

## Planning and Zoning Minutes

The East Haven Planning and Zoning Commission held its Regular meeting on Wednesday, September 6, 2017 at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

Chairman Cianelli called the meeting to at 7:02 p.m.

He further explained that the public hearing notice was not properly advertised and the public hearing will not take place. Therefore, public hearing will be scheduled for the October 4, 2017, meeting.

Roll Call-4 Present (Carbo, DeMayo, Cianelli, and Alternate Carmelo Rivera) Absent 2(Gravino and Colangelo)

Staff Present: Christopher Soto, Zoning Official, Kevin White, PE, Town Engineer, Sal Brancati, Director, and Alfred Zullo, Assistant Town Attorney

- 1a) Accept/Approval of Minutes from August 2, 2017 meeting.

Commissioner DeMayo moved to accept the minutes as presented.

Commissioner Carbo second the motion.

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

Approved

- 2a) 31 & 63 Sperry Lane: Zoning Regulations, zone map change from R-5 to R-3.

Attorney Zullo indicated that he met with Attorney Bernard Pellegrino who represents the applicant with regard to Items 2a and 2b, and they reviewed the PEFD requirements. He further stated that he is very comfortable with the PEFD for this site and if the commission feels it necessary they would have the ability to place conditions on the approvals or denial. They would not be able to change any regulations or conditions as it pertains to this site and the commission approvals that would be set forth. Attorney Zullo also spoke to the applicant about a smaller project and they are willing to eliminating one of the buildings which holds 81 units and would also eliminate some of the site work. We are now up against the time limit, so we either have to make a decision because they do not have the time statutorily, therefore I think the commission should ask the applicant to withdraw the application and re-submit without prejudice and the town will waive the fee.

Attorney Pellegrino agreed with Attorney Zullo and he wants the commission to be comfortable with the project and looks forward to working with commissions on this project.

Chairman Cianelli requested if the applicant could possibly meet with the neighbors in the area prior to submitting the new plan it would give this commission a better sense of the effect of our decision. In addition, the commission would like to see boring samples to see what is at the site. Everyone was in agreement that the original plan was just too dense.

Commission Carbo asked that when you resubmitted we would like to see it in a phased approach.

Attorney Zullo and Chairman Cianelli indicated that they do have a phased approach plan.

Chairman Cianelli indicated that he is still awaiting a comprehensive final report from the police and fire departments.

Mr. Soto stated that he will request them again as soon as he gets the new plan. Attorney Pellegrino indicated that the changes to the plan hopefully will address all of those issues. On behalf of the applicant Attorney Pellegrino will contact the neighbors and resubmit the new application and withdrew Items 2a and 2b and will resubmit.

Commissioner DeMayo moved to waive the application fee for the re-submission of the application.

Commissioner Carbo second the motion.

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

Approved/Application Fee Waived

- 2b) 100 & 31 Sperry Lane, 161 Foxon Road: Zoning Regulations, zone change to Planned Elderly Facilities District.

Attorney Pellegrino withdrew this application and will resubmit.

Withdrawn

- 2c) 75, 83, 93 Hemingway Avenue: Application for Special Exception: Elderly living – non assisted facility. (Schedule A, Line #4B: per §33.19).

Chairman Cianelli stated that the public hearing was closed and the item was tabled awaiting the Town Engineer's comments.

Attorney Lee stated that the public hearing was closed and the commission was waiting to a receive comments from the (inaudible) to make a decision. I know that the (inaudible) has been in contact will the Engineer Jim Galligan.

Commissioner DeMayo stated that a lot of good points were made by Ms. Whitehead and when you submit a complete plan so we are not going back forth resulting in ten meetings it works out. Working with the community and staff it is called team work and the result should be fine.

Mr. Soto stated as a matter of business the site plans we are looking at and ultimately approving fairly straightforward except that you received two different sets of maps one which is architectural plan dated 5/2/17, that included an existing condition map is signed by David Lord and the engineer who created it. The board also received a set of plans from Bob Mangino those architectural plans received from Mr. Mangino on 5/2/2017 we are considering and there is a set of drawings that is the engineering work, the landscaping plans done by Nafis and Young and that was done on 7/18/2017 that entire set except for the front sheet that is titled property survey is the same survey included in the architectural plan but is not signed by David Lord or the engineer's is was submitted with architectural plan dated 5/2/2017. We will be approving those two plans except for the existing conditions plan. The signs that were submitted initially still sit in the setback and those will have to be approved by variance.

Attorney Lee indicated that they will be moved 5ft. forward.

Mr. Soto also pointed out units 17 s, f, t on the 1st, 2nd, and 3rd. floors has a room not labeled. Attorney Lee indicated it's the dining area. The unlabeled rooms are dining areas. Mr. Soto indicated that we needed verification and it was also pointed out we cannot have more than 15 contiguous parking spaces, we will need an island.

Chairman Cianelli stated that he and Town Attorney Zullo discussed that fact that we have leeway as a commission to adjust the parking.

Attorney Zullo indicated that the board does have discretion with regard to the parking regulations but not under the special exception.

Kevin White, Town Engineer submitted his conditions and listed the maps of record. he further stated to attorney Lee that he received his letter and this has been approved by the Inland Wetland commission approved this application in June of 2016. What was presented that evening was much more intrusive on the wetlands this project has been pulled back in his much less intrusive. the field that is being added to the site is the only real way to do it we have discussed this for a year-and-a-half, back in May of 2017, I believe this commission approved 444 short Beach Road going into the same flood plain along the farm River. Therefore setting a precedent that the commission would not look unfavorable towards, and in doing so they would add pervious Material helping with drainage and the amount of flow. The drainage would be taken care of by a culvec system underground of a plastic storage system which holds 83,000 cubic feet of water, that is what would be generated and that would be what would be retained in this culvec system. If your vote tonight there would be some conditions that I would like to see added tonight, one would be that all the easements that are shown on the record map be addressed. There's an easement to the salt marsh there's an easement for the Department of Transportation and a couple of more need to be satisfied and put on record that they've been done.

Attorney Lee said that he's already resolved the issue with the DOT and will note the additional easements.

Mr. White set bond for the sedimentation and erosion control of \$25,000 and in addition he is requiring stacked hay bales play so long the same area as where the fence is on the inside of the fence. He is not a fan of silt fences and he has never seen them installed properly. What the installation of the silt fence and hay bales will get better protection of the wetlands. Also required is a maintenance plan for the voltec system and the culvec system, he would like to see that plan within the next 30 days. After this commission they are required to go before the department of transportation for the state of Connecticut. This commission should mandatorily place the same conditions of approval as the Department of Transportation for the State of Connecticut imposes. Finally, the monitoring of all the construction be done by their engineer's Nafis and Young and report to the town Engineer's Office on a monthly basis. We are now having that done on Short Beach Road and it's working out very well.

The maps of record are as follows: map #2 4/3/17, map #3 6/26/14, map #4 6/26/2017, map #5 4/31/2017, map #6 6/26/2017, map #7 6/26/2017, map #8 3/28/17, map #9 3/28/17, map #B1 8/7/17, and map #O1 6/26/2017.

Chairman Cianelli stated that when the previous approval went forward, at that time he believe it was too dense. I believe this was a good opportunity to put a bit more commercial with a much smaller residential portion.

Commissioner DeMayo moved to approve the application with the bond set by the Town Engineer of \$25,000 along with his memo of conditions submitted, and the conditions of this Commission and to approve the Coastal Area Management application.

Commissioner Carbo second the motion.

Roll call - All in favor. None opposed. No abstentions.

Approved with Conditions of the Engineer and Commission/Approved the CAM/Bond Set.

- 2d) 519 Laurel Street: Modified Site Plan Application Approval – Trucking, (Schedule A, Line #54), excavation, earth removal, (Schedule A, Line #66) and outdoor storage (As per §25.7).

Commissioner DeMayo moved to set a public hearing 10/4/2017.

Commissioner Carbo second the motion.

Roll call - All in favor. None opposed. No abstentions.

Public Hearing set for 10/4/2017

- 3a) 33 Whaler's Point Road: Modified Site Plan Application Approval – (Article 6 of Whaler's Point PDD)

Attorney Lee who represents the owners and applicants of 33 Whalers point stated that this property is part of the Whalers Point PDD which was approved by the commission close to 15 to 20 years ago. This PDD consist of condominium and 5 residential homes. Under the provisions of the PDD, if we want to make a change in one of the houses we need to come back before the commission to get approval for that change. It is their intent to demolish the current house and build another single family home. The PDD regulations specifically create all standards for a single-family house on the lot and we comply with each and every one of those bulk standards. We are seeking approval from the commission to put new construction on the property; we are required to submit a site plan application as well as architectural renderings of the property, which are part of the application.

Mr. Soto indicated it was not realized earlier that application in the bulk standards INAUDIBLE. Attorney Lee read the provisions of the PDD with regard to the bulk standards section 6 set forth the standards for a house or any house on the property further States the residential dwellings currently existing on the property maybe in the future altered modified and replaced with a single-family home located on each such land area generally shown in the development plans. All of such land area must meet the standards specified in the PDD. The regulation further says the landowner must submit for new construction a detailed site plan as well as architectural plans. We are here tonight subject to the specific PDD regulation we do have a site plan and we do have architectural plans.

Chairman Cianelli stated that this looks pretty straightforward and ask the zoning official if he had any further comments.

Mr. Soto It was brought to our attention that there was a beach on the property.

John Gable CT Consulting Engineers stated he showed the commission on the map the area from the ledge down is all beach approximately 50 ft. away from the house and we are not within the coastal jurisdiction line.

Chairman Cianelli asked if deep approval is required.

Mr. Soto asked if they had stairs that enter the beach and he would rather have DEEP tell him they don't need their approval. Mr. Soto further stated that this application might need a public hearing before this Commission.

Attorney Lee's stated that he doesn't believe it requires a public hearing.

Chairman Cianelli believes it just needs a modified site plan.

Attorney Zullo stated it's the discretion of the commission.

Chairman Cianelli doesn't believe a coastal site plan is required.

Attorney Zullo address the engineer stating that that is one of his requirements.

Mr. White believes a coastal site plan is not required because they are 25 to 30 ft. above the sand area vertically. And there 50 ft. from the coastal jurisdiction line I don't believe that there's any impact to the coastal resource.

Mr. White does not believe DEEP approval is required. They are enlarging the structure but they're not coming anywhere near the coastal resource.

Commissioner DeMayo if this was part of the original PDD was there any zoning relief provided.

Attorney Lee stated that this was approved 15 to 20 years ago and the PDD was approved to include those 5 residential parcels with the homes on them because they probably needed the 5 acres to create the PDD.

Commissioner DeMayo made a motion to approve as presented.

Commissioner Carbo second the motion.

Roll call - All in favor. None opposed. No abstentions.

Approved

3b) 8-24 Referral: Abandonment of a portion of the Rose Street Extension as depicted on Assessor's Map # 490

Chairman Cianelli recognized Town Attorney Joseph Zullo explained that the town is abandoning a portion of the unimproved road known as Rose Street. It is also known as Rose Street Ext. from its intersection on the south with a northern boundary of West Street to its intersection on the north with its southern boundary being Center Street. He included the Assessor's map depicting the portion that will be abandoned. The owner of 4 Center Street is requesting the abandonment of the unimproved portion of Rose Street. The very small portion the owner of 4 Center Street has a shed which currently sits on town property once the abandonment takes place it'll be on the owner's property, it will solve the encroachment and increase the lot size of all the abutting property owners. The abandoned will also relieve the town of maintaining the unimproved road for any liability. The town has inspected this portion of the road and will have no further use Portion of the road and none of the abutting property owners have used this portion of the road Ingress or egress. we are essentially clearing up a title issue here and shedding ourselves of liability and cost. If you recall we have been pursuing these types of Abandonment all over town.

Commissioner DeMayo asked if the deeds need to be changed. Attorney Zullo indicated know that they are done through the assessor's office and changed on through a notation in the Assessor's office. We also send to the Town Clerk to change on the land records.

Commissioner Carbo asked if the homeowners abutting the property been notified and do they have to agree. Attorney Zullo stated they do not have to agree the town still maintains a right of way over this and the homeowners own to the center of the road under common law property rights. The majority of the homes all have an address on Foxon Boulevard it will not hinder access to their homes.

Commissioner DeMayo moved to give a favorable referral for this 8 - 24 - abandon a portion of Rose Street.

Commissioner Carbo second the motion.

Voice vote - all in favor. None opposed. No abstention.  
All in favor of a favorable referral.

- 3a) 420 Main Street: Modified Site Plan: Fish O'Hoy Seafood Restaurant (Sched A, Line #37: restaurant and other food service establishments including "drive in" restaurants)  
Mr. Soto explained that this is the former Mama Dells and it is being fit for a seafood restaurant, he will have 4 tables inside and on the day of the meeting he came in and applied to put a few tables outside as well. They will be providing us with the modified site plan for the outdoor seating. As of right now he's just going to have some indoor seating so he'll be able to open. He satisfies the parking requirement therefore we saw fit to approve this administratively. It is not a drive-thru restaurant.  
Approved Administratively
- 3b) 47 Park Place: Modified Site Plan: East Haven Historical Society (Sched A, Line #14: not for profit)  
Mr. Soto stated that the Historical Society wants to use the rectory house next to the Christ in Epiphany Church. It is their intent to have an office and some displays at this site.  
Approved Administratively
- 3c) 307 Laurel Street: Update of Blight Appeal – Violation of Section 10-105 (Lawns and Landscaping: overgrown vegetation, running bamboo).  
They are working at getting rid of the bamboo, it will take time. We will continue monitor the site.  
No Action Necessary
- 4a) 45 Foxon Boulevard enforce the conditions of approval.  
Chairman Cianelli is concern with the condition of storage units at 45 Foxon Road. This application came before us many times the owner did not want to comply with the regulations and conditions. There's traffic going in and out of the site at 3 and 4 in the morning on the weekend they're standing out front talking and drinking the neighbors have been complaining. The backhoe is still on the site and it needs to be removed, the site is overgrown and the gate is not in working condition and he is not complying with the hours of operation.  
The chairman requested the zoning official take action against the property owner.
- 4b) B and B are only legal under special exception.  
Chairman Cianelli stated that this is a very controversial issue in town. We thought we were doing the right thing a year ago because the regulations are so vague, not only in this town but in surrounding towns Branford Guilford and North Haven. We're not going to change that regulation bed and breakfasts are only legal under a special exception.  
Commissioner DeMayo noted that they are not even beneficial to the neighborhoods.

Respectfully submitted,

Roberta A. DeLuca  
Commission Clerk