Special Meeting

Planning and Zoning

The East Haven Planning and Zoning Commission held a Special Meeting Wednesday, January 11, 2017 at 7:00pm at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT in order to transact the following:

Roll Call – 5 Present (DeMayo, Metzler, Gravino, Colangelo, and Cianelli)

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

Item #1

Addresses: 92, 100, 110, 118, 126, 180, and 242 Strong St: 8-30g Affordable Housing Application (Court Remand).

The clerk read the Town Engineer’s report into the record as follows:

Dear Mr. Chairman,

I have reviewed the plans and supporting documentation (see attached list) for the application to build 98 units on Strong Street submitted by applicant Vicki Imperato & Statewide Construction Inc. My findings are as follows:

1. Soil sampling conducted in the spring of 2016 showed varying depths of groundwater and ledge conditions throughout the site. However no groundwater sampling was conducted to ascertain the quality was of said groundwater. Testimony heard during the Public Hearing process. Indicated that during the past 10-15 year period, fill materials were deposited, and then some other times hauled from the site. This has occurred regularly for some time. Therefore, until said sampling is provided to the commission, you do not have the knowledge if the ground water has been polluted from said activity.
2. Despite the change in Reconfiguration of Retention pond #1, (above ground to below ground). The overall grading plan for said structure is still incorrect. The proposed grading on North Bank of said basin drops 10’ of elevation from proposed grade 100 (vertical) to proposed grade 114 in some areas is less than 8’ (horizontal). The actual distance would be a minimum of 28’@ a slope of 2:1. Regrading to proper slopes would eliminate house 4,6,8,10 and 12.
3. The reconfiguration of the drainage plan as presented proposes creates an unnatural drainage flow to Grannis Lake. Natural sheet flow from the site roughly divides the area in half with 50% of rainfall flowing North West and 50% South East. The new configuration directs a small portion of street flow to detention Basin #2 and a few homes on Strong Street to detain rainfall in rain garden. The remaining water all eventually enters Grannis Lake, thus increasing the volume of water in an unnatural way along with the quality.
4. Review of the site layout reveals violations of the proposed setbacks.

**Autumn View – Site Assessment**

Self-Imposed Setback Violations – Rear yard

Setback Violations:

Unit 28 Unit 36 Unit 50

Unit 29 Unit 38 Unit 52

Unit 30 Unit 40 Unit 58

Unit 32 Unit 46 Unit 60

Unit 34 Unit 48 Unit 61

Min. Distance between Buildings:

87 -82

Along with those Building Violations detention ponds #1, 2, 3, & 4 are also in violation of setback requirements.

1. The proposal to construct the outfall piping into Strong Street is problematic. Due to the depth of detention basin #1, the overall depth of the storm sewers along Strong street are 10-15’ deep. No notation is shown on the plans who is to maintain said pipes. If the assumption is that the Town of East Haven is to maintain said system. A permanent easement and bond must be put in place to insure proper maintenance and repair is provided.

Chairman Cianelli stated that the decision of this commission is based on our professional’s overwhelming evidence. So much so, that we would be remiss not to take their advice into account.

Commissioner DeMayo made the following motion:

After hearing all of the testimony and public comment and reviewing the remand order, it appears that the applicant has failed to respond to the remand order insofar as it has failed to address Mr. Jacobson’s analysis as to the resubmission dated March 27, 2013 with particular attention to Storm-water Management Items No. 1 through 4 and Storm-water Quality Items No. 1 through 3 as contained in his report dated May 28, 2013.

It is clear that the applicant’s latest submission constitutes an entirely new development plan. Upon further review of the court’s remand order, it does not indicate the developer was instructed or was given the right to submit an entirely new plan for a new development or the CGS §8-30g(h) or any other state statute allowing the applicant to make more than one modification of its original plan.

The applicant’s decision not to prepare and submit hydrology reports, runoff calculations, and storm-water impact analyses in response to Mr. Jacobson’s analysis as to the resubmission dated March 27, 2013 and , rather, to prepare an entirely new plan for a new development with a new drainage system supports the Board’s original decision that the drainage system contemplated in the March 27, 2103 plan could not be built as designed and would not function as designed and would not function as designed.

The new plan does not comply with §8-30(g) and is not a valid §8-30(g) plan insofar as it carelessly fails to meet the 30% affordable housing “set aside” requirement specified in §8-30(g). The plan further violates the applicant’s own regulations as contained in the definition of an “MIH District” as well as its own affordability plan by failing to provide for 30% of the units to be set aside as affordable housing, it also violates the set-back provisions as to the location of the culvert and 15 of the units.

Even if the board were to look past the procedural defects it has discussed, a number of substantive concerns about the new plan remain unaddressed including the environmental impact of the project, the adequacy and effectiveness of the natural and mechanical filtration mechanisms intended to treat runoff, and the prevention of the discharge of solids into nearby water sources.

Specifically, the applicant failed to provide the appropriate information as required under Section 48.7 of our regulations to allow the Board and its engineers with sufficient time to review and conclude:

1. That there will be no net increase in urban storm water runoff from the site as a result of the proposed activity;
2. That pollutants generated at the property are being adequately controlled at their source and/or treated effectively;
3. That maintenance of the culverts will be effective or regular. Mr. Jacobson’s only just received the revised 166 page storm water report hours ago and as of 5:30 had not received the revised plans associated with the report. Providing the board with a new report and map just before a meeting, simply does not give the board or the Town Engineer sufficient time to adequately review them and make a decision.

The new plan does not comply in several respects with the provisions relative to affordable housing development and the Board does not have sufficient information before it at this time to develop the appropriate conditions that will be necessary to approve it.

In light of all the aforementioned, as well as the evidence that has been placed on the record, he hereby moved that the application be denied.

Commissioner Metzler second the motion.

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

Motion carried.

Denied

Commissioner DeMayo moved to adjourn.

Commissioner Gravino second the motion.

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

Meeting adjourned at 7:39

Respectfully submitted,

Roberta A. DeLuca

Commission Clerk