

APPROVED 1-6-20
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, December 2, 2019 at the North Haven Memorial Library, 17 Elm Street, in the Community Room, at 7:00 PM.

MEMBERS PRESENT:

Vern E. Carlson, Chairman
Brian Cummings
Richard E. Wilson, Secretary
James J. Giulietti
Theresa Ranciato-Viele
Joseph M. Solimene, Alternate
Roderick Williams, Alternate

MEMBERS ABSENT:

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
J. Andrew Bevilacqua, Town Engineer
Michael J. Freda, First Selectman
Mary Lee Rydzewski, Public Stenographer
Pam Miller, Clerk

Mr. Michael J. Freda, First Selectman, opened the meeting at 6:57 p.m. for the purpose of electing a Chairman, Vice Chairman and Secretary for the Commission. For the office of Chairman of the Planning & Zoning Commission, Mr. Wilson nominated Mr. Carlson. Mrs. Ranciato-Viele seconded the nomination; all were in favor. The Commission elected Mr. Carlson to the office of Chairman. For the office of Vice Chairman, Mr. Carlson nominated Mr. Wilson; Mr. Cummings seconded the nomination; all were in favor. Mr. Wilson was elected Vice Chairman. Then, for the office of Secretary, Mr. Giulietti nominated Mrs. Ranciato-Viele. Mr. Carlson seconded the nomination; all were in favor. Mrs. Ranciato-Viele was elected Secretary. Mr. Freda then congratulated and thanked all the members of the Commission.

AGENDA:

Mr. Carlson, Chairman, opened the regular meeting at 7:01 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 there were none.

PUBLIC HEARINGS:

1. #P19-24 Continuation of the 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.

Attorney Tim Hollister, presented the application to permit residential apartments above first floor commercial uses in CB-20 Zoning Districts along Quinnipiac Avenue and Middletown Avenue. He gave an overview of the proposed amendment and project. Mr. Hollister stated that if the amendment is approved, an application will be submitted to the Planning & Zoning Commission for residential apartments over a commercial property at 102 Middletown Avenue.

Mr. Joseph Iamunno, applicant, stated that the property has been vacant for a long time and he wishes to beautify the corner. He stated that there is a need for residential units in North Haven.

Mr. John Gilmore, Engineer of Milone and McBroom, presented the site plan and a drawing of the proposed three story building with retail units on the first floor. Mr. Gilmore spoke regarding the parking spaces and landscaping plan. He stated that all 12 units will be one bedroom units and the retail businesses will occupy the entire 1,000 square feet of the first floor.

Mr. Giulietti asked questions regarding the parking spaces and Mr. Hollister discussed the parking calculations per the regulations. Mrs. Ranciato-Viele commented on the lack of affordable units being offered.

The Commission asked further questions and they were answered by Mr. Hollister.

Mr. Carlson asked for public comment.

1. Jeff Smalley of 27 LeGrand Road spoke in favor of the application. He stated that the project is beautiful and there is a need for housing.
2. Mary White of 67 Summer Lane spoke in opposition to the application. She is concerned with the parking plan and the distance between the building and the adjoining property to the side.
3. Kevin Konopka of 18 Potter Road spoke in opposition to the application. He is concerned with the lack of parking.
4. Nick Piscitelli of 9 Quinnipiac Avenue spoke in opposition to the application. He stated that the project would not benefit the town.
5. Joseph DiMartino of 10 Papa Lane spoke in opposition to the application and distributed photos to the Commission as Exhibit 2-1.

6. Cheryl Apuzzo of 19 Lock Drive spoke in opposition and stated the lot is too small.
7. Joan Mazurek of 154 Cloudland Road spoke in opposition. She is concerned with traffic and believes that the parcel is too small for the project.
8. Tom White of 67 Summer Lane spoke in opposition and read a letter from resident Michael Amodio of 204 Quinnipiac Avenue, also in opposition.
9. Sally Hopkins is in opposition to the application. Letter read by Alan Fredricksen.

Mr. Hollister addressed the public comment.

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

BREAK: 8:07-8:16 PM

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

2. #P19-25 Continuation of the 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 Continuation of the 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. John Gilmore of Milone and McBroom presented the applications to permit the development of a new, 8 lot "cluster" Subdivision, in accordance with Section 2.5 of the Regulations which require the Special Permit application. He presented the site plan and explained the proposed project. He discussed the comments of the Fire Chief and explained the proposed location of the sewer.

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

Mr. Carlson asked for public comment.

1. Marjorie Quinn of 11 Deer Run Lane asked questions about residence sizes.
2. Barbara Kovacs of 80 Warner Road spoke about the location of the sewer.

Mr. Gilmore addressed the public comment.

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

4. #P19-35 Excavation Permit/Fill Permit Application of United Technologies Corporation, Pratt & Whitney Division, Applicant, MDC Coastal 9, LLC, Owner, relative to 409 Washington Avenue, (Map 90, Lot 6). Plan Entitled: Ecological Risk Based Remediation, United Technologies Corporation, 409 Washington Avenue, North Haven, Connecticut, Former Pratt & Whitney Facility, Permitting Plans. Prepared by: Fuss & O'Neil. Dated: September 2019, Revised October 9, 2019. Scale: 1"=50'. IL-80 Zoning District.

Mr. Phil Forzley, Professional Engineer of Fuss & O'Neil, presented the application to permit the remediation of contaminated sediment in watercourses and in soil located in wetland and wetland buffer areas on the west side of the property. This is not a development application and no construction is proposed. A Permit to Conduct Regulated Activity and a positive Site Plan Referral (#I19-13) was approved by the Inland Wetlands Commission on 23 October 2019. Mr. Forzley presented a site plan and explained the remediation area and the haul routes. He then stated that approximately 3600 yards of soil to be removed and the soils will be tested before exiting and entering the site.

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

Mr. Carlson asked for public comment.

1. Mary White of 67 Summer Lane asked about the project schedule.

Mr. Forzley addressed the public comment.

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

5. #P19-36 Zone Change Application of Bernard Pellegrino, Esq., Applicant, RAM328 LLC; North Haven Investments, LLC; 336 State Street, LLC; 346 State Street, LLC, Owners, relative to 326, 328, 332, 336 & 346 State Street, (Map 42, Lot 119 & Map 34, Lots 109, 108, 107 & 105). Plan Entitled: Proposed Zone Change Map for State Street, North Haven. Prepared by: Kratzert, Jones & Associates, Inc. Dated: July 24, 2019. Scale: 1"=100'. CB-40/R-20 Zoning District.

Attorney Bernard Pellegrino of the Pellegrino law firm, presented the application to change the zoning district of an approximately 700' x 35' strip of land along the back (westernmost) side of these five State Street properties from R-20 to CB-40. He presented the site plan and explained the reasons for the proposed zone change. He stated that with this application they wish to repair the problem of having split zone properties on the lots.

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

Mr. Carlson asked for public comment.

1. Mary White of 67 Summer Lane is concerned that if the application is approved, the setbacks and buffers would be reduced for adjacent properties.

Mr. Pellegrino addressed the public comment.

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

6. #P19-37 Zone Change Application of Jarrett Rosseau, Applicant & Owner, relative to 8 & 10 Grasso Avenue, (Map 36, Lot 36 & Map 36, Lot 35). Plan Entitled: Existing Conditions Properties Located at #8 & 10 Grasso Avenue, North Haven, Connecticut. Prepared by: Criscuolo Engineering LLC. Dated: 4/16/2019. Scale: 1"=20'. R-20 Zoning District.

Mr. John Paul Garcia, Land Surveyor, presented the application to change the zoning district of these two 20,000 square feet lots from R-20 to IL-80. The surrounding properties to the west are in the R-20 zoning district while the surrounding properties to the east are in the IL-80 zoning district. Mr. Garcia submitted a zone map as Exhibit A and discussed the reasons for the zone change request.

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

Mr. Jarrett Rosseau, applicant stated that they have not yet spoken to the neighbors regarding the zone change.

Mr. Garcia asked if the application could be continued to next month's meeting in order to allow the applicant to reach out to the neighbors.

SITE PLANS:

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

7. #P19-28 Continuation of the 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.
8. #P19-28A Continuation of the 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 and provided updates regarding improvements made at the property. Alan A. Fredricksen, Land Use Administrator, distributed a letter from the property owner; John H. Metler, as Exhibit 1. The Commission discussed the outside storage occurring on the property by parties other than the applicant.

DELIBERATION SESSION:

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

PUBLIC HEARINGS:

1. #P19-24 Continuation of the 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.

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

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

The application was denied.

2. #P19-25 Continuation of the 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 approve the application; Mr. Giulietti seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

3. #P19-25S Continuation of the 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.

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

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

The application was approved with appropriate conditions.

4. #P19-35 Excavation Permit/Fill Permit Application of United Technologies Corporation, Pratt & Whitney Division, Applicant, MDC Coastal 9, LLC, Owner, relative to 409 Washington Avenue.

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

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

The application was approved with appropriate conditions.

5. #P19-36 Zone Change Application of Bernard Pellegrino, Esq., Applicant, RAM328 LLC; North Haven Investments, LLC; 336 State Street, LLC; 346 State Street, LLC, Owners, relative to 326, 328, 332, 336 & 346 State Street.

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

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

The application was denied.

6. #P19-37 Zone Change Application of Jarrett Rosseau, Applicant & Owner, relative to 8 & 10 Grasso Avenue.

Mrs. Ranciato-Viele moved to continue the application to the 6 January 2020 meeting; Mr. Cummings seconded the motion. The Commission voted as follows:

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

The application was approved with appropriate conditions.

SITE PLANS:

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

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

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

The application was denied.

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

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

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

The application was denied.

OTHER:

- 160-164 State Street

Mr. John Orsini, owner, is requesting approval to convert nine one bedroom units into six two bedroom units.

Mr. John Apuzzo stated that there are presently affordable units on the property.

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

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

The request was approved.

- Appointment of Open Space Committee Representative

Mr. Cummings moved to elect Mrs. Ranciato-Viele as a representative to the Open Space Advisory Committee. Mr. Wilson seconded the motion. The Commission voted as follows:

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

BREAK: 10:11-10:15 PM

EXTENSIONS: None

CORRESPONDENCE:

- Cease & Desist Order: 400 Sackett Point Road
- Connecticut Federation of Planning and Zoning Quarterly Newsletter, Fall 2019
- Thank You Note from The Borrelli Family

The correspondence was briefly discussed.

BONDS: None

CHANGE OF USE: None

MINUTES:

- November 12, 2019

Mrs. Ranciato-Viele moved to approve the November 12, 2019 meeting minutes; Mr. Wilson seconded the motion. The Commission voted as follows:

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

EXECUTIVE SESSION:

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

Mr. Giulietti moved to enter Executive Session at 8:17 PM; Mrs. Ranciati-Viele 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 Wilson – aye Giulietti – aye Ranciato-Viele – aye Cummings –aye

Mr. Giulietti moved to exit Executive Session at 8:21 PM; Mrs. Ranciati-Viele seconded the motion. The Commission voted as follows:

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

ADJOURN:

There being no further business, Mr. Giulietti moved to adjourn; Mr. Wilson seconded the motion. The meeting was adjourned at 10:38 PM.