

Planning and Zoning Commission
Public Hearing Minutes

The East Haven Planning and Zoning Commission held certain public hearings on Wednesday, October 2, 2019, which commenced at 7:04 p.m. at the East Haven Community Center, 91 Taylor Avenue in to transact the following:

Chairman DeMayo called the public hearing to order at 7:04 p. m.

Roll Call: 5 Present, Lang, DiSilvestro, DiMartino, DeMayo, and Alternate Limoncelli. Commissioner Asid absent.

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

Public Hearing #1

Text Change: Zoning Regulations text change to add Section 37A, to the East Haven Zoning Regulations.

The Clerk read a letter into the record from Mayor Joseph Maturo, Jr. and will be on file in the Planning and Zoning office as Exhibit #1.

Chairman DeMayo recognized Attorney Pellegrino who presented the text change. Attorney Pellegrino is with the Pellegrino Law Firm, 475 Whitney Avenue, New Haven. He addressed Assistant Town Attorney Zullo and the Chairman they could combine their two applications for public hearing purposes both hearings into one due to what they're going to present relates to both, he realizes that they need to be voted on separately, but could we possibly combine both.

Attorney Zullo indicated no.

Attorney Pellegrino stated that their first application is to amend the zoning text regulation. As you know, he has been before you with a number of applications at the site where we were advised to revise the application and submit it. The second application with a reduced number of age-restricted units was rejected by a vote of 3 to 2. This application is the first of which is a text change to the regulations, he submitted exhibit B, the State of Connecticut's Appeals list to the chairman, which lists all of the towns in our state with the Town of East Haven highlighted where we are at 7.96% affordable housing. Therefore, by Statute the town is not exempt from the mandate in Connecticut General Statutes 8 - 30 G both these applications are submitted pursuant to the statutory provisions, as you know it shifts the burden of proof and submitted it into the record. Our text amendment application that is relatively straight forward the amendment explains the process that we are undertaking, is the process by which, a zone within the town can be amended to permit an affordable housing process. It then outlines in some detail the process by which a specific site plan application showing the project we'll also be submitted. The only applications that they have submitted tonight are an application to amend your zoning regulations as well as the next application to rezone the properties under a proposed Affordable Housing Zone. Pursuant to the regulation we have provided to the commission a conceptual plan, which we will talk about in the next

public hearing to follow. The template that we use is one that we have used in other municipalities and other applicants have used in other municipalities. The form of that application has been sustained in court within our jurisdiction under Connecticut General Statute 8 - 30 G. It requires the submission of certain technical data, reasonably necessary for the commission to analyze the ultimate development application, which has storm drainage analysis, traffic reports, surveys, topographical maps, roadway designs, parking spaces which are regulation calls for 1.5 spaces per unit, floor plans, architectural elevations and design standards. It also requires, under the zone change portion of the regulation submit evidence under the regulation that sanitary sewers are available with the capacity to service the project as well as evidence from the Regional Water Authority that the site has access to public water. Our plan and the regulation permits density at 10 units per acre require 60 ft. of frontage on Route 80 where the access driveway will be located. It then requires the commission to review all that information including this text amendment and the map amendment under the statutory standard. The substantial public interest in health and safety and other matters, which the commission might legally consider clearly outweighs the need for affordable housing within the town. What is affordable housing defined by Section 8 - 30 G; as further outlined in the affordability plan and submitted with our applications. The statute requires 30% of the units be deed restricted, 50% of those or for households with a median income of 80% of the area as defined by the statutory formula and 50% of the units for households 60% of the area's median income. It is not Section 8 housing, it is not subsidized, or low income housing. The remaining 70% of the project is market rate units. It's much more contained in the affordable housing plan which we have submitted with the application. The last thing he mentions on this regulation is that they have received comments from the Regional Water Authority with two suggestions which require sanitary sewers not septic systems, the regulation that we wrote permits both what's no objection from the commission we would like to eliminate the option for septic systems. As you'll hear when we talk about the zone change we have received correspondence from Greater New Haven Water Pollution Control Authority that our site is serviced by sanitary sewer with sufficient capacity to service the project. The second request speaks to the storm water management plan, he believes in the application that was submitted section 37A 6.3 subparagraph 9 we speak to a submission of such a plan it does not have the exact language that Mr. Walters states in his letter and we have no objection to incorporating his language into that paragraph as in a condition of approval because certainly storm water drainage would be a matter that you would need to satisfy yourselves as the development plan comes forward.

Chairman DeMayo asked Attorney Pellegrino why you are going for a text change as opposed to a full application.

Attorney Pellegrino stated we need the text changed because there is not a regulation that would permit the plan that we would like to bring forward. We also need a zone change because the zone does not permit this type of development. We decided to do the zone change and text change together subject to your approval or denial and then appeal to court the ultimate result of either an approval or a decision overturning a denial would be the appropriate time in our opinion.

Chairman DeMayo asked who wrote the text change.

Attorney Pellegrino stated he wrote it.

Chairman DeMayo indicated it is very specific to the property I think is Foxon Boulevard (Road). the thing that is boggling his mind is he thinks the text change is the instrument that is being used and using this commission to approve it so that the next step will be a hell of a lot easier and you have more (Inaudible) that is what sticks in his throat that you are writing the text change putting us in a position for a stamp of approval now you go to the next level and if the commission rejects it then you take it to court and you say well they approved it. It's their regulation that is what's confusing to me.

Attorney Pellegrino stated he wasn't sure if he follows what you're saying. If you were to approve it we could move forward with a plan with a plan that would be required to meet the regulations. You may not agree with the regulation which he understands. I don't necessarily agree that it's only for this project; it does allow the commission to allow it on other roads.

Chairman DeMayo but it is specific for said property. In your text change it reads specifically for your address.

Attorney Pellegrino stated it doesn't.

Zoning official, Christopher Soto stated it reads 60ft on Route 80.

Chairman DeMayo it describes the specific area of where the site is located.

Attorney Pellegrino Re-read his text change request and he said oh yes but it doesn't say that specific area just says 60ft on Route 80.

Chairman DeMayo asked Attorney Pellegrino how big is your property on Route 80, isn't it 60 feet on Route 80.

Attorney Pellegrino stated yes we have 60 feet on Route 80; there are other properties with 60 ft.

Chairman DeMayo stated, again, isn't it a lot easier to come what's an application where the commission has changed the regulation and you say oh well the town changed it, but we didn't write it you wrote it specifically for that property and that is what he thinks.

Attorney Pellegrino stated that you have the right and the authority to make reasonable changes to your regulations and pass it with conditions; it should be expanded to include other areas.

Chairman DeMayo requested any favorable comments, no favorable responses.

Joshua Balter, 35 Red Bluff Road and stated that he was here as a citizen and is also an attorney by trade and wants to address some of the many things that were stated by the applicant. Let's start with his 7.96% of the State of Connecticut's for Affordable Housing requirements. I believe this very commission approved Strong Street for 97 units and 200 Tyler Street which is 71 units. They can't count the units until the occupancy is fulfilled but it is in the works to be completed. He believes when you add 168 units that brings us very close to the 10%. the records that he was able to locate states that East

Haven has 12000 plus housing units, 10% brings the town to 1220 units to meet this requirement. With the decisions this commission already made we will have met our 10%. There is also the not so thinly veiled threat but if this is not approved they would sue and they would go to the state of Connecticut to get this corrected. There's a couple of issues with that, we are part of the United States of America and we do not negotiate with terrorists or negotiate under threat of fire. What case law has repeatedly shown that when towns can state a reasonable reason for not approving affordable housing units to get them over the 10%, courts have routinely agreed with the towns. So this is not an uphill battle that we fight going forth. The proposed plan would so far blow us over the 10% it's completely overkill to meet these requirements. He does not dispute the numbers and percentages what was not stated was who was going to police this; are we going to leave this to the developer are we going to let the fox guard the henhouse, this is not an issue of affordable housing, this is an issue of a developer trying to maximize his return. When he purchased this property he knew it was an R5 Zone and there was no ambiguity. He bought this property knowing he could build one acre single-family units. But there's not enough money in that so now he wants to put the screws to the town with zoning changes for this and that, there is no compelling interest for this town to make a zone change for which he is asking, remove this as a rule, this is the only rule we have for the town. To make it an R - 3 Zone would then allow him to do this type of building. What he also does not address is what about the infrastructure that we are going to need if we plop 500 units on Route 80. What is going to happen to our schools, Deer Run, what is going to happen to our town, how are we going to put all those children through school. That road (Foxon Road) is already choked with traffic. What is going to happen to those that have to commute, what is going to happen to the safety of our town when we have 500 units and he is going to estimate that's an average of 3.2 persons per unit based on the information, we can call that about 1,600 people. What's going to happen when we need ambulances, do we have enough fire and police to respond he does not believe so. This town is going to get stuck with a bill to hire more Emergency Services and hire more teachers to conclude this is a plan that only benefits the developer. It's not a project that would benefit the town there is only one winner if you vote for this change in text and that is the developer. Everyone here, the residence of this town and the commission, you come first! He thanked the commission for their time.

Peter Cianelli, 310 Short Beach Road stated that he is a lifelong resident of East Haven. He makes a point that this has been a political football even though everyone is against this type of development, Democrats and Republicans alike are against what was created by the legislators in Hartford, everyone is against 8- 30 G. These legislators tied the hands of every Planning and Zoning Commission in Connecticut. They made this law so no matter what happens the court would always have the last say and not the towns. There are many members of this commission past and present of the Planning and Zoning commission here tonight and Attorney Alfred Zullo can tell you that we have the same thing on Strong Street and we fought this for years we did everything we could to try to come to a conclusion. We spent thousands of dollars trying to defend it and we went to arbitration and the arbitrator asked if we could make a deal with the developer which we did

Town Attorney Joseph Zullo asked Mr. Cianelli if he might be interrupted for a moment this would be disclosing confidential discussions with the developer please confine the confidential settlement talks, please go on.

What we did was try to get the members at Strong Street to come to an agreement however the Strong Street residence did not like what the proposal was and here we are four and a half years later a developer coming in with another 8-30 G proposal, which again will tie the commission's hands and the next mayor, they will be coming into a firestorm it needs to stop in Hartford where it began.

Nick Palladino, 152 Sorrento Avenue he stated that he has lived here since 1978 and his wife has lived here all her life. He is a member of the town council for the past 6 years and at budget time every year we bang our heads to try to figure out what we need to do to get things done for the residents without raising the taxes. He was a member of the police department for 27 years, 10 of those years policing the Foxon area. At that time we had a certain number of police officers and in 2019 we have 2 additional officers since 1980. There is no way that the police and fire departments could handle the amount of calls from that development and town couldn't raise the funds to support the public safety. So one developer needs to hit a grand slam instead of a home run. There's no reason for a project like this we have plenty of housing there's a lot of houses for sale and we have other projects being worked on currently. The developer could build 50 new homes, instead of over developing. This project would put the Board of Education bankrupt it would struggle to educate that many additional students.

Donna Richo, 67 Charnes Drive requested an understanding the developer is asking us to change the regulations for this specific spot, isn't that spot zoning. Don't consider a text change to accommodate a developer.

Chairman DeMayo stated that he is trying to qualify the property for affordable housing.

Michael Jones, 60 Willow Road has lived here for the past 38 years and he's seen a lot of growth. Most affordable housing should be in the central part of town it's not going to work in this area. The nearest Firehouse is the Foxon Firehouse to cover an awfully large area who's going to pay for a medical unit from Main Street to this site to alleviate the workload. This is a total waste of time and it'll set this town back 20 years.

Bernadette Nastri, 4 Circle Drive addressed the traffic in that area and the tractor trailers that go up and down that road daily, the addition of realigning the road in North Branford which has caused a bigger problem.

Dominic Coppola, 201 Sperry Lane has lived there for 11 years the subject site used to be gorgeous and now looks like a bomb hit it they've cut trees, which was once pristine woodland is now destroyed. We don't want any development, why didn't the town consider buying it to put into a land trust before this guy bought it. The only thing the developer wants out of that site is the bluestone there's lots of money in that bluestone with tri axles going in and out of there day after day after day. This applicant already made gobs of money right down the street near Totoket Road quarrying. It disgusts him for the need to make one more dollar. The applicant stated that there's no problem with the traffic is a bunch of bull, in the evening it'll take you 45 minutes to get from John and Maria's Pizza to Sperry Lane.

Jean Chieppio, 173 Henry Street this gentleman just hit on the fact that the applicant really wants to quarry. She addressed educating the children, if the town educates one child per home and there are 500

units its 80 million dollars over 12 years and we're going to pay for that with one child per home. That aside from renovating schools maintaining schools, hiring teachers just to educate the children.

Mark Johnson, 919 Thompson Street he's lived there for 32 years I've listened to this proposal to initiate this development process. I'm getting this flashback on Route 80 behind Kentucky Fried Chicken initially it was approved for housing. All that was done was quarry for 8 to 10 years and not one stick of wood was put on the ground to build anything. The other quarry I'm thinking of is in the East Haven North Branford line where the Spezzano property was located. They clear cut timber and everything, ultimately they found out they couldn't do anything. His curiosity is that this the initial steps to open up for them do some long-term mining.

Rick Erickson, 39 Branhaven Drive stated that he's a fairly new resident 6 years ago. As a child he can remember coming down Route 80 and the lower part of Foxon and once you came over the hill and there was practically nothing mostly farmland. All these years later I moved in the area never realized driving Route 80 has such an influx of traffic. Exiting Branhaven Drive is a death wish, the traffic is unbearable because there are 2 conflicts there is a traffic light at Totoket Road and the contours of the road. There have been multiple accidents, to add an additional road would be a nightmare, the road is overburdened.

Wendy Bellmore, 57 Catherine Street stated that she's a little bit confused, the applicant's attorney pointed out some of the justifications for the ability to build this massive development based on the fact that we have very little affordable housing. She heard Josh Balter say that we have two developments that are currently in progress, based on the data set that was based on a few years ago she assumes. Those data sets must be a little outdated and in the interest of the town we should table this issue to see how that data set has changed. Utilize the information that Mr. Balter provided us with those numbers of those units being built currently and then see what that data looks like. Putting all this information aside I think this is too important issue to walk away with a decision tonight without that piece of information. She wanted to give an opinion, she was a little girl that went to Camp Murray and she is sick and tired of being in a town that is the laughing stock of the east side of the east shore of Connecticut we are living on a gold mine and we treat it like we are the lowest common denominator in this state. How dare we even think we should change who we are. We have two young people that are running for mayor who have spoken intensely about our quality of life. Are we interested in our quality of life? Public replied yes. Do we want something like this? Public replied no. Her opinion is to please hold off on this decision tonight.

Louis Pacelli, 107 Foxon Road he's lived in town for 54 years and is opposed this development. I'm going to ask you to vote no on this not to table this.

Dan Kunze, 3 Circle Drive he stated he is a firefighter and a medic and has lived in his house for 10 years he has seen several different motorcycle accidents and fatal accidents where he had to make a choice on which person to save. Traffic and public safety will be taxed as well. He's against this and he believes all his neighbors feel the same way.

Joseph Ryan, 17 Branhaven Drive he and his wife have lived here since 2007, and we love the town. His main concern is that directly behind his house there is a bird sanctuary within the 100 ft. buffer and how this will affect the buffer and has it been addressed.

Chairman DeMayo asked if this is a designated bird sanctuary.

Mr. Ryan stated he believes there is, it is shown on their plans as a bird sanctuary. His concerns are environmentally for the bird sanctuary.

Gennaro Amendola, 7 Branhaven Drive agreed this is spot zoning if you allow this to happen then it's going to happen everywhere it'll set a precedent. He considers this applicant and all these applications to follow with regard to the language change, I consider this a threat. The applicant read a letter to The Courier from developer the first three words in the letter were "I apologize in advance" this is a threat. He's not sure about the rest of the people but he doesn't like being threatened, do it right and do it just not with a threat to change our regulations.

Chairman DeMayo stated he doesn't appreciate the fact that you think the board can be threatened.

Edward Izzo, 11 Branhaven Drive he stated that he has lived there since the development was built 35 to 40 years ago and he has several concerns related to the proposed project. As it stands you have 50 acres of land that's going to be redeveloped into 500 low income families.

Chairman DeMayo stated that's not true there is market rate units and it's not low income it's a percentage of affordable housing.

Mr. Izzo said okay if there is 500 families there and they have two children per family that's a thousand children that you're putting into the school system. East Haven High School currently has 960 students. In comparison to what they're proposing 750 parking spaces for the resident and the remainder are for their visitors; ShopRite has 300 parking spaces, Ocean State Job Lot has 325 parking spaces so if you combine those two that's 625 parking spaces look at the sheer size of what you're proposing. At the site on Route 80 there's 60 ft. at the entrance with two lanes going both way and a turn lane that would equal 68 ft. and you only have 60 ft. at the site. Route 80 is 45 miles per hour he could propose a traffic light loop detector but there's one problem no one can fix, the state with their infinite wisdom built a new bridge that is only 32 ft. from wall to wall, one lane in each direction cannot be changed they spent 3 million dollars on something that is almost obsolete. To increase the traffic would make it impossible to pass through that bridged area. The pros and cons are that the developer it's going to make a lot of money on the development he's going to blast The rock and he's going to sell the rock and he's going to make millions of dollars with the rock that he's going to excavate to build these five units that are going to end up looking like Bella Vista. A while back the developer wanted to put elderly housing that was denied by the board now he's saying he wants to build affordable housing. His main objective is to make as much money as a can and that's his main objective. Not to satisfy the elderly or affordable housing. The negative points are 500 units 1000 new students and to increase teachers the taxpayers will pay for this. He's telling you that he will take care of snow removal and he'll take care of the trash but he's not going to tell you he's going to pay for the additional police and fire that's coming from the residents. He's

not even sure if we have a ladder truck that can reach a four story building are we going to have to spend a million dollars for a new fire truck and if it's purchased where are they going to store it won't fit in the firehouse. The 100-foot buffer strip goes all the way from East Haven to North Branford it is a dedicated bird sanctuary he cannot touch it. When he paves this whole area the animals will be gone and it'll just destroy the bird sanctuary. He recommended to the developer develop this land like your parents live in this area. He could build upscale homes 50 to 100 and get good money for them.

Jim Harding, 84 Catherine Street to the point of not giving the developer what they want would result in a court case it's his experience as an architect if it does, the question really resides in spot zoning or for government housing to change the existing zones does not help the community. Does it better or improve the quality of life without that proved the juries usually find with the Supreme Court that the people's will is what they want for their community tends to be proven right. He asked the commission has it been proven by this developer that what he wants to do will improve the quality of life in our community. He has not heard that as evidence given by the applicant.

Roberts Sand, 501 Thompson Street in your section 37 of your regulations it's sums up as stated before East Haven is in good shape with regard to affordable housing having 7.2% deemed affordable and also looking at East Haven as a whole, the average price of a single-family home being around \$200,000 is in the range of what would be deemed affordable. This was from 2010, it's in our section 37 of our plan of development. We are currently in this category across this town. We don't need a project of 400 apartments to deem that regarding our housing stock. There's 33 towns out of 186 that meet affordable housing stock. He doesn't think our town with regard to our plan of development even considers this type of development in the north end of our town where it explicitly says what should happen on the north end of town. I asked the Commissioners to weigh heavily to go to bat for the residence of East Haven and fight this project for affordable housing. Thank you.

Jonathan McGuire, 105 Foxon Road this project no doubt will change the landscape of Foxon and the town forever. The townspeople have spoken from all corners of this town they are opposed to this project. He urges this commission to oppose these applications as proposed.

Joseph Carfora, 8 Jeffrey Road stated we are not here as Democrats or Republicans we are here as citizens of East Haven. The many people that are seated behind him are hoping that they've convinced you of voting not in favor of this application. As board members you have one of the most important jobs in town by making decisions that will last a lifetime to all the residents here in East Haven. Your decision should be based on the morals of the basic requests of the townspeople of East Haven because your decisions do last a lifetime and cannot be reversed. This zone change will be detrimental to the Town of East Haven for generations to come. The people who purchased this land purchased it with the understanding that it was zoned R-5, which is a clear avenue to build single family homes the aftermath of this zone change is that our infrastructure, our public service, and our education system will be greatly impacted. The entire Community will be impacted but most importantly those who live in this area will be adversely impacted it needs to be preserved and protected. He left off with one quote from his high school coach, "When you all wake up in the morning I want you all to look in the mirror and I want you all to be happy with the decisions you make tonight."

Thomas Palmer 191 Foxon Road stated that his parents told him never trust lawyers, inaudible, and never trust politicians. He stated to the commissioners just do your job.

Lerena Venegas, 73 George Street stated she is opposed to any text change or zone change as a mother I want to make sure I protect my children's future. The construction on Sperry Lane that borders the high school those children will be compromised environmentally. Those concerns are very high for me and with this kind of blasting and any kind of wind or wind change anything that's going to harm my children is a problem. She wants to advocate that we must maintain undeveloped land it's a buffer a natural buffer. We shouldn't be blasting mountains and putting in new roads we have to be concerned where all that run off is going to go. We need to protect our buffers and we need to protect our water courses and our children should not have to pay for the adults that make bad choices. To accept any zoning changes to the regulations is the wrong thing for the town to do we have very little open space. You must do better.

Steve Tracy, 58 Edgar Street Councilman in the 4th District and a candidate for mayor. He is here to voice his opposition to the proposed development on Sperry Lane which is too dense for the site and it does not fit into the town's overall plan of conservation and development. He further stated he is not in favor of Sperry Lane affordable housing or for a zone change at Sperry Lane. He walked up there and spoke to some of the residents in the area and it is a beautiful piece of property. He said he spoke to Senator Fasano and he spoke to State Representative Joe Zullo to see if they can come up with some funds for the town to purchase this property. He also spoke to the developer and he is going to keep his mind open to that option. There is money supposedly for the town to purchase it if he can come up with a reasonable price for the land. I'm sure that the commission will do the right thing tonight it certainly shows by the residents who showed up here tonight and it really doesn't belong there. In addition, we certainly don't want the courts to make decisions for our town and what Mr. Canelli stated is true with what is going on at Strong Street right now; that's going to be terrible and we can't have that happen on Sperry Lane. I know the commission will do the right thing and vote no for this. Thank you!

Oni Siosin, 12 Wilkenda Avenue stated he has been a resident for 40 years and he is opposed to the project. He has made his feelings known publicly for the reasons that have been articulated here this evening but in thinking about it I wonder if they would be sufficient in court to help you decide in favor of your constituents which is the public. He would like to suggest in securing the services of a land used expert who can gather evidence expert testimony and add to the concerns of the people you heard tonight.

Chairman DeMayo stated the commission or the town do not own the property, it's privately owned. Are you suggesting sending someone to the land it's not something we're allowed to do.

Mr. Siosin asked if the board had to make a decision on this at this meeting.

Chairman DeMayo said no.

Niki Whitehead 9 Hilton Avenue she has a quick question, was this hearing for the text change I did hear the applicant asked if he could combine them. They are not combined.

She said that she shares the sentiments of everyone who came before and will not repeat any of it. She has some specific technical concerns with the text, with the regulation change itself. Her sense that it might be better to submit that in writing to this board rather than trying to go through the sort of detail in this context. If it would be possible since you could receive written comments until next month without violating the time frames if you could allow for that. Otherwise, I would have to embark on an exercise that I think would not be appropriate what the type of existential questions that are being raised tonight. These are subjective concerns that are being raised with respect to what Mr. Sosin said some of that might be helpful to the commission. As they think about how they can support the points they would like to make and that would be her request.

Attorney Zullo you not only can submit them that way it will be part of the record.

Ms. Whitehead it's only on the text change in that it allows the establishment of these affordable housing zones.

Attorney Pellegrino appreciates that the townspeople have concerns to the ultimate development of the land. However, we have not submitted a development application to this Commission the only a matter of interest is the text amendment itself and I heard no comments or specific questions relative to the proposed text amendment other than those that Ms. Whitehead said she would be submitting in writing. Her specific concerns relative to the text and will provide me with a copy of that. With that in mind I have no comments.

Commissioner DiSilvestro moved to table the public hearing to remain open.

Commissioner DiMartino second the motion.

Voice vote-all in favor. None opposed. No abstentions

Public Hearing #2

100 Sperry Lane, 31 Sperry Lane and 161 Foxon Road: Application for a zone change (Section 37A, (Affordable Housing Development District.)

Chairman DeMayo recognized Attorney Bernard Pellegrino, 475 Whitney Avenue, New Haven and John Gilmore, Milone and McBroom Engineering Firm.

Attorney Pellegrino is here to represent said applicant with regard to the zone change at the noted addresses and will present this application with John Gilmore from Milone and McBroom engineering and surveyors. The text change application is in furtherance of the zone change application for an affordable housing project. He submitted the State of Connecticut Affordable housing appeals list, on page 2 it shows that East Haven is at 7.96 of a percentage for affordable housing. The process which we are undertaking for the process of the zone change is set forth in our text Amendment application subject of the previous application, which sets forth the process for the commission to receive and act upon a zone change for an affordable housing development district. Again as he said earlier, we are not here for a development project approval. A specific project is not the subject of this application, however, in the text which we have proposed relative to a to a zone change application in affordable housing zoning

district it does require the submission of a conceptual development plan that outlines how the plan can be developed pursuant to the text change and zone change. Mr. Gilmore will outline the conceptual plan not for the purpose of approving that plan but to show that a conceptual plan under the regulations, if these regulations were changed the zone change could be brought forward. The plan before you tonight and specifically to change the zone for 161 Foxon Road zoned R-3, 100 Sperry Lane R-3, and 31 Sperry Lane which is currently zoned R-5 to the new Affordable Housing Development District Zone. What he mentioned earlier and is required under the proposed text amendment for zone change application for this district. We have assurances from the Regional Water Authority and Greater New Haven Water Pollution Control Authority that the site is served by sanitary sewer and public water sufficient complete the conceptual plan, those letters from the public utilities have been submitted into the record.

John Gilmore, Milone and McBroom, Engineers and Surveyors addressed the commission. He displayed a zoning map that will be part of the submission for the 51 acres comprised of 3 parcels; 31 Sperry Lane, 161 Sperry Lane, and 166 Foxon Road the largest parcel is the former Girl Scout Camp. Sperry Lane is a private road, a Right of Way that the current residents will still have the ability to pass and repass through Sperry Lane. To clarify the 3 parcels are 2 different zones, the main portion of the land is in an R-5 Zone. We are seeking a zone change to allow for the affordable house regulation to be applied to the entire 50+/- acres, which includes the R-3/R-5 zones. The maximum allowed development that could take place using the zone text change, which represents 504 units in 6 residential buildings 5 stories and one building for amenities. The parking will allow for 807 parking spaces at a ratio of 1.6 spaces per unit, slightly over the drafted regulation has stated. Out of the 6 buildings, 5 of those buildings will have below grade parking approximately 200 spaces below grade, again this is a conceptual plan. Again this is a rendered plan and a schematic plan that represents the 6 buildings with one being an amenities building and the 5 buildings with below grade parking. There isn't any current access to the site through Sperry Lane, but there is an emergency access at the high school, which currently exists to keep that in place as part of the site development and honor that easement.

Chairman DeMayo asked how they would exit from the high school emergency road.

Mr. Gilmore stated that the road already exists it's paved but we will rebuild the road to town standards and build it through, it would ultimately be up to the Board of Education emergency services to leave the road gated off. We have access to public water, which is a prerequisite to the application with a 48 inch water main which is located on Foxon Road and would require a pumping station to the highest point of the site. Public sewers are available stated in a letter from GNHWPCA. If the site plan is ultimately developed on this site it is not a suggestion it will be built as the project gets more refined in terms of traffic, use of Sperry Lane, and the emergency road from the high school.

Chairman DeMayo noted that Mr. Gilmore mentioned a pumping station is that because there is not enough pressure.

Mr. Gilmore stated that when the pumping station is installed it will give enough pressure for domestic water and fire capabilities. We have ample water it's a 48 inch water main in front of the site, the volume of water is not an issue its pressure, which requires a pumping station.

Commissioner Limoncelli stated this is the first he has heard of a bird sanctuary please show where on the site map.

Mr. Gilmore point to an area which is owned by the Town on the Branhaven Road side in the buffer zone.

Chairman DeMayo asked why the number 504 where to that come from? The previous application for this site the units were significantly less and so were the buildings less.

Attorney Pellegrino stated that Chairman DeMayo is correct in his statement.

Mr. Gilmore stated that it's simply the acreage of the site and ten units per acre has been offered as a suggestion to the amendment, so that's where the number comes from.

Chairman DeMayo stated do you know what that sounds like to me, it sounds like a bargaining chip. I'd like to see the proposal that you really want. I think that's what's going to be negotiated if the board approves it.

Attorney Bernard Pellegrino stated that the project that we really wanted was the age-restricted project that was denied by this Commission. That's why we're here.

Mr. Gilmore stated that was his presentation to the commission and he also indicated that he has a traffic report that he will submit which is based upon the schematic and it has not been refined but it basically does the traffic counts and projections.

Chairman DeMayo asked at the last hearing there was a traffic expert here and he emphatically said there was no need for a traffic light to get in and out of that project. Has that changed?

Mr. Gilmore said they now have more units and as the site plan evolves there may be a need for traffic light. This is more units than the earlier application.

Attorney Bernard Pellegrino said that this is all they have on this presentation and thank the commission.

Chairman DeMayo asked if anyone here wants to speak in favor of this application.

No favorable comments.

Bill Richardson, 136 Bennett Road stated that he was a member of this commission for 3 years under Chairman Cianelli and wasn't Prepare to speak on this, but he is offended that by is the fact that a developer will come to this Commission and demand that we change our regulations to suit to meet their development, I think that is outrageous. I spent three years writing regulations for this town I wrote the parking regulations and I've never seen a developer come in and say we're going to change your regulations to meet our development. He hopes and prays that this Commission rejects that out right next month, we write our own regulations. In terms of the zoning regulation he firmly opposes any zoning change. I'm against high-density cluster housing in the Foxon area and anywhere else in town. I

have successfully stopped this type of development in 2002, people don't realize that 17 years ago this town had another very similar project that was going to go in off of Thompson Street. I found out about it I approached the town and Mr. Desorbo God Rest His Soul, went to the State and we got State funds we bonded for the money and we bought the land. After we purchased the land we donated to the Land Trust. He believes we should have done the same thing on this property but it was purchased. Also while on the Planning and Zoning commission I voted against the Strong Street development for high density affordable housing. Another nightmare that was getting jammed down our throats. We don't need a high-density development then and we don't need one now. We don't need a zone change we can't afford one this project would lower our values of our home. I will continue to fight against developers who proposed cluster housing lower housing values and I hope you don't change this Zone now or ever. The R-5 zone are 1 acre lots and when the developer purchased this land he knew what zone was one acre development single family houses and nothing less.

Michael Jones, 60 Willow Road who stated we live in a small blue collar community and we should keep it that way by passing this we would be allowing developers to come in here and not just build one but a multitude of these complexes. I'm going to classified as a look-alike to Bella Vista. He does not believe whether it's the north or the south end of town no one wants a Bella Vista in this town.

Louis Pacelli, 107 Foxon Road Firstly before I make my statement I would like to say it's a shame that in 2015, this parcel became available and the Land Trust and the Town Council did not obtain this property. He was born and raised here since 1955 on the property which abuts Sperry Lane. It's a travesty and sad what's going to happen to this property. Mr. Pacelli read a statement quoting Chairman DeMayo, in the Courier March 29, 2018, "Basically it's too dense in my opinion, this application had not really gotten there. There are still a lot of questions and concerns raised by the fire department and police department at last week's meeting also somewhat overwhelming. More than 400 housing units translates into a significant jump in population, which means increased response time for Emergency Services. Traffic is another big concern no one wants to see an increase in the route 80 rush hour traffic. One more of the safety concerns are the residence exiting and entering the development onto Route 80." The proposal for Foxon Road and Sperry Lane, this proposal should be denied by the overwhelming outcry from residence throughout the town must be listened to. We have accumulated over 1,000 signatures in opposition of this zone change. The devastation on this community would have irreversible damage to this neighborhood and to the town as well. The traffic impact could not be sustained, the impact on public services, police and fire and not to mention the strain on the educational system. It will increase taxes but the risk to our schools in the vicinity of this project one being the high school and also Deer Run Elementary School, the potential risk of air quality from blasting on our school playgrounds environmental devastation could be maximum. Also, the potential for the risk with regard to the zone change, this change should not be approved it should remain an R - 5 Zone and thank you for hearing me out. Voices carry, voices count and God bless.

Jonathan McGuire, 105 Foxon Road, my house is just south of the entrance to Girl Scout camp. Undoubtedly I will be affected by whatever project takes place. Whether it's a multi complex like this or are single family homes. I have a concern with one of the points Mr. Gilmer made with the High Point water systems. My first question is what kind of drawdown is that going to have on the residences of Route 80 and is there going to be a drawdown. In the event that there's some type of catastrophe that

takes place is that pump used to its maximum capability and also and the retention management systems are large concern of mine there is going to be an exorbitant amount of runoff that will take place. I want to underscore what I said earlier, the people here are opposed to this project please opposed the project thank you.

Kathleen Bowery, 12 Arthur Road stated that she grew up on Branhaven Drive with Camp Murray literally in our backyard. Her parents come January will have lived in a quiet residential neighborhood for 50 years, she'd like to keep it that way. She has lived in East Haven most of her life and the sheer size and scope of this project will increase our taxes we'll have rising costs, schools, trash, Public Works, and the stress on our Police and Fire Departments. We also have to make sure our Public Safety officers are safe. This will negatively impact are home prices, we've had many discussions about the traffic and how horrible it is, you can't even get out of Branhaven Drive, Sperry Lane, and Circle Drive. This is such a bad deal for our town it exacerbates the watershed in our town, we're going to have blasting, the composition of the land it's primarily made up of rock so then going to have to blast. Our high school is right next door and as we sat here last night and we listened to the people talk about the condition of the high school it needs to be repointed and bricks are falling out and it needs to be fixed. What do you think the blasting is going to do to our high school, it will put our children at risk, potential lawsuits to the town, not even taking into consideration the air quality that all these children are going to be inhaling. Including the residence and their home foundations. this is such a bad deal I have collectively took up a petition in my old neighborhood, town leaders and some guidance from representative Joe Zullo. Our group has collected 1042 signatures. This is not what's best for our town it's taxpayers, let's be honest the developers are from out of town it's not going to impact their home prices, their taxes and we don't want to scale down project either. We understand that once the zone is changed this massive parcel of land 50 acres there's no going back because developers will continue to build and build. The zoning should remain R - 5 residential. I would like to enter a copy of my petition with the signatures and reference news articles because there were fatalities in this area of the road. She also had a letter from Representative Joseph Zullo who told her that the commission would take this petition into account the same way they would consider live testimony in a court of law.

Rick Ericson, 39 Branhaven Drive had a question as to the height from Route 80 to the top of the buildings.

Mr. Gilmore stated that it is several hundred feet.

Chairman DeMayo reminds Mr. Erickson that this is not the plan this is a conceptual plan.

Mr. Erickson wanted to ascertain what the height is from Foxon Road to the highest point. If you're going to pump water up to the site you're going to need massive pumps. Approximately every 10 to 12 ft. you increase the pressure by 5 lbs. by the time it reaches the top you're going to be talking thousands of pounds of pressure. That in itself will tax that line and there are many problems on Branhaven Drive because when I moved in I put a pressure gauge on the water line. I get only 32 psi (pounds per square inch) a residential house gets approximately 60 PSI. Are these pumps running electrically or are they going to be running off of fuel. If they're running electrically and we lose power they're not going to work and if you have backup generators they're going to be massive. How will fire apparatus get up to the

site, it's okay now when there's no snow on the ground but what happens when there's snow on the ground. What's going to happen when there's a natural disaster and the power goes out those people are going to be stranded. It will fall on the town and we're not going to have the resources if there's a disaster at that site. This is a massive environmental impact, the blasting where the soccer fields are located in people's backyards there will be flooding, micro particles in the air next to the kids at the schools who will be breathing in those micro particles. No wants to breathe that. The value of our homes and the quality of our lives will diminish. Traffic is horrible and the beautiful habitat is gone as well.

Commissioner DiSilvestro called for a point of order we have already heard all this it's quality of life, it's traffic, it's blasting we have heard all of this for 2 hours and 35 minutes please move on.

Mr. Erickson they will also need new sanitary sewers and new drainage system the pressure of the water coming off of that mountain will pop manhole covers caused by hydraulic pressure.

Chairman DeMayo stated we will hear this all again, if and when they come in with a plan this is just a conceptual plan, all preliminary. So guess what gang you are all going to have to do this again.

Donna Richo, so for the record I am opposed to the zone change also known as spot zoning. We're lending towards urban sprawl, it destroys communities as it has destroyed others communities in the area. I also noticed that there's a retention pond on site, which seems to be a problem and as a realtor I would like to see 50 first time home buyer properties built.

Gennaro Amendola, 7 Branhaven Drive pointed out that Attorney Pellegrino stated that the Regional Water Authority is bringing water to the site but they're only required to bring 15 psi. The water pressure is so bad at the homes on Branhaven Drive a pump is required to increase the pressure. He is totally opposed to this zone change and any development of this type. The recently revised plan of conservation and development must specify something to disallow something like this. The traffic situation is deplorable and he (Mr. Amendola) doesn't have a traffic study and he doesn't have all kinds of papers to back it up, what he has is a ruler and there isn't much room for trailer trucks and a turn lane.

Josh Balter, 35 Red Bluff Road stated he doesn't often agree with the mayor except in this instance, vote no, vote no on this project. All the testimony that was given with regard to the text change will be part of the record. That monstrosity will not be able to provide all the services for those people to live there. There's no bus line that stops anywhere near Sperry Lane and many people who are renting for affordable housing don't own a car and there's no bus line. The town will not recoup money in taxes, the property taxes on the property will not provide enough funds to sustain the increase in emergency services. When the applicant purchased the property he knew it was an R - 5 Zone so he knew what he could do with it. Now he's trying to get something else out of it, this is a bait and switch in reverse. The conceptual design is all we have to look at so this is what he's going to do, because this is what they presented as the plan conceptual or not. He further stated that his mother-in-law was going to purchase a home near Sperry Lane in East Haven and didn't because the property values would drop in this area due to this project. The responsibility of this board is to take care of the Town not the developer. Only 30 towns in the state of Connecticut make that 10% of affordable housing. Don't let the applicant fool you that courts don't side with the towns with a project of this magnitude. Please vote against the zone change.

Marianne Cesare, 8 Felicia Drive stated she had a quick question for Mr. Gilmore did you drive the ROW around the High School.

Mr. Gilmore indicated he drove Sperry Lane.

Lorraine 73 George Street, She would like to make part of their record the minutes of the last Fire Commission meeting where she made public comment to Chief Marcarelli. Has this commission requested a new report from the fire chief to be presented tonight.

Chairman DeMayo stated they had not submitted a new report to date, but we always receive a report on any new projects.

Lorraine stated that the report he gave to you last year was 100% against this development or any project up there because he doesn't have the equipment or the manpower. She requested that the chairman of the Planning & Zoning commission watch ETV, the Fire Commission meeting you will find it very enlightening. If the fire chief says this is a no-go then it should be a no-go for everybody. We shouldn't change any Zone from R5 to R3 for anyone.

Commissioner DiSilvestro moved to table the public hearing to remain open.

Commissioner DiMartino second the motion.

Voice vote-all in favor. None opposed. No abstentions

Public Hearing #3

Text Change: Zoning Regulations proposed text amendment to Section 26 of the East Haven Zoning Regulations.

Christopher Soto, Zoning official indicated this item needs to be tabled because notification to DEEP.

Commissioner DiSilvestro moved to table the public hearing to remain open.

Commissioner DiMartino second the motion.

Voice vote-all in favor. None opposed. No abstentions

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk