

Planning and Zoning Commission
Minutes

The East Haven Planning and Zoning Commission held its Regular meeting on Wednesday, April 3, 2019 at 7:00 PM at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

Chairman DeMayo called the meeting to order at 7:05 p.m.

Roll Call: 4 Present (Asid, Marotti, DiMartino, and DeMayo) 1 Absent (Lang)

Staff Present: Christopher Soto, Zoning Official, Salvatore Brancati, Director of Administration and Management, and Assistant Town Attorney, Alfred Zullo.

- 1a) Accept/Approval of Minutes from the March 6, 2019 meeting.

Commissioner Asid move to accept the minutes.

Commissioner Marotti second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved

- 2a) 5 Old Bradley Street: Modified Site Plan Application: – (Schedule A, Line #50A), Mini-warehouse facilities offering individual storage areas on a rental basis and excluding storage areas for motor vehicles.

Chairman DeMayo recognized the applicant Stephen Evon, of Branford.

Mr. Evon explained that they only item left to make a decision for is the parking area.

Mr. Brancati stated they met with Town Engineer, Kevin White although there is no zoning designation for this type of warehousing of 7,500 sq.ft. self-storage; Mr. White believes that 15 parking spaces would be adequate and he will ultimately have the final review with regard to the parking and drainage.

Chairman DeMayo asked if the parking lot will be comprised of gravel.

Mr. Brancati indicated that Mr. White will have the final decision but it will include two spaces moved to the back of the building.

Mr. Soto will enter the new plan into the record with the parking spaces.

Commissioner Asid moved to approve with the revised plan to include the parking, drainage, and landscaping based on Mr. Soto and Mr. White's conditions.

Commissioner Marotti second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved with Conditions

- 2b) 142 Grannis Street: Application for a Subdivision: Proposed 5 lot Subdivision.

Mr. Soto read a letter from the applicant requesting a 65 day extension awaiting the Inland/Wetland approval.

Commissioner Asid moved to table.

Commissioner Marotti second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

65 Day Extension/Tabled

- 2c) 110 Morgan Ave – Appeal of Notice of Blight Violation: Violation of Section 10-106 of East Haven Code of Ordinances. Blighted lots, buildings, or structures.

Chairman DeMayo recognized Glenn Gunderson contractor for Ms. Munro

Mr. Gunderson addressed the commission and stated that he has a quote worked up for Miss Munro to include repair of the roof gutters and fascia and soffit.

Chairman DeMayo asked if the windows were included and Mr Gunderson said not at this time the scope of work or just the roof gutters fascia and soffit is a significant amount of work.

Commissioner DiMartino asked if the windows were going to be done in the future.

Mr. Gunderson indicated that the roof gutters soffit and fascia are currently the entire scope of work currently.

Attorney Ferrante addressed the commission and informed them that Miss Munro is hiring Mr. Gunderson to do this job it needs to be done one step at a time.

Chairman DeMayo ask Mr. Gunderson how long it would be before he had a signed contract.

Mr. Gunderson indicated that Miss Munro can take the contract home tonight look it over and sign it tomorrow if she chooses.

Chairman DeMayo indicated that this has been going on long enough and that the problem isn't with the contractor it is with the homeowner.

Attorney Ferrante that's how long this is been going on and he said that the notice indicates December 2018.

Mr. Soto indicated that the order was issued and delivered to Miss Munro at 110 Morgan Avenue September 19th 2018.

Mr. Soto also indicated that the commission has been dealing with this for about the past 7 months.

Chairman DeMayo stated that the commission has been very very accommodating and this commission does not want to be hoodwinked anymore.

Attorney Ferrante said that he doesn't believe that Miss Munro is trying to hoodwink you she just has some issues.

Chairman DeMayo stated that the commission has taken everything into consideration and we have given her an additional 3 months. We could have started the fine three months ago but we tried to be understanding.

Attorney Ferrante stated that that was the way to do it we need to be more amicable and trying to get it done this way was best for all parties. Your end and our end are the same and that's a good thing.

Attorney Alfred Zullo stated you have before you an appeal by regulation you have two choices either extend your decision to next month or make a decision on the appeal. You cannot say you have until this Monday you either give her the full month and we table it or you act on the appeal you either deny her appeal or continue the meeting.

Chairman DeMayo asked if we were to deny her appeal what happens then.

Attorney Zullo indicated then she appeals it to the Superior Court.

Attorney Ferrante stated that Marcia does not want to have to appeal to the Superior Court.

Attorney Zullo stated but that's what she would have to do because she's being assessed fines.

Chairman DeMayo asked Attorney Zullo how many days for Miss Munro to appeal to Superior Court.

Attorney Zullo indicated 15 days from publication.

Miss Munro indicated to the Chairman, this is really nice of you what you're doing is really cruel.

Chairman DeMayo told Miss Munro that if she wants to speak she would have to come up to the commission and stated her name and speak.

Attorney Zullo indicated again those are your only two options as a commission.

Commissioner Asid asked if the commission could give her three days.

Attorney Zullo said no you would have to hold a special meeting you so your choices are you either table it or you deny her appeal.

Chairman DeMayo stated that this could be dragged on for another 6 months is it only \$100 per day.

Mr. Soto indicated we're at 166 days that is \$16,600; if she sign the contract and pay the man it would probably remedy her violations.

Attorney Ferrante stated I don't believe that's true that she could have fixed the problem.

Commissioner Asid Said yes if she just got a signed contract which we don't have.

The commission asked what the cost of the repairs is so far Mr. Gunderson indicated approximately \$27,000.

Chairman DeMayo said that you have to understand where we're coming from we are frustrated. We have been straightforward with her and we have been hoodwinked here. We understood the situation of Miss Munro and we understood the situation of the winter months and we could have enforced the fines at that time, which we did and we are acting in good faith. We want action now we were trying to unfortunately Attorney Zullo said that we can't work it out that way we either have to deny the appeal or table this for another month. This is the one we have to follow the law. He further asked Attorney Zullo if there is anything else we could do.

Attorney Zullo indicated that you are sitting here hearing the appeal you can either approve the appeal or deny it.

Attorney Ferrante said if she had a contract signed today I'm imagining that you would have to table this for another month until the work is done.

Attorney Zullo said the only reason that you have gotten a continuances that you had promised a signed contract, it was to see progress and maybe the underlying violations could be worked out.

Commissioner Asid asked if we can approve this with conditions.

Attorney Zullo said no this is not an application either you prove or deny her appeal. This is not a regular public hearing this is an appeal.

Chairman DeMayo asked Attorney Zullo if they could possibly table this and Attorney Zula replied that is what you have been doing.

Chairman DeMayo asked if we could table this with conditions and Attorney Zullo said yes you can table it with any conditions you want if they show progress. By Monday? Attorney's Zullo said you can but you're not meeting on Monday. If you want to table it that's fine but you have to decide what kind of progress you want to see.

Chairman DeMayo indicated that he understands what you're saying as the Attorney.

Attorney Zullo said I understand this is difficult but this is the board that makes these decisions and not many of these come before you because most of them get resolved before they get before the commission.

Commissioner Marotti asked assuming that we table it what can you have done by the next meeting and he asked this question of the contractor.

Mr. Gunderson he would have the roof on the fascia and the gutters up he'd be in and out.

Commissioner Asid asked if this is for both buildings.

Attorney Ferrante said that that is a practical question, obviously he can't do work on both houses at the same time.

Mr. Gunderson said that he has large cruise they can come in do the work and get out unfortunately this house is long past one man and a helper. I'll need a crew of 6 to 8 guys.

Mr. Brancati stated that there are two houses with two different schedules and he's going to do one house right now.

Attorney Zullo said we don't know that.

Mr. Brancati that way you can only do one house at a time so the second house we'll have to keep continuing. At the January meeting they were told to get contractors to get a signed contract and it didn't happen. So all of January all of February and all of March and she knew that this contractor was the one that she wanted why would you wait 90 days to contact Glenn to just start a discussion of a contract. The night you walked out of here you knew you were in violation.

Attorney Ferrante stated that after that meeting we went through a list of contractors an estimate and for one reason or another they were not satisfactory. He recently came and he happens to be the contractor that she likes them and wants to do the work.

Mr. Brancati stated you know that you're under the gun and you have violations mounting and you keep on negotiating and there's not going to be that much of a difference. She knew there was the possibility of running up a \$16,000 fine. The commission would have been happy had she come this evening with a signed contract and no violation or fine would have taken place. Why wait 90 days.

Attorney Ferrante did it is her property and she owns that and what the town is really doing is taking that property from her. What she wants to do

Mr. Soto stated for the sake of not beating this dead horse; that we actually table this matter by the next meeting work has to have commenced on this property, what I mean by commenced is that building permits have to be issued and the building official has at least been out there to inspect the work that's going on for both properties. Then at that time if no work has been done then we shall lien the property for an additional 30 days that has accumulated equaling 196 days.

Attorney Zullo stated you should consider denying the appeal all you're doing is running this along in the fine is getting bigger. Then they're going to come and ask us to compromise the fine.

Chairman DeMayo asked that Attorney Zullo walk you through it one more time. Attorney Zullo stated that if you table it the finest still running.

Chairman DeMayo stated that we place conditions if we table it or we deny it and then we lien the property.

Mr. Soto indicated if you deny her appeal tomorrow I have to process the lien on the property.

Chairman DeMayo that I want to put a fire under this.

Attorney Zullo stated that we have lien properties for blight and we have collected \$100,000 over the last year year-and-a-half. In lean and it makes people do things.

Commissioner Asid asked what happens when the work is done, what happens to the lien?

Attorney Zullo stated then she pays the lien when the lien stops running.

Attorney Ferrante asked that's a good question when is it going to stop running when the work commences.

Attorney Zullo stated wind up violation is gone.

Chairman DeMayo stated that's up to the zoning officer. We did not create this sir and we are going to stop it. As I said earlier we have to serve the entire town and I think we went overboard accommodating being helpful and understanding in this situation. I want to set the fire with gasoline and my recommendation is that we deny it and that will really start the fire.

If she gets the contract signed in good faith and it all goes away.

Attorney Ferrante stated that he does not believe that's the way it works it does not stop the fine from running.

Attorney Zullo stated she needs to get the work done and keep the zoning official the apprised of what is going on.

Chairman DeMayo stated that he lives right around the corner and he'll watch, watch the progress.

Attorney Zullo stated the work needs to begin.

Chairman DeMayo stated that by denying this it'll put a fire under her because I don't think she wants this property lien.

Inaudible everyone talking at once.

Attorney Ferrante asked when the work is done then she's left with this bill, the lien.

Attorney Zullo stated the commission gave her a chance to avoid it and she didn't take it.

Mr. Brancati stated that if she brought a contract in 90 days ago we wouldn't be sitting here right now.

Attorney Ferrante said this is easier said than done.

Chairman DeMayo stated that signing the contract would have been easier.

Commissioner Asid indicated that she has just taste for this and it's too bad it has come to this. She further made the motion to deny the appeal.

Commissioner DiMartino second that motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved-Appeal Denied

- 2d) 114 Morgan Ave – Appeal of Notice of Blight Violation: Violation of Section 10-106 of East Haven Code of Ordinances. Blighted lots, buildings, or structures.

Chairman DeMayo asked if you have any sign contracts.

Attorney Ferrante replied, no we do not.

Chairman DeMayo asked if you have a contractor to do the work.

Attorney Ferrante indicated yes sitting right next to me.

Commissioner Asid stated the quicker you get the work done the lien will go away I mean stop accumulating.

Mr. Soto stated for clarity sake we asked to incorporate all the testimony from the previous file of 110 Morgan Avenue into 114 Morgan Avenue for the sake of clarity and for the sake of creating a proper transcript for the record.

Attorney Zullo asked if it was the same exact owner Mr. Soto indicated it is.

Attorneys Zullo stated you need to make a motion that all the testimony on the previous appeal be entered into the file for 114 Morgan Avenue.

Commissioner Asid moved to place all the previous testimony for 110 Morgan Avenue into the file for 114 Morgan Avenue.

Commissioner Marotti second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved Testimony Added to Item 2d.

Commissioner DiMartino moved deny the appeal for 114 Morgan Avenue.

Commissioner Asid second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved-Appeal Denied

- 3a) 22 Hemingway Ave: Modified Site Plan Application: – (Schedule A, Line #64), the manufacture, processing or assembling of goods.

Chairman DeMayo recognized Attorney Nicholas Mingione, 388 Orange Street, New Haven, CT stated that his client is seeking an approval of a modified site plan for the permitted use of manufacturing and assembly. For clarification there is not much if any manufacturing going on. The tenant that is about to go into the site conducts a business that does not fall under the current permitted use. His business is assembly of hot rods and classic cars with new materials the vehicle are new and assembled from kits. These are high priced items with no oils or fluid coming off the road. The use will be primarily for the assembly of these cars similar to a model on a much large and more expensive scale. We are also asking for a secondary use along with the primary use of submitting a K7 application to the Department of Motor Vehicle for a repairer's license as not to pigeon hole ourselves as to what they can and cannot do at the site especially since we are dealing with motor vehicles in the event something needs to be repaired outside straight model replacement if there is an adjust to be made. We just want to be up front in the event in it should arise we might do some subsequent repairs. As proposed at this time there will be no disposal of oil, transmission fluid, etc. The proposed hours of operation are Monday-Saturday 8:00 a.m. to 5:00 p.m. with 3 to 6 employees, at no time will there be more than 3 employees there. The work to be done will be done indoors no testing of motors outside all work will be contained in the building. This was previously a Heating and Air Conditioning service company and it fits in with the current use in the neighbor and fits in with the Plan of Development. We would like to point out that our approval does not stop at the Planning and Zoning Commission's approval we must still go before Zoning Board of Appeals and the DMV for approvals. There a system of checks and balances so this commission is the first of a three step process.

Chairman DeMayo asked if there will be the sale of any other vehicles.

Attorney Mingione indicated there not be the sale of other vehicles.

Mr. Brancati stated in the statement of it states that it is 100% indoor use and no on site storage.

Chairman DeMayo asked about the signage.

Attorney Mingione indicated that there are no plans for a sign currently but the applicant will make application for signage on the building.

Mr. Soto indicated that building signs are handled administratively and will be added to the site plan.

Councilman Joseph Santino, District #2 stated this has been vacant for some time and it's good to see activity and business in town now that the building is cleaned.

Mr. Soto indicated that the nature of their application and license will allow for the sale of vehicle.

Commissioner Asid move to approve with the following conditions; no more than 2 vehicles at any one time for resale and no outdoor storage of parts.

Commissioner Marotti second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved with Conditions

- 3b) 744 Foxon Road: Modified Site Plan Application: – (Schedule A, Line #48), Printing and publishing establishments occupying not more than 5000 square feet of floor area.

Chairman DeMayo recognized the applicant who stated that he and his wife occupy this 400 sq. ft. Space which is much too large for just their tax business. In the rear portion of the unit he has set up a small printing company.

Mr. Soto indicated that several years ago this site was approve for use as a liquor store and then a dance studio and recently the applicant opened a printing business.

Chairman DeMayo asked the applicant the hours of operation.

Mr. indicated Monday-Friday 8:00 a.m. to 6:00 p.m. Saturday 8:00-noon.

Will there be silk screening and embroidery and how will the inks be disposed.

Mr. indicated that he will only be doing silk screening no embroidery there isn't any need or process to dispose of ink and this has been approved by the Fire Marshal.

Mr. Soto recommended that upon approval the commission enforce the sign regulation. The decals on the window need to be removed or they will count as sign coverage.

Commissioner Marotti moved to approve with the signage conditions based on the zoning regulations.

Commissioner Asid second the motion.

Voice Vote-All in Favor. None Opposed. No Abstentions.

Approved with Conditions

- 4a) 280 Foxon Road: Modified Site Plan Application:– (Schedule A, Line #38), Restaurants and other food service establishments.

Mr. Soto informed the commission that this was done administratively to increase kitchen work-space.

Approved Administratively

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk