

## **Town of East Haven Planning and Zoning/Public Hearing**

Chairman Ruocco called the Public Hearing to order at 7:04 p.m.  
Roll Call – 5 Present (Ruocco, Raymond, Cappelloni, Piccirillo, and Murch)  
Also present Alternates Vastola and Giamattie (not voting).  
Staff present Attorney James Cirillo, Town Engineer, James Staunton, and  
Zoning Official, David Anderson.

Chairman Ruocco stated that this public hearing is continued from last month.

Mr. Anderson stated that the original application was for a PEFD through any district. Due to the potential problems of that application; the applicant has amended his application to limit it to an R-2 and LI-2 districts.

Attorney Novack who represents Mr. Meissau stated that the application has been amended we tried to eliminate the concerns of this commission and the RCP. We are merely making an amendment asking for the opportunity to apply going forward. This will not open up spot zoning. Regulation 27.3 requires the applicant to meet strict guidelines, which he does. It is his desire to build single level elderly housing. With the LI-2 district his client can create a dump, parking garage, several story industrial buildings, etc. What he is asking for is much more consistent with the neighborhood.

Thomas Palmer, 91 Foxon Road stated that he is glad that the applicant cares about the neighborhood but we should not change the regulation for one person.

Jim Ried , 62 Pondview Terrace stated the rules are already in place; just apply for an actual zone change.

Frank DiMartino, 161 Foxon Road stated that the text has a purpose, to change it would be wrong especially for one person.

Debbie Henley, 250 Laurel Street, she agrees the text should remain in place.

James Dougherty, 372 Laurel Street stated that this board has made misjudgments in the past; this issue should be resolved in a more appropriate way.

Ron Ragozino, 48 South Strong Street why make this change, why?

Attorney Novack stated that one reason why is that the regulation is 54 years old, it's not 1955 anymore; in 2009 we broaden the ability to provide esthetically pleasing elderly housing.

Mr. Anderson stated that this is not an unusual change; if this were an RA-1 district the applicant would be allowed to apply for any zone. All this is doing is allowing the applicant to submit an application, which this commission will decide upon. The current language is unusual.

Commissioner Raymond asked if the applicant will have a public hearing.

Mr. Anderson stated "yes."

Commissioner Cappelloni moved to vote yes for the text change.

Chairman Ruocco asked how many LI-2 zone would be suitable for application of elderly housing.

Mr. Anderson stated that within the text we still have regulations it would be difficult to ascertain. The way the regulation is written he is being denied the ability to apply for a zone change; fundamentally the end result will be the same; the applicant would have to apply and then meet the criteria and receive approval from this commission. The RCP determine that there would be no impact as long as R-4 and R-5 were not included.

Frank Ragazzino stated that this text change would allow anyone to apply for a PEFD.

Mr. Anderson stated yes but they would have to meet the requirements of that regulation.

Chairman Ruocco asked if the applicant was opposed to a zone change.

Attorney Novack stated that it would unfairly prejudice the application for a PEFD; it is time to amend this 54 year old text.

John Meissau stated that he is sandwiched between residential neighborhoods and would like to conform to that. Currently, he is approved for self storage but would prefer to build single level single family 55 and older units.

Commissioner Raymond stated that this simply gives the applicant the right to apply and still come before this commission.

## Public Hearing #2

Chairman Ruocco recognized Attorney Timothy Lee who stated their proposal of a special exception at Tivoli Gardens where there are currently 84 units within two buildings, recently approved for a third building in 2008, we would like to increase the units in that third building by ten to make a total of 39 and propose a fourth building with 38 units. Recently, we came before the commission and the residents and commission felt the proposal of a total of 200 units would be too dense.

Steve Ditsko, Engineer for Milone and McBroom stated that there are 8.9 acres which border Bradley and Laurel Streets. We propose 77 new units, 100 parking spaces and ample fire access to get to building #4 after corresponding with the Fire Marshal, extensive landscaping, elimination of invasive species, a trail system with hard surfaces, 3 gazebos as amenities, utilities and sanitary sewer received approval from GNHWPCA, an extension of the current water main, storm water retention within the regulations along with 2 detention basins with no increase in runoff. Traffic Engineer study states 25 MPH speed limit, good sightline of 700 linear feet, 85% of the traffic traveling at an average speed of 44 MPH it seems to be a speeding issue not a traffic issue. The trip generation would be 10 additional trips in the morning and 25 in the afternoon; the level of service was measured with no delay leaving the site. Conclusion, is no expected change in the level of service.

Attorney Lee indicated that there were two reasons for concern by the neighbors; the traffic and the speed of the traffic. The study shows that level of service is "A" and will remain at that level. The Town Engineer asked that we widen the road at the site but the level of service does not

change. We are willing to put in a flashing light but the problem is not the traffic; it is the rate of speed, which is a police issue not a zoning issue.

Mr. Staunton stated that his concern was not the level of service but to allow the cars to cue up in an additional lane.

Commissioner Murch asked for an explanation of the parking area on Laurel and its buffer zones.

Chairman Ruocco asked if this is the same number of stories as the other buildings.

Commissioner Murch asked if this application would be the completion of this development.

Attorney Lee indicated that it would complete the site.

Michael Giamattie clarified that there would be a total of 188 parking spaces for 161 units, would you consider assigned parking spaces.

Kim Lendroth, 156 Laurel Street is opposed to this proposal, it's nice the way it is; don't want to see a building behind my house or parking lot, too close.

Debbie Henley, 250 Laurel Street she has lived in this neighborhood for 40 years and is against the increase, they already have an approval for a third building and she is opposed to them building a fourth. This is way too much, overdeveloped it is destroying our neighborhood which we need to preserve.

Sal Esposito, 264 Laurel Street stated that Mr. Vigliotti is a business man but we have to live there take that into consideration and give him whatever is allowable.

Mike Alvero, 188 Laurel Street stated please don't let this happen to our neighbors. Those trees will take 10-12 years to grow we don't want to look at this. There will be an increase in traffic and the traffic is much too fast; my dog was killed as a result of the speed on Laurel Street.

Tim Henley 250 Laurel Street asked the commission not to roll over and have their way; just allow them the increase in building #3. This is a case of the town pushing for tax revenue in an established neighborhood where our properties should appreciate.

Marty Lendroth, 156 Laurel Street stated that the developer is willing to place a blinking light or a stop sign at the entrance for these 188 units, the commission should accept that offer because the road is a death trap, make sure it is deed restricted 55 and older, and give the neighbors a buffer by placing the two newly acquired properties with the pond in the land trust; you must think of the tax payers.

Jim Ried, 62 Pondview Terrace asked that they rework the density of the project.

Ron Raggazino, South Strong Street, stated that no one wants Mr. Vigliotti to stop building but there is a parking and speed issue.

Jim Dougherty, 372 Laurel Street is concerned with the master plan; how many additional building will magically be proposed. You must preserve our neighborhood there's no playground, no bus service or sidewalks in this neighborhood maybe it's time for the developer to give something back to the residents.

Attorney Lee stated that when they came before the commission a few months back the residents slammed them pretty good and in keeping with some of their concerns this is the result of why we are before the commission, which is authorized by the zone. We will try to raise the burm and place a flashing light at the entrance.

Chairman Ruocco considering all the opposition is there any way to lower the elevation of the upper unit.

Mr. Lee stated that the property is at its maximum, this is what is permitted, we meet the regulations and we meet the ratio of parking but we are willing to raise the burm.

Commissioner Raymond recommended leaving the public hearing open to consider some options with regard to the traffic because we do not want to create a bigger problem.

Assistant Town Attorney, James Cirillo stated that the traffic on Laurel Street is unrelated to the applicant's approval; he has met his obligation through his findings of the traffic report. All that we can ask of the developer is to maintain the traffic at the site of the proposed project. The applicant meets all the regulations for this proposal.

Chairman Ruocco recommends keeping the public hearing open to address some issues.

Mr. Anderson stated that the proposal meets all the regulation's requirements; 1 unit per 1000 sq. ft. which they aren't even close to that density with regard to the concerns of the traffic control issue.

Chairman Ruocco stated that the public hearing will remain open until September 2009, commission meeting.

Respectfully submitted,

Roberta A. DeLuca  
Commission Clerk