

MAY 18 2016

TOWN CLERK'S OFFICE

EAST HAVEN, CONN.

PLANNING AND ZONING*Stacy Gravano, CTC***TOWN CLERK**

The East Haven Planning and Zoning Commission held its Regularly Scheduled Meeting Wednesday, May 4, 2016 at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT in order to transact the following:

Chairman Cianelli called the meeting to order at 7:04 p.m.

Roll Call – 5 Present (Cianelli, DeMayo, Metzler, Colangelo, and Riveria(alternate)) 1 Absent (Gravino)

Staff Present: Kevin White, PE, Town Engineer, Christopher Soto, Zoning Official, Salvatore Brancati, Director of Administration and Management, and Town Attorney, Joseph Zullo.

- 1a. Commissioner Colangelo moved to accept and approve minutes from April 6, 2016, meeting with the correction that Mr. Brancati was in attendance.
Approve with correction.

- 2a. No old business.

- 3a. 320 Main Street, modified site plan application for food establishment expansion.
Chairman Cianelli recognized Mr. Neal Angelini, owner of the Dunkin Donuts at 320 Main Street. He indicated that he would be closing the Froyo and plans expand Dunkin Donuts into that former space for additional seating and an employee/office area.
Mr. Soto indicated he has no problem, it's just a basic tenant fit out.
Chairman Cianelli asked if there will be outside seating and how many seats.
Mr. Angelini indicated 16, which conforms to the parking.
Commissioner Metzler asked how many seats where outside while Froyo was open for business.
Mr. Angelini indicated 20.
Mr. Soto recommended making a specific number of seats as part of a condition of approval.

Commissioner Metzler asked if there would be smoking at the outside seating area.

Mr. Angelini indicated no smoking.

Commissioner Colangelo moved to approve the expansion.

Commissioner Metzler second the motion.

Roll Call Vote – All in Favor. None opposed. No abstentions.

Approved

- 3b. 75/83/93 Hemingway Avenue, accept for review. Application for site plan approval for 76 age-restricted units and 10,000 sq. ft. of commercial space.
Chairman Cianelli recognized Timothy Lee, 388 Orange Street, New Haven then requested the commission to accept this application to set a public hearing. The PEFD Zone stays with land the commission has not acted on the site and the plan is valid for 10 years, the zoning designation does not lapse it is still a PEFD.

Mr. Soto indicated that this 4.5 acres and Attorney Lee is correct the zone changed from a CB-2 and RA-1 to Planned Elderly Facility the applicant is bring it before the commission now.

Mr. Brancati stated that this was originally a 140 unit approval and because we now believe it to be too dense we renegotiated a new plan, reduced it to 76 units with a commercial component.

Attorney Lee indicated that they have no issues with the Inland/Wetlands; all activity is outside of the upland review area.

Mr. White stated that you are within wetlands buffer zone.

Attorney Lee stated that the wetlands have been investigated and we are outside the upland review area. There is no activity within 50 ft.

Mr. White indicated that the property is not properly flagged. The previous plan show wetlands, where did they go, did they disappear.

Attorney Lee asked the commission to accept the application and walk through the land with the Town Engineer, Kevin White and Rich Poulton, Chairman of Inland/Wetland Commission.

We cannot accept an incomplete application you need two more permits through the State Traffic Commission and the Department of Transportation.

Attorney Lee stated that we cannot apply for those permits without local approvals.

Mr. White "no" it is incomplete.

Attorney Zullo asked for clarification as to what zone the properties are in.

Mr. Soto explained there was a zone change to RA-1 and CB-2, this zone allows for elderly housing by special exception. The special exception was already approved and does not expire. The associated site plan has not expired. Under this application the 5 acre requirement for a PEFD is not needed.

Chairman Cianelli stated that he is tired of correcting problems because other boards are not doing their jobs, it should be done correctly the first time.

Attorney Lee stated that he cannot get these issues resolved with the DOT until we have local approvals in place.

Mr. White indicated he disagrees.

Attorney Lee stated they contacted the DOT and cannot get those permits without local approvals; it has been that way in 20 years of practicing law.

Mr. White indicated that the plan will not be review until those permits are in place.

Commissioner DeMayo asked why we can't accept this for review next month and be respectful to all parties' opinions.

Mr. White stated the application is incorrect, Wetland application and DOT and State Traffic Commission approvals.

Attorney Lee asked that the commission just accept the application for review.

Chairman Cianelli asked if they need the parking requirements lowered.

Mr. Brancati stated that the plan was redesigned after they met with the applicants and they meet the 2.5 parking space requirement, no variance is needed.

Chairman Cianelli stated that they can't go before ZBA based on our professionals for decisions, police and fire impact.

Attorney Lee stated that he sent a letter in response to Mr. White's concerns that the soil scientist verified. The DOT permit cannot be attained without local approvals.

Chairman Cianelli stated he has seen the report prior, submit your report.

Attorney Lee stated there are no wetland issues.

Commissioner Metzler asked if Mr. Soto met with the applicant.

Mr. Brancati that he met with the applicant not Mr. Soto.

Commissioner Colangelo moved to not accept the application.

Commissioner Metzler second the motion.

Roll Call Vote -4 In favor of denial. 1 opposed (DeMayo). No abstentions.

Denied

- 3c. 199 Saltonstall Parkway, modified site plan application for retail sales.

Chairman Cianelli recognized the applicant for Fantasim Gaming. The applicant Justin explained that currently they have a website for trading cards and would like to expand to a store in order to trade, sell, and hold tournaments once a week.

Commissioner DeMayo asked the age group.

Justine indicated 13-20.

Commissioner Colangelo moved to accept and approve the modified site plan.

Commissioner Metzler second the motion.

Roll Call Vote – All in Favor. None opposed. No abstentions.

Approved

- 3d. 158 Commerce Street, modified site plan application for warehouse and accessory garage.

Attorney Vincent Amendola, West Haven for Augerlira Inc. stated that the applicant intends to develop the site in order to move their entire company at 158 Commerce Street.

Jim Galligan, Nafis & Young, Engineers, North Branford, CT stated that they will be adding 40,000 sq. ft. building to the already existing 40,000 sq. ft. building on this soon to be 9.9 acre parcel. The buildings will be utilized for theatrical staging and equipment and the additional building will be utilized for maintenance of their vehicles and equipment. The wetlands have been flagged and there will be no activity in those flagged areas. The surface will be gravel in order to promote percolation and the surface grade will discharge to the wetlands. The regulations dictate 225 park spaces and there will be 228 at the site.

Mr. White asked if the wetland locations were flagged by a soil scientist on local map.

Mr. Galligan stated that the impact to the wetlands would lessen, they meet regulation line #48.

Commissioner Metzler asked if there would be any new employees.

Mr. Galligan stated that there are no requirements for DEEP or ACE. There will be a fueling station and a truck sweeper to remove snow from the top of the trucks.

Commissioner DeMayo asked if they will be storing all theatrical equipment and staging at the site.

Mr. Galligan indicated that is what the warehouse is for.

Commissioner Colangelo moved to approve the site plan.

Commissioner Metzler second the motion.

Roll Call Vote – All in Favor. None opposed. No abstentions.

Approved

3e. 81 Frontage Road, application for site plan approval for a gas station.

Attorney Joseph Zullo declared a conflict as he has represented the Hennessey's in the past.

Attorney Richard Coral (spl?) and David Fisced (spl?), PE indicated they require a DOT curb cut, too. This is a permitted zone for a one story convenience store and gas station. This parcel was originally the site of a Sunoco station like the one on the south side of Frontage Road it was demolished and use for the staging area during the construction of Home Depot. They are looking to have an entrance and exit curb cut, 15 parking spaces are required, and they have 19 spaces and 1 handicap space all in conformance with the size and the regulations of the zone. We have been working with the DOT with regard to drainage and how the site will drain to the gutter line and to exit into the state's drainage system.

Mr. Soto stated that they will have to go before Zoning Board of Appeals to seek a variance to include the signage in the side yard.

Chairman Cianelli indicated that Mr. Hennessey always does a good job at his sites. Please be advised that we make no exceptions until the DOT approvals are in place.

Mr. White indicated you answer question #8 that you are not working with any other entity, but you are awaiting permits from the DOT, I can only work with what is on the applications. I cannot allow curb cuts until he has a letter from DOT stating that it is acceptable with the state.

Commissioner Metzler moved table.

Commissioner Colangelo second the motion.

Roll Call Vote – All in Favor. None opposed. No abstentions.

Tabled

3f. 35 Bishop Street, modified site plan application for new tenant in an educational facility.

Chairman Cianelli recognized Andrew Rizzo and David Abrams, Director of Pathway School who indicated that currently there are 88 students at St. Vincent DePaul School, with Pathway moving in there will only be 48 students we will be leasing only a portion of the school. Typically, there will be 6 to 7 student per teacher for special education, utilizing 6 classrooms there will be no physical change to the building, no adverse effect to the neighborhood. The hours for students are 7:45 to 2:00 p.m.

Town staff has no issues or concerns.

Chairman Cianelli stated that this is a good thing because the last thing the town needs is another vacant school.

Commissioner DeMayo asked where the student come from.

Mr. Abrams stated East Haven, West Haven, Branford, New Haven, and Guilford.

Chairman Cianelli indicated how helpful the students are at the food pantry.

Commissioner moved to approve as presented.

Commissioner Colangelo second the motion.

Voice vote-All in Favor. None opposed. No abstentions.

Approved

- 4a. 198 (fka #190) Main Street, administrative approval of modified site plan application. Tenant fit out, approval per Section 33.10.
Administrative approval.

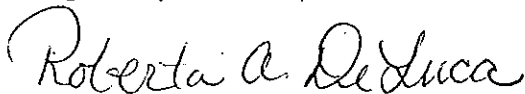
Commissioner DeMayo moved to adjourn.

Commissioner Colangelo second the motion.

Voice Vote – All in Favor.

Meeting adjourned at 8:07 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Roberta A. DeLuca".

Roberta A. DeLuca
Commission Clerk