

**Planning and Zoning Commission
Actions and Decisions
Wednesday, July 7, 2010 at 7:30pm
East Haven Community [Senior] Center; 91 Taylor Avenue**

Chairman Ruocco called the meeting to order at 7:30 p.m.

Roll Call – 5 Present (Giamattie, Murch Vastola, Raymond, and Ruocco)

Alternate (not voting on all issues) 1 Present (Suppa)

Staff Present – James Staunton, PE, Town Engineer, David Anderson, Zoning Official, and Assistant Town Attorney, James Cirillo, Esq.

1A: Accept / Approve minutes of June 2, 2010 Commission meeting.

Commissioner Vastola moved to accept the minutes.

Commissioner Raymond seconded the motion.

Roll Call – 4 In Favor. None Opposed. 1 Abstentions (Murch).

APPROVED

2A: No Public Hearings.

3A: 318-320 Main Street; Dunkin Donuts; Site Plan Modification to revise the internal circulation pattern as well as the access into and out of the site from Main Street.

Mr. Anderson stated that the applicant is modifying the site due to the problems with the flow of traffic. The intent is to move the entrance toward the west end of the property and change the internal circulation.

Mr. Staunton stated that he is satisfied with the changes. The current traffic flow causes cars to be jammed around the building. This plan should soften the flow and the parking will be moved against the building.

Commissioner Murch stated that switching the parking and handicap stripping provides better handicap access and prevents pedestrians from crossing in front of the traffic.

Commissioner Raymond moved to approve the plan date 6/23/2010.

Commissioner Vastola seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

APPROVED

- 4A: 32 Hemingway Avenue; Site Plan Modification to place two 8 ft by 40 ft storage containers in the rear of the property for landscaping equipment storage in conjunction with a tenant's landscaping business.

Chairman Ruocco stated that currently the proposal shows two trailers 3ft. away from the property line, which is in violation of the zoning regulations. They need to be moved 10 ft. from the property line. The property owner agreed to move the trailers.

Chairman Ruocco further stated that this is a commercial area but believes the gravel area that was cleared is in the wetlands.

Mr. Anderson stated that the applicant is not extending the limits of what is already there.

Mr. Staunton suggested that the applicant provide a report from a soil scientist. It's prudent to determine the condition, if they are wetlands or tidal wetlands and make it a condition of the approval.

Commissioner Murch moved to approve with condition of soil scientist report and move the storage trailers 10 ft. of the property line.

Commissioner Giamattie seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

APPROVED WITH CONDITIONS

- 4B: 38 Hemingway Avenue; Site Plan Modification to establish an automotive repair and used car dealership along with towed vehicle storage in an existing commercial garage.

Chairman Ruocco stated that there is an approved variance for this site from 1953, which states that it is to be kept clean at all times with storage of vehicles. Not totaled vehicles and vehicle repair; I believe you'll have to go back to ZBA and we will recommend a fence and a soil scientist test.

Robert Henry, 42 Hemingway Avenue stated that Mr. Sullo moved his junk cars and other vehicle to this site at 4 and 5:00 a.m. He has piled junk along the fence, moved 21 junk cars, oil leaking, constant noise at all hours, traffic in and out of the driveway, encroaching on the wetland and he did all this

without proper permits from the state and approval from this board. He has total disregard for the neighbors.

Mr. Anderson stated he has received complaints regarding the site and licensing issue; first Mr. Sullo needed to receive his license from the state prior to moving to this site. Originally, he was moving to this site with a partner; since he will apply alone for the license.

Chairman Ruocco asked if he should have moved the vehicles from Short Beach Road to Hemingway Avenue.

Attorney Cirillo indicated that he should not have moved his operations to Hemingway Avenue.

Commissioners Ruocco and Raymond agreed that he is already in violation and this commission believes he should move the equipment and vehicles but they are not giving permission to move to another prohibited site.

Mr. Henry further stated he believes that some of the junk and vehicles are in violation of the setbacks and are very suspect as to being in the wetlands. He should have his license revoked.

Commissioner Murch stated that this commission is pro business and does not capriciously debt applicants, but people should be responsible proprietors.

Mr. Anderson stated that Planning and Zoning and Zoning Board of Appeals do not have the ability revoke a license, which is issued by the DMV, but are responsible to ensure the property is a suitable location for a used car sales and repair business. Mr. Sullo is allowed to have a business at this site by virtue of the variance but is not currently approved for Motor Vehicle licensing.

Chairman Ruocco stated that this should be tabled but you need to clean out this site, you can not store at this site.

Commissioner Murch moved to table this item.

Commissioner Raymond seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

TABLED

- 4C: 641 Main Street; Site Plan Modification to establish an automotive repair and used car dealership in an existing commercial space.

Mr. Anderson stated that this is next to McDermott Chevrolet in the former Quality Plumbing. It has already been established as used car dealership with 4 bays, which is zoned for and can be established as a matter of right.

Chairman Ruocco recognized the applicant Ian Norman who stated that he will only be utilizing 1 bay and would like to sell between 2-4 cars maximum. He further stated that he has all his licensing and permits in place and approved.

Chairman Ruocco stated that there is a lot of empty space at this site, it seems to be a modest amount of vehicles. If you would like to increase the amount of vehicles just inform the Zoning Official.

Commissioner Giamattie moved approve providing he is properly licensed. Commissioner Raymond seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

APPROVED

Commissioner Rick Raymond excused himself from the commission for the remainder of the meeting and Alternate, Suppa will be voting.

- 4D: 495 Short Beach Road; Site Plan Application to construct a 68 ft by 210 ft four story climate-controlled storage facility totaling 57,120 square feet.

Chairman Ruocco recognized Rick Raymond of Giordano and Associates who stated that his client Mr. Archie Tracy is seeking a site plan approval for a storage facility and a waiver for a traffic report. They received their zone change in January 2010, and are seeking to build a 4 story building at a maximum height of 45 ft. This is a 12.93 acre site only 2 acres will be utilized most will be left undisturbed; the perimeter of the site will be surrounded by white vinyl fencing along with a retaining wall where the elevation will be raised. The site will also include 36 parking spaces and 2 spaces for on site security. Soil testing has been completed and landscaping will include trees and shrubs with grass in the front of the building. Wall mounted lighting and the entrance will be light gray. Along the western edge a 25 ft. buffer zone will be maintained during construction.

Mr. Staunton stated that he needs to contact the state for clarification on the buffer zone.

Commissioner Murch suggested a low impact storm water management plan and maybe consider other options under LID; vegetation, no curbing, or rain barrels.

Mr. Staunton stated that this that there are two issues he is concerned with; this is large structure with a pile foundation and there is some question as to the suitability of the existing soils to support this foundation. Additionally, Mr. Staunton had concerns that the drainage system may impact the foundation wall.

Mr. Tracy indicated that they would be building one floor at a time, it makes good business sense.

Mr. Anderson, Zoning Official stated that there is a lot of flux in the details of this plan. We need to have some reliance that it will be built to the size indicated and will not change.

Mr. Tracy stated that he has been going through this process for a year and he might want to build it in phases, by not finishing the interior of each floor. Commissioner Giamattie stated that is not what you are presenting.

Mr. Anderson read a list of his concerns including revising the signage to meet town regulations, justification for the number of parking spaces being proposed, and a sidewalk along the frontage of the property to meet with those of The Deli's.

Commissioner Murch moved to approve this application with following conditions DEP's comments from Marcy Balint, address all issues and requirements of the Zoning Official and Town Engineer and provide architectural designs.

Commissioner Giamattie seconded the motion.

Roll call vote - All in favor. None Opposed. No abstentions.

APPROVED WITH CONDITIONS

- 4E: Three Stone Pillars Road; Request for a one year extension for approval of an 11 lot subdivision located at Three Stone Pillars Road.

Mr. Anderson stated that this was approved 5 years ago and the applicant is requesting a 1 year extension.

Commissioner Giamattie moved to approve.

Commissioner Vastola seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

APPROVED

5A: Any other business of interest to the Commission.

5B: 355 Foxon Road, Our Lady of Pompeii Church seeking a Special Exception.

Commissioner Vastola moved to accept for review and set a public hearing date for 8/4/2010.

Commissioner Giamattie seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

ACCEPTED FOR REVIEW/PUBLIC HEARING DATE SET 8/4/2010

5C: 32 Old Bradley Street, Site Plan Modification Request.

The applicant wants to modify one of the conditions of approval. Instead of placing a fence around the site he would like to place shrubbery. He stated that the site was cited for blight because of the requirement.

Mr. Anderson stated that the original zoning approval for the project included a condition that a fence be placed around the perimeter of the property. This condition has not been fulfilled and currently there isn't a Certificate of Occupancy for this building.

Commissioner Murch moved to accept for review and table.

Commissioner Vastola seconded the motion.

Roll Call – All In Favor. None Opposed. No Abstentions.

ACCEPTED FOR REVIEW/TABLED

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk