

**APPROVED 3-2-20**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, February 3, 2020 at the North Haven Memorial Library, 17 Elm Street, in the Community Room, at 7:00 PM.

**MEMBERS PRESENT:**

Vern E. Carlson, Chairman  
Richard E. Wilson, Vice-Chairman  
James J. Giulietti  
Brian Cummings, acting Secretary  
Roderick Williams, Alternate, sitting  
Paul J. Weymann, Alternate

**MEMBERS ABSENT:**

Theresa Ranciato-Viele, Secretary  
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 7:02 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 are none.

**PUBLIC HEARINGS:**

1. #P19-37 Continuation of the Zone Change Application of Jarrett Rousseau, 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. Jared Rousseau and Mrs. April Capone, owners and applicants 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. Rousseau updated the Commission regarding contacting neighbors.

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

Mr. Carlson stated that the neighboring property owners would be notified as to the change in the zoning district. The applicants are granting the Commission an extension to act on the application. The application will be continued to the 2 March 2020 meeting.

2. #P19-38 Application of Timothy J. Lee, Applicant, proposed Amendment to the North Haven Zoning Regulations to add Section 5.2.1.63 to permit retail store uses on Sackett Point Road between Route 5 and Universal Drive. The proposed amendment is on file in the Land Use Office and in the Office of the Town Clerk.

Attorney Timothy Lee with Fasano, Ippolito, Lee & Florentine, LLC in New Haven, presented the application proposing an Amendment to the North Haven Zoning Regulations, being made on behalf of the owner of 370 Sackett Point Road. If approved, the Amendment would permit the possibility of retail uses in General Industrial (IG-80) Districts on Sackett Point Road on properties located to the west of the railroad underpass. Mr. Lee stated that the applicant grants the Commission an extension to act on the application and is requesting that the Public Hearing be continued to next month's meeting.

3. #P20-01 Subdivision Application of Robert Cerilli, Applicant, Robert & Vanessa Cerilli, Owners, for (3) three lots, relative to 77 & 83 North Hill Road, (Map 24, Lots 15 & 16). Plan Entitled: Proposed Subdivision, Properties Located at 77 & 83 North Hill Road, North Haven, Connecticut. Prepared by: Criscuolo Engineering LLC. Dated: 1/3/2020. Scale: 1"=30'. R-40 Zoning District.

Mr. Jim Pretti, Engineer of Criscuolo Engineering presented the application which is intended to reconfigure and subdivide these two (2) parcels into three (3) residential building lots. The two (2) existing parcels each contain one house and some accessory storage structures. The existing lot line that separates #77 from #83 is proposed to be reconfigured and a new lot line will be added to the north of #77 to create the third lot. If approved, Lot 1 will initially contain no structures, Lot 2 will contain the single family residence known as #77 North Hill Road and two (2) accessory storage structures and Lot 3 will contain the single family residence known as #83 North Hill Road and two (2) accessory storage structures. Mr. Pretti presented a drawing of the property and explained that a portion of the house on #77 will be removed. He discussed the proposed plans for a sewer from Mikey's Way and stated that the city water had been extended. Then, he discussed the plan for sidewalks and street trees.

Mr. Robert Cerilli, applicant, explained the plan for the future removal of outside storage presently occurring on the site.

The Commission asked questions and they were answered by Mr. Pretti and Mr. Cerilli.

Mr. Carlson asked for public comment.

1. Mrs. MaryAnn Adinolfi of 88 North Hill Road spoke in favor of the application.
2. Christine Adinolfi of 89 North Hill Road spoke in favor of the application.
3. Jennifer Cusano of 5 Mikey's Way asked questions about the sewer.

Mr. Pretti addressed the Public Comment.

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

Regarding a potential settlement in the matter of K Brothers, LLC v. Planning & Zoning Commission of Town of North Haven (Docket No. NNH-CV19-6093414-S), concerning the real property located at 224 Quinnipiac Avenue, North Haven, which is currently pending in New Haven Superior Court. Please note that public comment will be permitted.

1. Discussion of the status of the pending litigation in K Brothers, LLC v. Planning and Zoning Commission of Town of North Haven and potential settlement thereof based upon a proposed revised site plan, and possible action relating to same. A copy of the proposed revised site plan is on file at the Land Use Office located in the Town Hall Annex. Public comment will be permitted.
2. Consideration of whether to convene in executive session to discuss the status of pending litigation in K Brothers, LLC v. Planning and Zoning Commission of Town of North Haven and potential settlement thereof based upon a proposed revised site plan. A copy of the proposed revised site plan is on file at the Land Use Office located in the Town Hall Annex.

Jennifer Coppola, Town Counsel, stated that a public hearing notice was published to notify the public regarding tonight's meeting.

Attorney Chris Smith gave a history of the prior approvals and stated that the drive-thru component has been removed.

Jennifer Coppola, stated that the police and fire chiefs have reviewed the revised plans and have no issues.

Mr. Carlson asked for public comment.

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

#### **SITE PLANS:**

4. #P20-02 Site Plan Application of CPD Group, Applicant, Fulton Forbes, Incorporated, Owner, relative to 384 State Street, (Map 34, Lot 97). Plan Entitled: Relocated Fuel Pump Island, 384 State Street, North Haven, CT. Prepared by:

Mr. Jim Rotondo Engineer with Godfrey, Hoffman, Hodge LLC, presented the application to permit the relocation of the existing diesel fuel pumps from the immediate south side of the existing convenience store/restaurant building to a location in the center of the southernmost parking lot. He presented a site plan and explained that the site is split between two zones. He discussed the business that is currently being operated on the property. Mr. Rotondo stated that the fuel pumps are proposed to be relocated and the canopy to be redesigned and relocated. The applicant is requesting a waiver of sidewalks at the front of the property.

Mr. Tom Kievit of Fulton Forbes, Inc. in Woodbridge, stated that the existing fuel tanks will be removed and replaced.

The Commission asked questions and Mr. Kievit and Mr. Rotondo responded.

**DELIBERATION SESSION:**

Mr. Giulietti moved to go into deliberations; Mr. Williams seconded the motion. All were in favor.

**PUBLIC HEARINGS:**

1. #P19-37 Continuation of the Zone Change Application of Jarrett Rousseau, Applicant & Owner, relative to 8 & 10 Grasso Avenue.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The application was continued.

2. #P19-38 Application of Timothy J. Lee, Applicant, proposed Amendment to the North Haven Zoning Regulations to add Section 5.2.1.63 to permit retail store uses on Sackett Point Road between Route 5 and Universal Drive.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The application was continued.

3. #P20-01 Subdivision Application of Robert Cerilli, Applicant, Robert & Vanessa Cerilli, Owners, for (3) three lots, relative to 77 & 83 North Hill Road.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The application was approved with appropriate conditions.

In addition to the above public hearings, the below items will appear on the meeting agenda regarding a potential settlement in the matter of K Brothers, LLC v. Planning & Zoning Commission of Town of North Haven (Docket No. NNH-CV19-6093414-S), concerning the real property located at 224 Quinnipiac Avenue, North Haven, which is currently pending in New Haven Superior Court. Please note that public comment will be permitted.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The settlement was approved with appropriate conditions.

**SITE PLANS:**

4. #P20-02 Site Plan Application of CPD Group, Applicant, Fulton Forbes, Incorporated, Owner, relative to 384 State Street.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The application was approved with appropriate conditions.

**OTHER:** None

**EXTENSIONS:** None

**CORRESPONDENCE:**

- Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Winter 2020.
- ZEO Report

The correspondences were briefly discussed.

**BONDS:**

- #P17-22, 19 Timothy Drive

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$15,000.00.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The bond release was approved.

- #P94-72, Pine Hill Estates, Beach Street & North Hill Road

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for two bond releases in the amounts of \$50,000.00 and \$100,000.00.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The bond releases were approved.

- #P96-44, 900 Universal Drive

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

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The bond release was approved.

**CHANGES OF USE:**

- 39 McDermott Road

Mr. Gerald Pagano of DelRay Beach Florida is requesting a change of use from Manufacturing to a masonry warehouse.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The change of use was approved.

- 78 Rebesch Drive

Mr. Ike Igbinosun is requesting a change of use from retail to a personal training gym.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The change of use was approved.

- 380 Washington Avenue

Mr. Tim Dang is requesting a change of use from retail to an eyelash extension salon.

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

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye Williams – aye

The change of use was approved.

**BREAK: 8:39 PM-8:50 PM**

**MINUTES:**

- January 6, 2020

Mr. Cummings moved to approve the January 6, 2020 meeting minutes; Mr. Wilson seconded the motion. The Commission voted as follows:

Carlson – aye Wilson – aye Giulietti – aye Cummings – aye

**EXECUTIVE SESSION: None**

**ADJOURN:**

There being no further business, Mr. Williams moved to adjourn; Mr. Wilson seconded the motion. The meeting was adjourned at 9:06 PM.

