

**Planning and Zoning Commission
Public Hearing, Wednesday, January 5, 2011 at 7:00pm
East Haven Community [Senior] Center; 91 Taylor Avenue**

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

Roll Call – 5 Present (Murch, Vastola, Giamattie, and Ruocco) 1 Alternate Present and Voting William DeMayo

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

Public Hearing

176 Old Foxon Road, aka 182 Old Foxon Road, aka 204 Russo Avenue. Temporary Special Exception to crush rock and store earth materials that were created from the site development of the previously approved 490 unit Planned Elderly Facilities District (PEFD).

Chairman Ruocco recognized Attorney Lee, who stated that this is an application for renewal of the rock crushing which was approved previously, November 15, 2001. I don't believe this commission was aware of the amount of site work required to facilitate construction. State law dictates that we can continue crushing and that this commission has a legal obligation to do so. Our proposal is not to blast but to crush what is already blasted and stockpiled on the ground. This is a new application to crush rock for residential development to clean up the site. As a matter of right we can continue to blast and crush, we are voluntarily not blasting during this next 6 month period.

Chairman Ruocco asked if the amount of stone (stockpile) on your drawings has been calculated to date.

Attorney Lee indicated, "Not specifically."

Foreman Guilio has a ball park figure (700yds.)

Chairman Ruocco stated your request is to crush what is already blasted. What is the purpose to continue without blasting?

Attorney Lee stated that we have contractual agreements. We have a right to continue to crush through the 2001 approval but we are willing to act in good faith without blasting.

Assistant Town Attorney James Cirillo stated that during a meeting with the neighbors their response was that they preferred the new proposal over the previously approved one.

Chairman Ruocco asked why they believe it's a matter of right.

Attorney Cirillo stated a case in point where the commission argued and denied on the basis of lack of work and progress. After review by the court it was determined that the commission has no discretion to deny based on the footings of no substantial change. What they are proposing is reasonable crushing operation which is currently lying at the site with a review with a time frame in 3 months imposed by the applicant through the application.

Commissioner Murch commented does the stone on site encompass all of the stone and as much as you normally crush.

Foreman Guilio stated that they have a continuous contract.

Commissioner DeMayo asked after 6 months where will you be and if this is a matter of right, what are you here for.

Attorney Lee we would proceed we have a legal right under case law.

Attorney Cirillo stated that the prior permit expired.

Commissioner DeMayo stated that permit expired 11/15/2010, 10 years of site work is a necessary part to achieve that development. There is a need for a more palatable plan until that time all activity should stop.

Attorney Lee stated that the new plan is further away and does require site work.

Chairman Ruocco stated that everyone is aware that the crushing and blasting will start again; with a plan that is feasible to be built. Six months of crushing without a plan is a quarry just to sell more stone. Substantial changes must be made.

Attorney Cirillo stated that they have a right to develop with a clear plan how long will it take to process the stone and acquire a staff to prepare those plans. Three to four months, a new plan that is palatable.

Attorney Lee stated that the application will have crushing and demolition but a lot less site work.

Chairman Ruocco stated that he would like to see the crushing begin when a plan is in place, not to come back here every 2 years for a temporary exception.

Commissioner Giamattie stated we are willing to compromise but you need to get a plan as soon as possible, you've had 9 years.

Attorney Lee stated that they are not averse to working with the commission.

John Schumedka (spl?) stated that they heard the commission last time; unfortunately, we need 6 months and a better plan.

Mr. Nicolio addressed the commission informing them that he has no mortgage on and intends to help this project along but for now would like to keep the on the job working and then present a better plan.

Chairman Ruocco stated at this time the quietness is greatly appreciated.

John Schumedka (spl?) further stated that it is not their intent to be band neighbors.

Chairman Ruocco stated that to resume the noise without a proper plan in place concerns this commission. This new engineer should design the construction with the concerns of the residents and the benefit of the town.

John Schumedka (spl?) stated they would have a better idea in approximately 2 to 3 weeks.

Chairman Ruocco stated that you need to understand that you would like to crush through a special exception for a short time, 30 to 45 working days? We hope that we'll see a plan during that time.

Attorney Lee stated probably within 3 months.

Chairman Ruocco stated that he wants you to fully understand that if you come before the commission again unprepared with a workable plan we will probably deny because we owe the people.

Commissioner Murch we all feel a requisite of good faith going forward is necessary after 10 years we've all reached our limit to see progress as Chairman Ruocco described.

Chairman Ruocco offered a 3 month extension or you can take the commission to court.

Bill DeMayo stated from November until now you have yet to hire a new engineering firm.

Attorney Cirillo stated that based on the former conceptual plan, working toward the Griswold Street side where there is open space, we would like to see that graded. Submit a time table for crushing what is already stockpiled and hope you have it available to this commission; we don't have any information to go on good faith. Submit it within the 3 months.

Chairman Ruocco asked the applicants if 3 months is viable to work through our process with plans that are qualified along with dialog. We want to see this built with the concerns of these people in the room, plans that are viable.

John Schumedka (spl?) and we want to work with you.

Commissioner DeMayo ask if there are any other assurances that this could be the final go around, other than you have a right to do it. You must go through the Boards and Commissions and get a bond in place.

Attorney Cirillo stated a plan, a new bond.

Commissioner Murch reiterated at the end of 3 months you will have a viable plan and that means dealing with the other commissions.

Attorney Cirillo stated and zone changes.

Andy Esposito, 8 Ann Street stated we have all spent enough time on this project we need to see significant movement based on what this project can be. You need solid engineered drawings and this board must now micromanage these new plans. The applicant should ask for 4 months to assure they have enough time to place the plans in the commission hands for approval. Impose crushing for away from the residents because we are moving toward summer, get moving in the right direction with solid engineering principles, ask for 4 months.

Chairman Ruocco stated that he appreciated the positive response and the commission is attempting to do the right thing.

Robert Huelin, 9 John Street stated you will be making a deal with the devil, go to court because the truth is simply to run a quarry. There won't be anything built, this is another far fetch plan for the next 3 months.

David Anderson, Zoning Official stated that several conditions need to be attached.

Chairman Ruocco stated that we would not be opposed to a 4 month period but you must produce a viable set of plans.

Commissioner DeMayo stated go with 4 or even 6 months but do so with a feasible plan. He suggested 4 months, no excuses; we'll put your feet to the fire.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk

Planning and Zoning Commission
Regular Meeting, Wednesday, January 5, 2011 at 7:00pm
East Haven Community [Senior] Center; 91 Taylor Avenue

Chairman Ruocco called the meeting to order at 8:00 p.m.

Roll Call – 5 Present (Murch, Vastola, Giamattie, and Ruocco) 1 Alternate Present and Voting William DeMayo

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

1A: Accept / Approve minutes of November 3, 2010 Commission meeting.

Commissioner Giamattie moved to accept the minutes

Commissioner Murch made some changes to his comments regarding during the public hearing portion: 1. *Commissioner Murch stated that the revised plan is a flawed plan and leave too many unanswered questions. We are being asked to take on faith. He cannot support it.* 2. *Commissioner Murch suggested that when submitting the next application be sure you are very clear on the phasing plan and time line because there were major deficiencies of the current plan. The following is with regard to John Sullo's application: Based on the condition that he submit his plan for prior approval by the Town Planning and Zoning Office.*

Commissioner DeMayo second the motion as noted.

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

APPROVED

2A: 176 Old Foxon Road, aka 182 Old Foxon Road, aka 204 Russo Avenue; Temporary Special Exception to crush rock and store earth materials that were created from the site development of the previously approved 490 unit Planned Elderly Facilities District (PEFD).

Commissioner DeMayo moved to approve, the clock has started with all the conditions of the prior approval and with the applicable extension of 4 months, submit to Inland/Wetland Commission and to include the conditions of the Zoning Enforcement Officer.

Commissioner Murch seconded the motion.

APPROVED WITH CONDITIONS

3A: No Old Business.

4A: 154 Hemingway Avenue; Site Plan Modification to expand a home law office by adding a second office space and converting the building to limited professional business use in accordance with Section 33.15 of the Zoning Regulations.

The Applicant stated that he would like to convert 500 sq. ft. of living space to a professional law office, it includes 6 parking spaces which include handicap parking.

Mr. Anderson stated that he is allowed to have a home office and not required to live there, his parents live there. This is limited modification and he meets the parking regulation.

Commissioner DeMayo asked if he could have a partner under this regulation. Mr. Anderson stated that he could.

Commissioner Murch asked if there was additional parking on site.\ Mr. Anderson stated yes.

Commissioner Giamattie moved to approve with in the regulation.

Commissioner Vastola seconded the motion.

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

APPROVED

- 4B: 8-24 Referral to authorize the Town of East Haven to make improvements to town-owned property by constructing a parking lot at 32, 40, and 48 Hudson Street and also constructing a dog park on property at the end of Moulthrop Street.

Mr. Anderson stated that the town now owns lots and would like to make additional parking on Hudson Street and a dog park on Moulthrop.

Chairman Ruocco stated these are the house bought by FEMA to be demolished due to flooding.

Commissioner DeMayo moved for a favorable referral.

Commissioner Vastola seconded the motion.

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

FAVORABLE REFERRAL

- 4C: 683 Thompson Street; Valle View Subdivision; Bond Reduction Request.

Mr. Anderson stated that the developer completed substantial work. Mr. Staunton and I are both okay with the reduction of the bond to 25,000.

Mr. Staunton stated that they have completed the surface coat and sidewalks and have a little more work.

Commissioner Vastola moved to approve

Commissioner Giamattie seconded the motion.

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

APPROVED

5A: 755 Laurel Street demolition of existing building to be replaced by a steel structure to house maintenance.

Clayton Henderson, White Owl Construction stated that he was hired by the City of New Haven to demolish the 25 x 75 barn on the property and replace it with a steel building 30 x 75 to match the others on the property. It is utilized to store parts and maintenance equipment.

Mr. Anderson stated that they are not expanding just matching it with the other buildings.

Commissioner Murch asked what will be maintained.

Mr. Henderson replied tractors, repair equipment, break room and bathroom.

Commissioner DeMayo moved to approved as proposed.

Commissioner Murch seconded the motion.

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

APPROVED

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