
8. #P19-30A CAM Application of Pharmacia & Upjohn Company LLC, Applicant & Owner, relative to 41 Stiles Lane, North Haven, CT, (Map 43, Lot 34). Plan Entitled: Brickyard Point Interpretive Trail Project, Proposed Site Plan. Prepared by: Woodard & Curran. Dated: July 2019. Scale: 1"=80'. IG-80 Zoning District.

Attorney John Parese of Parrett, Porto, Parese & Colwell, PC presented the applications to permit the installation of two open-sided shelters, an information kiosk, and seven interpretive trail markers along the existing, previously approved walking trails on the eastern portion of this property. This project is being proposed to fulfill the requirements of the United States Environmental Protection Agency (USEPA) and Connecticut Department of Energy and Environmental Protection (CT DEEP) approved site wide remedy. The Inland Wetlands Commission approved a Permit to Conduct Regulated Activity and a positive Site Plan Referral (#I19-11) on 25 September 2019. Mr. Parese gave a history of the remediation on the site and discussed the proposed project.

Mr. Alan Benevides of Woodard and Curran presented the site plan and explained the locations of the shelters and markers. He stated that the project is to enhance the experience of visitors of the trail, which should be available by the Spring of 2020.

Mr. Russell Downing of Pfizer stated that the information for scheduled visits will be available on their website.

9. #P19-31 Site Plan Application of LTD Realty Associates, LLC, Applicant & Owner, relative to 319 Washington Avenue, North Haven, CT, (Map 85, Lot 4). Plan Entitled: Site Plan Expansion – Building 2. Prepared by: Nafis & Young Engineers, Inc. Dated: June 10, 2019. Scale: 1"=20'. IL-30 Zoning District.

This application has been postponed to the 12 November 2019 meeting.

10. #P19-33 Site Plan Application of John Montesano, Applicant, VBH, LLC, Owner, relative to 10 Bernhard Road, North Haven, CT, (Map 3, Lot 4). Plan Entitled: Proposed and existing conditions survey for John Montesano. Prepared by: Anthony Mello. Dated: 8/14/19. Scale: 1"=20'. IL-30 Zoning District.

Attorney Timothy Lee with Fasano, Ippolito, Lee & Florentine, LLC in New Haven, presented the application to permit the change of use of this approximately 13,000 square feet, single story building to an autobody repair facility. An application for a Certificate of Location for an autobody repair facility was approved by the Zoning Board of Appeals at their 19 September 2019 meeting (#19-13). Mr. Lee presented the site plan and described the proposed project. He stated that the auto repair work will be conducted indoors. He discussed the hours of operation and stated that the property and landscaping will be improved. A waiver of the requirement of sidewalks is requested.

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

DELIBERATION SESSION:

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

PUBLIC HEARINGS:

2. #P19-25 Subdivision Application of Senior Luxury Housing, LLC, Applicant, FPJ Investments, LLC, Owner, for eight (8) lots, relative to 79T, 87, 87T, 91, 95 And 95 Warner Road.

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

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

The application was continued to the 12 November 2019 meeting.

3. #P19-25S Special Permit Application (as authorized by Section 2.5.1) of Senior Luxury Housing, LLC, Applicant, FPJ Investments, LLC, Owner, for (8) eight lots, relative to 79T, 87, 87T, 91, 95 and 95 Warner Road.

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

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

The application was continued to the 12 November 2019 meeting.

4. #P19-32 Resubdivision Application of Updike, Kelly & Spellacy, PC, Applicant, Connecticut Investment Development LLC, Owner, for two (2) lots, relative to 100 Powdered Metals Drive.

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

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

The application was approved with appropriate conditions.

SITE PLANS:

5. #P19-28 Site Plan Application of Niklyn Corp., Applicant, Mettler Realty, LLC, Owner, relative to 400 Sackett Point Road.

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

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

The application was continued to the 12 November 2019 meeting.

6. #P19-28A CAM Application of Niklyn Corp., Applicant, Mettler Realty, LLC, Owner, relative to 400 Sackett Point Road.

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

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

The application was continued to the 12 November 2019 meeting.

7. #P19-30 Site Plan Application of Pharmacia & Upjohn Company LLC, Applicant & Owner, relative to 41 Stiles Lane.

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

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

The application was approved with appropriate conditions.

8. #P19-30A CAM Application of Pharmacia & Upjohn Company LLC, Applicant & Owner, relative to 41 Stiles Lane.

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

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

The application was approved with appropriate conditions.

10. #P19-33 Site Plan Application of John Montesano, Applicant, VBH, LLC, Owner, relative to 10 Bernhard Road.

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

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

The application was approved with appropriate conditions.

OTHER:

- 610 Washington Avenue

Mr. Jake Mauro of Mauro Motors presented the request to allow the installation of twelve electrical charging stations at 610 Washington Avenue.

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

Carlson – aye Penton – aye Giulietti – nay Ranciato-Viele – nay Solimene – aye

The request was approved.

BREAK: 9:15 PM – 9:25 PM

EXTENSIONS:

- #P18-20, 404 Washington Avenue

Mr. Fredricksen discussed the request for one (6) six month extension for the application.

Mr. Penton moved to approve the extension. Mr. Giulietti seconded the motion. The Commission voted as follows:

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

The extension was approved.

CORRESPONDENCE:

- Edward Homa resignation letter
- Eversource email letter notification
- Town of East Haven Zoning Amendment notification

The correspondences were briefly discussed.

BONDS:

- #P15-30, 165 Washington Avenue

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$20,000.00.

Mr. Penton moved to release the bond; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

The bond release was approved.

- #P16-22, 409 Washington Avenue

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$170,000.00.

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

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

The bond release was approved.

- #P17-13, 100 Universal Drive North

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$2,500.00.

Mr. Penton moved to release the bond; Mr. Solimene seconded the motion. The Commission voted as follows:

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

The bond release was approved.

- #P17-05 & P17-01, 29 State Street

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$14,000.00.

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

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

The bond release was approved.

- #P96-22, 24 McDermott Road

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$2,500.00.

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

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

The bond release was approved.

CHANGE OF USE:

- 87 State Street

Ms. Amy Benevento and MeShea Carmichael-Marks are requesting a change of use from service to a clothing consignment store (retail).

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

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

The change of use was approved.

- 276 State Street

Mrs. Elizabeth DeSarbo is requesting a change of use from office to a hair salon (service).

Mr. Penton moved to approve the change of use; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

The change of use was approved.

- 311 Washington Avenue

Ms. Nicki Brown is requesting a change of use from retail to office and warehouse.

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

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

The change of use was approved.

- 473 Washington Avenue

Mr. Kevin O'Brien is requesting a change of use from a machine shop to office/warehouse.

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

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

The change of use was approved.

MINUTES:

- September 9, 2019

Mrs. Ranciato-Viele moved to approve the September 7, 2019 meeting minutes; Mr. Penton seconded the motion. The Commission voted as follows:

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

EXECUTIVE SESSION:

1. Discuss the status of the pending litigation of 576 Washington Avenue LLC v. North Haven Planning and Zoning Commission, and possible action relating to same.
2. Consider whether to convene in executive session to discuss the status of the pending litigation of 576 Washington Avenue LLC v. North Haven Planning and Zoning Commission.

Mr. Giulietti moved to enter Executive Session at 7:05 PM; Mrs. Ranciato-Viele seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Alan Fredricksen, Land Use Administrator, and J. Andrew Bevilacqua, Town Engineer, into the Executive Session. The Commission voted as follows:

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

Mr. Giulietti moved to exit Executive Session at 7:10 PM; Mrs. Ranciati-Viele seconded the motion. The Commission voted as follows:

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

Mr. Penton read the following motion into the record:

To resolve the pending litigation, I make a motion that we modify our July 1, 2019 decision on Application #P19-21, the site plan application of 576 Washington Avenue LLC, by removing the condition of approval requiring the planting of four (4) deciduous trees along the front setback adjacent to Washington Avenue and replace it with a new condition of approval requiring the planting, in a location to be selected by Town Staff, in the rear yard which abuts 43, 45, 47, and 49 Coventry Circle for the placement of eight (8) Green Giant Arborvitae of five (5) to six (6) feet in height to be installed by the property owner with the other buffer plantings, prior to the issuance of a certificate of occupancy, to augment the buffer. Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

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

ADJOURN:

There being no further business, Mr. Penton moved to adjourn; Mr. Giulietti seconded the motion. The meeting was adjourned at 9:42 PM.