

**Planning and Zoning Commission
Minutes
Wednesday, November 2, 2011 at 7:30pm
East Haven Community Center; 91 Taylor Avenue**

Chairman Ruocco called the hearing to order at 7:30 p.m.
Clerk-Roll Call – 5 Present: Raymond, Giamattie, Vastola, Ruocco and Murch.
Staff Present – David Anderson, Zoning Official and Assistant Town Attorney, James Cirillo, Esq.

- 1A: Accept / Approve minutes of September 7, 2011 Commission meeting.
Approved
- 2A: No Public Hearings.
- 3A: No Old Business.
- 4A: Text Change Application to introduce a Planned Residential Affordable Development District (PADD) Regulation into the Town of East Haven Zoning Regulations. The stated purpose of the regulation is to encourage affordable housing by providing opportunities for a diversity of housing types and sizes, consistent with soil types, terrain, infrastructure capacity and available services. Commissioner Vastola moved to accept for review and set a public hearing date of January 4, 2012.
Commissioner Raymond seconded the motion.
Roll call vote - All in favor. None Opposed. No abstentions.
Accept for Review; Public Hearing Date 1/4/2012.
- 4B: 142 & 150 Foxon Road; Site Plan Application for a 24-unit multi-family residential affordable housing development in accordance with the proposed Planned Residential Affordable Development District (PADD) Regulations.
Commissioner Raymond moved to accept for review and set a public hearing date of January 4, 2012.
Accept for Review; Public Hearing Date 1/4/2012.
- 4C: 640-656 Silver Sands Road; Site Plan Application to re-construct the restaurant / clubhouse building at Silver Sands Beach and Tennis Club that was destroyed during Tropical Storm Irene. Additionally, the Commission will consider the Coastal Site Plan Review (CSPR) application and related comments provided by Marcy Balint, Senior Coastal Planner in the Office of Long Island Sound Programs of the Connecticut Department of Energy and Environmental Protection, to determine the proposal's consistency with the Connecticut Coastal Management Act (CCMA).

Chairman Ruocco recognized Leonard Fasano, applicant and owner of the 640-656 Silver Sands Road, East Haven, CT. Mr. Fasano gave an overview of the

loss from tropical storm, Irene. The front deck portion caved in, built in 1940, and is now structurally unsafe. To rebuild we plan to go in a different direction, more FEMA compliant by installing breakaway walls. Create a 75 seat restaurant in addition to a 200 seat banquet facility, which would be at elevation 16 on grade. Move the lockers and bathroom. The second floor of the facility will be equipped with an elevator, dressing room and all mechanicals at 16.7 ft. these would all be FEMA compliant. The downstairs bathrooms and restaurant are not FEMA compliant as they are water dependent accessory use.

Commissioner Murch asked being water dependent use, you are allow a restaurant on the first floor.

Mr. Fasano stated that any public shower and restaurant that are water dependent use are all ground level which is much nicer. All building and structures shall have the lowest floor elevation to or above the design flood elevation, which at this location is above 14 ft. and the beach club use is a water dependent use. Is the structure FEMA compliant accessory use, at the end of the day they will meet all FEMA and flooding requirements otherwise we won't get insurance, which is at a high premium only for FEMA compliancy.

Commissioner Murch stated there will be more enforcement with 3 ft. high slab with breakaway walls.

Mr. Criscuolo the engineer stated that the main piling will be steel framed based on the test borings.

Attorney Cirillo we have been meeting with residents since Tropical Storm, Irene, to assist them regarding the 50% rule to meet the regulations. The new public act gives those residents the opportunity to move more quickly, the ordinance allows the town to waive the CAM for reconstruction. Let me remind the commission that Ms. Balint's comments are advisory in nature and ultimately this commission makes the decision.

Mr. Fasano stated that he has met with the Zoning Official, Town Engineer, Building Official and the Fire Marshal in order to streamline the process. The timeframe is to get in the ground by December and have the first floor done before May.

Commissioner Giamattie stated in the past the beach club did not remain open in the winter months.

Mr. Fasano stated due to plumbing issues it remained closed in the winter.

Attorney Cirillo stated that we have researched the letter from CCMA and we do not see any restrictions.

Chairman Ruocco stated that in the past they could have stayed open if they chose to.

Commissioner Raymond asked how much has the square footage increased.

Mr. Fasano indicated that this is unique situation which does not address overflow planning to use and increase the square footage. The additional 200 seat banquet facility use does not require additional parking because all use will have to begin after 4:00 p.m. and we have additional valid parking by utilizing the tennis courts.

Commissioner Murch asked if the parking on the property would be increased. Mr. Fasano stated it would not that they can utilize the tennis courts as valet parking.

David Anderson, Zoning Official stated that the revised drawings show the building in approximately the same footprint with the second floor slightly smaller than originally planned.

Commissioner Raymond moved to accept the review as present with the oversight of the departments involved.

Commissioner Vastola seconded the motion.

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

Approved

- 5A: Release of Bond for 216 Laurel Street, East Haven, Tivoli Gardens. David Anderson stated that this is the \$25,000, bond on the first building from 2006; copies of both Certificate of Occupancy are provided.

James Staunton, Town Engineer recommends release of the bond.

Commissioner Giamattie asked if this bond has anything to do with the proposed buildings.

Mr. Anderson stated Mr. Vigliotti has fulfilled his requirements.

Commissioner Vastola moved to release the bond to Mr. Alex Vigliotti due to the completion of the work.

Commissioner Raymond seconded the motion.

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

Approved

Chairman Ruocco stated that all approval for Oakledge will expired on November 15, 2011, and they must vacate the property with regard to activity on the site.

Commissioner Vastola moved to adjourn.

Commissioner Giamattie seconded the motion.

Voice vote- all in favor. None opposed. No abstentions.
Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk