

Town of East Haven PLANNING AND ZONING

The East Haven Planning and Zoning Commission held a public hearing scheduled for Wednesday, June 3, 2009, at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT in order to transact the following:

Chairman Ruocco called the meeting to order at 7:00 p.m.

Roll Call-4 Present (Ruocco, Cappelloni, Piccirillo, and Murch) 1 Absent (Raymond

2 Alternates Present (Giamattie and Vastola) Commissioner Vastola sat and voted on the commission.

Public Hearing I

To amend Article II, § 27.1 of the Zoning Regulations of the Town of East Haven as follows:

To permit application for re-zoning to Planned Elderly Facilities District (FEFD) from any other zoning district.

David Anderson, Zoning Official informed the commission the Regional Growth Partnership asked that they review this text change before this commission makes a decision and they will be meeting on June 11th.

Chairman Ruocco recognized Attorney Richard Novak for the applicant. Mr. Miessau seeks to change the text. Currently, it limits the ability to be considered for PEFD if you are in an L-2 zoning district. A couple of issues would result in with this text change; it would remain consistent with the Plan of Conservation and Development and it will not have any adverse affect on town services. The applicant seeks to construct single story structures, the older community can stay in town and down size without any strain on the Board of Education while creating esthetically pleasing housing for senior citizens and increase the quality of life. At this time, my client can build light industrial buildings within this residential neighborhood but that is not what he wants to do.

Chairman Ruocco stated that maybe the regulation was written that way, not to have PEFD in those districts. Why not burden the commission with a request for a zone change.

Attorney Novak stated that the district dates back to 1959, maybe it's no longer applicable to the economic demographics of the area. Also, seeking a zone change would preclude the applicant from changing it back to the original zoning it would be fool hearty of him to open himself up to that possibility.

Mr. John Miessau stated that Phase II of Plan of Conservation and Development was to join Bradley Street by Frontage Road. There are two residential subdivisions next to this parcel, my parcel has wetland to the back of the parcel which has a 70 foot drop off the back side. It is not his desire to develop this industrial; he wants to keep the integrity of the neighborhood.

Chairman Ruocco stated that he is in agreement; let's wait to see what RGP has to say.

Mr. Anderson stated that this is only the text change not the approval. This will not destroy the PEFD. Any applicant should be legally able to construct what he wants to and enjoy the text change when it is appropriate with no undo burden.

Commissioner Murch stated that once a zone change takes place it is not reversible.

Mr. Anderson stated it puts to burden back on the applicant.

Charles Schlegel, 88 Edward Street member of the Land Trust stated to seek a zone change creates spot zoning which is harmful and destructive to the Plan of Conservation and Development.

Attorney Novak stated that this does not implicate spot zoning nor does it implicate land conservation. It is not the obligation of this applicant to conserve land, it is the responsibility of the state and or town. There is no issue of conservation it is his unfettered right to develop this property commercially.

Bill Scherr resident in the area is very much in favor of Mr. Miessau developing this property with senior housing.

Fran Grillo also very much in favor of this change.

Chairman Ruocco determined the public hearing will remain open until July 1, 2009 meeting.

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk