

Planning and Zoning  
Public Hearing

Stacy Gravino, CTC  
TOWN CLERK

The East Haven Planning and Zoning Commission held certain public hearings Wednesday, July 5, 2017, which commenced at 7:00 p.m. in order to hear the following:

Chairman Cianelli called the public hearing to order at 7:02 p.m.

Roll Call - 4 Present (Carangelo, DeMayo, Gravino, and Cianelli) 1 Absent (Carbo)

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

Public Hearing #1

75, 83, and 93 Hemingway Avenue, Application for Special Exception, Elderly Living-Non-assisted Facility (Schedule A, Line #4B: per §33.19.)

Chairman Cianelli recognized Attorney Tim Lee who represents the applicants. Attorney Lee stated that he represents the owners of the property at 75, 83, and 93 Hemingway Avenue. Unfortunately, he has been here several times before we started with the zone change application to change from a residential district to a C-D district which allows us now to do a commercial and residential development. We are here before you tonight for the three separate properties in total there is 4.51 Acres and proposing 71, 55+ age restricted units along with the commercial portion which is part of the complex. There will be 2 commercial buildings, one will be 6,175 square feet and the other commercial building will be 4500 square feet and will be marketed for medical offices. The uses are permitted under the special permit which we are seeking at this time through this application from the commission.

Chairman Cianelli recognized Jim Galligan from Nafis and Young Engineer's. Mr. Galligan explain the site plan where they have reduced the number of units and the size of the building from 76 units to 71 units in order to leave a buffer zone from the coastal jurisdiction line. The change in the site plan was to satisfy the DEEP they require the coastal jurisdiction line be delineated on the site plan showing the 50 foot buffer zone. We have reduced the size of the building the entrance ways remain the same the drainage system will still operate in the same way and the traffic pattern will remain the same with parking in the rear. There is handicap access for the main building in the front. The only real change is the size of the building, which will be reduced to adjust for the coastal jurisdiction line. There is a landscaping plan with bushes along the side and plantings. There is curbing all along the south side of the parcel to assist with the drainage and some low-grade coastal swales the site does not drain to the adjacent properties.

Commissioner DeMayo asked about the lighting plan.

Mr. Galligan indicated that all the lighting will be attached to the buildings and filter down.

Niki Whitehead, 9 Hilton Avenue, East Haven, CT stated that she submitted a letter to the Zoning Official the Town Attorney and Chairman of the Planning and Zoning Commission. Ms. Whitehead indicated she believes there are similar letters and she will leave it up to the zoning official.

Attorney Zullo suggested to Ms. Whitehead that if she has comments she should state them in addition to your letter.

Ms. Whitehead indicated that she will state her concerns and reserve her comments after Mr. Soto addresses the additional letters.

Town engineer Kevin White asked if her comments were in the letter, Ms. Whitehead indicated it was a request for a continuance.

More discussion took place Miss Whitehead indicated that if the public hearing is continued to next month she will reserve her comments until that time.

Bob Mangino architect for the project explained that they reduce the size of the building it's three stories slab on grade. The commercial portion and the residential portion will be solar powered they will be very energy efficient buildings. The buildings will have some architectural charm they will have siding and some stone work in keeping with the neighborhood. The first floor level of the residential building will have a community area. The building elevation is at 12.6 above the flood plain end is a fully sprinklered building. It's architecturally a good plan hopefully the commission agrees and we can move forward.

Commissioner Carbo arrived at 7:19 p.m.

Chairman Cianelli asked Mr. Galligan if he received the same letter that the commission and the Zoning Official received from DEEP.

Mr. Galligan said yes he received it the same time that the commission had received it.

Chairman Cianelli asked if we could address a couple of the items in the letter. Mr. Galligan indicated that the easements need to be addressed by Counsel.

Chairman Cianelli asked about the evacuation route and the about the elevation 12.6. He asked if the buildings were above the base flood elevation.

Mr. Galligan indicated that it's well above the base flood elevation and Hemingway Avenue is the evacuation route.

Chairman Cianelli stated that this was originally approved for 146 units no commercial portion and the new proposal is commercial in the front and less than half the residential units in the rear portion of the site.

Attorney Lee indicated that the residential portion has been decreased by half therefore decreasing the density by half.

Chairman Cianelli asked Town Engineer Kevin White if he had any comments.

Mr. White stated that this is certainly a move in the right direction. There are some things that we need to address because Marcy does question the suitability of the material you're going to use to fill and I don't believe you are using what is indicated in her letter. Mr. Galligan agreed with what Mr. White stated. What we are excavating will not be used under the buildings, none of that material will be reused under the buildings all materials used under the buildings will be controlled fill.

Chairman Cianelli believes that Marcy made an error in stating that there is flooding in front of Hemingway Avenue in front of this site. Two of the Commissioners indicated they believe that it floods at Hemingway Avenue and Dodge Avenue. Town Engineer Kevin White mentioned that he believes it flooded during superstorm Sandy. Mr. White further commented that there are a couple of things that he would like to address and believes that the public hearing should remain open.

Commissioner DeMayo stated to Attorney Lee that he knows that you're fully aware that this has been before us numerous times so let's get this finished let's not go back and forth with the DEEP. Town Engineer Kevin White asked Attorney Lee if he believed that you have addressed all of DEEP's concerns.

Attorney Lee stated yes and he has Mr. Galligan next to him to confirm that.

Commissioner DeMayo stated then we are close to a final decision with all the DEEP requirements met.

Chairman Cianelli stated this is promising and that we hopefully will have a decision soon, one way or the other.

Mr. White had one question for Mr. Galligan as to the last time he spoke to Marcy Balint.

Mr. Galligan indicated that he last spoke to Marcy June 27th and received the revisions on July 3rd and has not spoken to her since.

Mr. Soto asked what the revision was in Marcy's last letter.

Mr. Galligan indicated that she asked that the coastal jurisdiction line be delineated on the site plan.

Mr. Soto asked for a copy of that. She did have questions with regard to MS4.

Mr. White doesn't quite understand why she would question that when it has nothing to do with the state it's a town regulation to the state, but he'll look into it.

Attorney Lee indicated that most of Marcy Balint's comments have been addressed she is addressing everything in her last letter.

Mr. Soto read the letters from Amish Patel, Elena Colon, and Niki Whitehead requesting to continue the public hearing. All three letters are on file in the Planning and Zoning office for inspection.

Commissioner DeMayo moved to keep the public hearing open until August 2, 2017.

Commissioner Colangelo second the motion.

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

Public hearing remains open.

## Public Hearing #2

17 Guilford Court: Application for Special Exception Boarding House/Rooming House  
(Schedule A, Line #8.)

Chairman Cianelli recognized Mr. Frank Zachey Who explained that his family has lived in East Haven for 250 years he is a 24 year Naval veteran and he has a 2354 square foot house and he would like to rent out some rooms since he has more than enough room and there is enough off-street parking to accommodate boarders.

Mr. Ken McKay, 59 Sidney Street, East Haven Stated that he doesn't think this close neighborhood of Cape style homes is appropriate for a boarding house where there are young families. Also he does not believe that the neighbors were notified of this public hearing.

Chairman Cianelli ask Mr. Zachey if he notified his neighbors by certified mail.

Mr. Zachey indicated that he wasn't aware that he had to notify his neighbors.

Mr. Soto pointed out that the instructions on the zoning application indicate that you must notify your neighbors by certified mail.

Commissioner DeMayo asked Mr. Zachey if he has boarder currently. How do you get boarders? Are you aware that you are in violation of the Town's regulations.

Chairman Cianelli stated without the notifications being sent out we cannot go forward.

Mr. Soto indicated that Mr. Zachey was issued a notice of violation which brings us before the commission. These types of violations are very difficult to enforce and monitor.

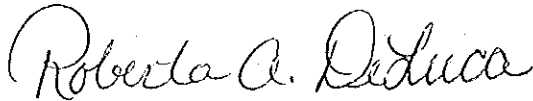
Commissioner DeMayo moved to close the public hearing.

Commissioner Carbo second the motion.

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

Public hearing closed at 7:50 p.m..

Respectfully submitted,

A handwritten signature in cursive script that reads "Roberta A. DeLuca". The signature is written in dark ink and is positioned above the printed name and title.

Roberta A. DeLuca  
Commission Clerk

Planning and Zoning  
Regular Meeting

*Stacy Gruning C.T.C.*  
TOWN CLERK

The East Haven Planning and Zoning Commission held its Regular meeting on Wednesday, July 5, 2017 immediately following certain Public Hearings at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

Chairman Cianelli called the meeting to order at 7:50 p.m.

Roll Call - 5 Present (Carangelo, DeMayo, Gravino, Carbo and Cianelli)  
Staff Present: Christopher Soto, Zoning Official, Sal Brancati, Director of Administration, Kevin White, PE, Town Engineer, and Alfred Zullo, Esq., Assistant Town Engineer.

**Item #1 — Administrative Actions:**

1a) Accept/Approval of Minutes from June 7, 2017 meeting.  
Commissioner DeMayo moved to approve the minutes.  
Commissioner Colangelo second the motion.  
Voice Vote – All in favor. None opposed. No abstentions.  
Approved

**Item #2 — Old Business:**

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

Chairman Cianelli stated that we had a detailed public hearing on this item, are there any comments from the staff at this time. He recognized Attorney Pellegrino from the Pellegrino Lawyer New Haven CT and he further complimented Attorney Pellegrino on their presentation to the commission stating that it was a great job but however at this point what the commission can do at this time because of the density of the project seems so immense to us and at this time I don't know what to say. Again this morning I walked the property, is there any possibility that we could lower the density or have a more detailed plan it's just such an immense project.

Attorney Pellegrino stated that he will answer both and this is the first step in a two-step process. You're looking at more of a general master plan which is part of the zone change and then the second phase is the detailed site plan with the engineering and the drainage calculations. Perhaps more of a detailed plan you might be interested in seeing and you should say to answer any remaining questions that the commission might have. During the hearing we try to go a lot further than the regulations require us to go, we did a traffic report we did a detailed drainage plan and site work and Earthwork removal etc. Clearly we went beyond what the regulations require but it's still leaves the commission with questions.

Chairman Cianelli stated that you have to understand that the town has gotten burned by these types of proposals in the past citing that they need to remove earth, rock and debris and just about everything. It's just that at this point in time and our town is so small that there's barely any development left so we must be in control to realize how we should do this.

Attorney Pellegrino we would suggest and would agree to make this a condition of the approval to do this in phases a number of buildings at a time so we are not getting ahead of ourselves. This way you are assured that when this area is graded and the site is prepared that you're actually going to get

buildings there before we move on to the next step. He will relay those concerns to the owner. To go back to your first question he thinks that the density could possibly be reduced. With a project of this scope and this size with the site development cost to do the infrastructure we will look closely at that. It is not an inexpensive site to develop the usage of all the gas placing all the roadways all the drainage we have to do a fair amount of sight work to develop this site. I have looked closely at the cost of the infrastructure, in order to make that money back we need to yield a certain amount of units. I do think that we can reduce the northernmost building by 46 units, which would be eliminating one building and the infrastructure that goes along with that building. With regard to the other buildings the numbers could possibly be adjusted quite simply because you had four stories and you had units on the end. It would clearly be a savings with regard to infrastructure And still give us a unit yield of about 450 so we can justify doing the project with the associated infrastructure costs.

Chairman Cianelli had one last question, 27.3.7 supporting facilities, with a project of this magnitude upwards of 1000 people, there is no spot for anyone to utilize a meeting room or recreation facility and you also mentioned that there was a walkway to the pond. If they were to utilize the bus route it would be impossible for them to walk back up that hill. Did you think of incorporating a small commercial portion on the site.

Attorney Pellegrino stated if he recalls the most recent revised floor plan shows that there is a meeting room in each building and a clubhouse down below the pond that would be would be a large space that could be rented out or used for activities. Plus with projects like this the property owner works in conjunction with the Rideshare folks, people who cater to an elderly population. This project would lend itself nicely to working with those types of services.

Chairman Cianelli asked the Zoning Official Christopher Soto if the Police Department ever provided his office with a final report because you said the last ones were just preliminary.

Mr. Soto indicated that they have not to date submitted a final report.

Commissioner Carbo stated that a lot of the people that spoke we're not in favor of a zone change from an R5 to an R3 Zone then to a PEFD. Have you considered a special Zone because obviously as an R5 it requires less density.

Attorney Pellegrino stated you as a commission have control, the change of an R5 to an R3 accompanied by the commission's decision on the PEFD go hand-in-hand you have the control there to do them together and you have the ability to change it back if in 6 months from now if the project does not come to fruition. He thinks they prepared the application not only in accordance with the regulations and even provided less than those regulations permit. He believes that the actual number is somewhere around 700 units could be placed at that site.

Chairman Cianelli stated yes if they were in an R1,2,or 3 Zone.

Attorney Pellegrino said no in a PEFD.

Chairman Cianelli yes you have to substantially be in those zones, you are going for a zone change. When the PEFD was created it was specific that it would be in an R 1 2 or 3 Zone it was to protect open space. The north part of our town is open to our farms.

Attorney Pellegrino stated it was not our intent to max out with regard to the units in most cases most of the buffers are lower and they open space is higher so we think that the proposal that we brought forward is less than what one could propose in the PEFD and that's in part based on those factors. That's how the site works and it's elevations we hope you take that into account it's less dense more open space areas.

Commissioner DeMayo points it out, I think that you have a tough balancing act both presentations have merit but we are talking about the size and I'm very happy to hear that there is possibly a reduction in the number of units. We have to also consider the burden placed on the neighbors during construction we need to know how long it's going to take to complete, when will the blasting take place is it going to be partially a quarry, what is very important to me is how long this is all going to take. I believe you said it possibly could be done in stages as part of the approval. For me,

as a commissioner I need to know how long and what effect it is going to have on the neighbors immediately in that area because that is my major concern. You saw the people that were here and it's that conclave that we feel are very important. Their biggest investment in life is their home. He needs to know how much time this project will take and what effects it will have on the neighbors. Let's face it you will be quarrying let's face it that's what you will be doing when you remove the earth and rock from there, I need to know the time frame.

Attorney Pellegrino indicated he's not sure if there will be a lot of blasting a small amount probably to the right side of the pond at. So there will be earth work with the plan that we proposed I think if we did the site work and completed it; it would reduce the time of earth work taking place. Once those two buildings are developed you would move on to the site work add phase number two. So you wouldn't have 2 years of site work happening at once it would be more localized. A kind of timeline.

Commissioner DeMayo stated some type of time-line needs to be in place.

Chairman Cianelli indicated that the commission had a developer come before us for a 12 or 16 lot subdivision and there was so much concern about the blasting to satisfy the neighbors the town and this commission had him provide borings along with a blasting plan and a timeline. As commissioners we have to put our names on these approvals for this project and there's nothing stopping you in a week from now from selling this parcel with the approvals we have to be very careful and I believe that the density is unacceptable.

Attorney Zullo made a comment which is inaudible.

Mr. Soto had no comment at this time.

Mr. White stated he believes Attorney Pellegrino said it correctly in his first statement that this is a two-step process. All you're doing is taking a piece of property and rezoning it that's all you're doing tonight. They can do whatever they choose once this properties rezoned sell it; keep it, whatever they want. There is nothing that legally binds them to do what they say they're going to do. There's ledge on the property so therefore we know that there's going to be blasting it's not a flat plain.

Attorney Zullo stated this item should be tabled until Attorney Pellegrino provides the commission the rest of the information requested.

Commissioner DeMayo moved to table this item.

Commissioner Colangelo second the motion.

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

Tabled until August 2, 2017 meeting

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

Commissioner DeMayo moved to table this item.

Commissioner Colangelo second the motion.

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

Tabled until August 2, 2017 meeting

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

Commissioner DeMayo moved to table this item.

Commissioner Gravino second the motion.

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

Tabled until August 2, 2017 meeting

2d) 17 Guilford Court: Application for Special Exception: Boarding/ Rooming House (Sched. A, Line #8)

Commissioner DeMayo moved to deny based on the reason that boarding houses are not allowed by our regulations and this application is in default.  
Commissioner Carbo second the motion.  
Voice Vote.-All in favor. None opposed. No abstentions.  
Denied

**Item #3 — New Business:**

3a) 197 Borelli Road: Request for a 90 day extension to file record of subdivision map.  
Chairman Cianelli recognized Pasquale Clemente the owner of the property who stated that he is not ready file the Mylar and is requesting a 90 day extension.

Commissioner DeMayo moved to approve the 90 day extension.  
Commissioner Colangelo second the motion.  
Voice Vote.-All in favor. None opposed. No abstentions.  
Tabled until August 2, 2017 meeting

3b) 500 North High St: Blight Appeal Hearing: Violation of Section 10-101 (Waste and Garbage and Organic Materials.)

Mr. Soto indicated that he cited Mr. Evans last month for waste, a large amount of debris, front lawn overgrown, an old refrigerator on the front porch, and scaffolding that has been erected for a sometime because it is rusted.

Mr. Evans said the Mr. Soto instructed him to remove the refrigerator, remove the RV, and remove the generator and place the propane tanks in the house.

Chairman Cianelli stated Mr. Evans was doing his job. You didn't need to come before this commission just clean up your yard and I don't believe Mr. Soto told you to put propane tanks inside your home.

Commissioner DeMayo moved to deny this appeal.  
Commissioner Carbo second the motion.  
Voice Vote.-All in favor. None opposed. No abstentions.  
Denied

**Item #4 — Any Other Business to Come Before the Commission:**

4a) Plan of Conservation and Development Update.  
Mr. Soto explained that he met with Brian Miller who is preparing the Plan of Development along with Mr. Brancati, Commissioners DeMayo and Gravino. They are gathering information and drafting the new plan, and Mr. Miller is requesting an extension from the State of Connecticut.

It was decided that the entire commission will act as the sub-committee for the Plan of Development and Commissioner DeMayo will be the Chairman.

Commissioner Carbo moved to elect Bill DeMayo as Chairman of the Subcommittee and create a subcommittee of the entire commission.  
Commissioner Colangelo second the motion.  
Voice Vote.-All in favor. None opposed. No abstentions.



4b) 14-15 Foxon Blvd: Application for Modified Site Plan: Retail (Liquor) Store (Sched. A, Line #29) – Administratively Approved per §33.10

4c) 208 (A.K.A. 239) Main St: Application for Modified Site Plan: Dance Studio (Retail Service: Sched. A, Line #29)  
Administratively Approved per §33.10

Commissioner Colangelo moved to adjourn.  
Commissioner Carbo second the motion.  
Voice Vote.-All in favor. None opposed. No abstentions.  
Meeting adjourned at 8:35p.m.

Respectfully submitted,

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

Roberta A. DeLuca  
Commission Clerks