

## **FOR IMMEDIATE RELEASE**

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### **Court remands "Autumn View" Affordable Housing Project for Further Consideration in East Haven**

In a decision issued on December 23rd, the Superior Court partially denied and partially upheld the denial by the East Haven Planning and Zoning Commission of the "Autumn View" housing project, a 102 unit affordable housing development along Strong Street in East Haven. In the decision, the court partially upheld the appeal by Autumn View, except with regard to five issues related to stormwater management, which were deemed to be sufficient and substantial public safety concerns which warranted remanding the matter back to the commission for further deliberation.

Mayor Joseph Maturo Jr. explained, "The availability of affordable housing is an issue of paramount important to our community and our State. However, at all times, it must be counterbalanced with the safety and health of the public. The court's decision to remand the issue for further deliberation, as opposed to ordering the Planning and Zoning Commission to grant the application, demonstrates that there are still significant environmental and public safety concerns to be addressed with regard to this development."

The court's December 23rd decision comes approximately six months after a court reversed a decision by the North Haven Planning and Zoning Commission to deny a 76 unit affordable housing development on Middletown Avenue. In November, the North Haven Planning and Zoning Commission approved the development, pursuant to the decision rendered by the court.

Attorney Alfred J. Zullo, East Haven's land use counsel and the attorney who handled the appeal for the East Haven Planning and Zoning Commission differentiated the two cases. Zullo explained, "In 8-30g appeals, it is incumbent upon a local planning commission to justify a denial by citing specific and substantial health and public safety issues. In this case, we raised a variety of issues that were similar to those raised by North Haven. However, in East Haven's case, we detailed the Town's legitimate safety and environmental concerns regarding stormwater management with respect to the site and its relation to Grannis Pond. These issues are of paramount concern to neighbors and to the Town and the court recognized this and have provided the parties an opportunity to address these concerns."

As a result of the court's decision to remand, East Haven's Planning and Zoning Commission will hold additional hearings to receive new evidence related specifically to the issues of stormwater and run-off. However, unlike North Haven, the Town is not required to automatically approve the application following those hearings.

Zullo continued, "Rather, if the parties are unable to come to a consensus, or the applicant does not meet its burden of proof to the satisfaction of the Commission, the appeal will be resumed, but only with regard to the stormwater issues."

Maturo concluded, "I am pleased that the court has afforded both the applicant and the Town an opportunity to better address the stormwater and drainage issues raised by this project. We have a responsibility to our Town and to future generations to preserve the public health and protect the environment and I am hopeful that the applicant and the commission will be able to work collaboratively to explore these critically important issues."

*For additional information, please contact Frank Gentilesco at 203-468-3204.*