Planning and Zoning Commission

Public Hearings

Certain Public Hearings were held Wednesday, August 3, 2016, at the East Haven Community Center, 91 Taylor Avenue, East Haven, CT and commenced at 7:00 P.M. in order to hear the following:

Chairman Cianelli called the Public Hearing to order at 7:01 p.m.

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

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

Public Hearing #1

The Clerk read aloud the firsts public hearing:

18 Wheelbarrow Lane, application for temporary special exception; removal of topsoil, sand, and gravel.

Town Engineer Kevin White indicated that the applicant submitted preliminary plans last month, after review there are some modifications and return to the commission in 30 days.

Chairman Cianelli indicated that the applicant deviated from the original plans somewhat and now has to apply for the special exception to correct the issue.

Commissioner Demayo asked if he was still working at the site.

Zoning Official Christopher Soto indicated no, he has made some modification to a previously approved site plan.

Chairman Cianelli closed the public hearing.

Public Hearing #2

The clerk read aloud the second public hearing:

31 South Dale Street, application for special exception; 2 bedroom rooming/boarding house.

Chairman Cianelli recognized the applicant Annmarie Mulholland, 31 South Dale Street; she stated that she is applying to utilize her home through a company called AirBnB for short home stays, transient guests are verified by the company and this will be taxable income for her. She understands that the word transient has a negative connotation but these are professional from the local hospitals and universities spending a short time in the area these people are reviewed by the host AirBnB. Some are medical students doing rotations, travel nurses, some are here to complete their masters degrees. The last nurse that stayed here to obtain her masters is now a nurse at Houston Hospital. Parents come to visit their children at the local universities, some come for weddings, and these have all been respectful guests. She typically allows only those who have been reviewed by other hosts; it is a convenient and economical way to travel.

Carol Scalia stated that this street consists of single family homes and parking is an issue currently, in which most of us worked all our lives to maintain. She had called a realtor who indicated that she would have to disclose the fact that a boarding house is across the street. We worked our whole lives to have our homes devalued by $20,000 - $30,000. Those who have small children should be concerned, it does not matter how much you check on these boarders.

Maureen Redmund, 35 South Dale Street, stated she has lived there for 31 years and yes there are other businesses in the neighborhood and there is no issue in front of Annmarie’s house with parking.

Paul Maher, Bristol CT indicated that he is Annmarie’s partner and resided in East Haven for 4 years and has met every AirBnB guests who were all college educated. Two of these former guests now reside in Connecticut and they are still friends. This is more of a bed and breakfast than a boarding house.

Anna Kot, 29 South Dale Street, stated that the applicant has been utilizing this program with AirBnB for quite a few months. During one these stays her guest tried to break into my home at 11:30 p.m. upon which we called the police. The police could not verify who the person was because Annmarie could not be awakened. This individual was from Brunswick NJ and due to this incident she now has 8 security cameras and a new deadbolt. The company’s verification policy is very limited; they do not do thorough background checks

Debbie Lombardi, 30 South Dale Street, stated that the biggest issue is on street parking.

Kevin Fowler, 2 Dale Place stated that everyone has stated their concerns, and you can try to make it sound good but it does affect the value of our homes and he is totally against this application.

Annmarie Mulholland stated that she believes the realtors comments are false and would like to see concrete evidence. I can accommodate 5 parked cars; 3 in my drive way and 2 parked in front and every house on the street has cars parked in front. The information you were given with regard to the incident involving the Kot residence is false. The father of a student at Yale University was visiting to attend his/her concert. He picked up the key Saturday afternoon and returned at 10:30 and went to the wrong house. This was not a home invasion, he went to the wrong house, he tried to explain but they freaked out. Unfortunately, I’m an extremely sound sleeper and the police could wake me up. This was unfortunate mistake by a professional man.

Letter from Boguslaw Kot, 29 South Dale Street, was read into the record in opposition.

Agata Kot, 29 South Dale Street stated that on the day of the break-in she told the man to go away; it was a very bad experience and I against this application.

Annmarie Mulholland indicated that a roommate shares homes and she is just doing it through AirBnB.

Commissioner DeMayo asked Ms. Mulholland to define her definition of the AirBnB website.

Ms. Mulholland stated that this website provides a home stay in a shared room or an entire house worldwide.

Commissioner DeMayo asked what the typically length of time for a Bed and Breakfast stay. Signing a lease is a huge choice, how many rooms will you be leasing, and what is the size of the room, and you can stack 3 cars in your driveway.

Ms. Mulholland indicated that the room is 10x13, she would be renting one room at a time, the lease signer is AirBnB and the guest/tenant it all goes through AirBnB, some stays are 2 to 4 nights and some are up to a year, for example traveling nurses. The typical long stay is 13 weeks.

Commissioner DeMayo asked the applicant if she has any idea of the affect that this type of use will have on the neighborhood.

Ms. Mulholland stated that travel nurses are given an allowance, which makes using AirBnB much easier to utilize their allowance. This is a new trend to make you of your property.

Commissioner DeMayo stated that he is not interested in the money end, but he is considering the neighbors. You care more about the financial reward than being considerate to your neighborhood.

Commissioner Metzler the final outcome of the home invasion was that it was just a misunderstanding.

Chairman Cianelli explained what’s occurring with the zoning regulations is that the town does not have a regulation to addresses this use; we only know these deficiencies when we receive a complaint. We have to address what is before us through a special exception.

Attorney Alfred Zullo stated based on our regulations the commission considers this application through a special exception with regard to a Bed and Breakfast. The commission has to consider the regulation we do have.

Zoning Official, Christopher Soto clarified that the entire livable floor space is 1510 sq. ft., lower level is 500 sq. ft.

Chairman Cianelli and Attorney Alfred Zullo both discussed the regulations. If we were to approve this it would be with a sunset clause and we would be inclined to limit the time for a transient lodger to 90 days. Any more than 90 days would create a permanent residency and require eviction. Now that the AirBnB is clarified she will be allowed a maximum of 3 people by special exception. It is the commission’s job to determine if this is an appropriate use, we have to interpret the regulations as they are written. If an applicant comes before the commission and they meet the criteria and you are inclined, with conditions, make those conditions part of the motion. Further discussion with regard to the traffic and parking will limit how many people in the house.

Attorney Zullo put the commission on notice, “where do we want a boarding house.”

Commissioner Metzler asked if an exchange student was the same.

Ret. Chief Sandford indicated that he had an exchange student and the host family does not receive remuneration.

Ms. Mulholland stated she looked into exchange students and it is not free.

Public hearing closed 8:10 p.m.

Public hearing #3

The Clerk read aloud the public hearing:

31 and 100 Sperry Lane application for special exception for an Outdoor recreational facility.

The Clerk read a letter in favor of this application from George Kenyon, on file in the Zoning Office.

Chairman Cianelli recognized Steven Serio, 44 Sandra Drive, Branford, and John Serio, 44 Bradley Avenue, East Haven, and Casandra Talmadge, 24 Woodvale Road, Branford to present the application.

Mr. Steven Serio stated that Ares Milsim was established months prior to coming to East Haven.

Ms. Talmadge made the following presentation along with Steven Serio: According to Codware military simulation teamwork founded this business in during the 1980’s. In 2000, created Mystic Field of Fire none remain; there also should be no cause for injury. There has been more injury from Pokemon Go. The projectiles used are biodegradable we are in conformance with the 1000 ft. Gun Free Act. They are over 1000 ft. from the school property.

Ms. Talmadge indicated that the playing field is concealed from the public eye and they gave a demonstration of the firearm use during these games. These are not traumatizing, they are biodegradable and cannot penetrate the netting. There will be a safety eyewear and a safety check/inspection prior to entering the playing area.

They will be handling the traffic influx on the weekend by a hired police officer to direct traffic and moderate traffic flow from Route 80, and staff will be wearing highly visible clothing and high powered radios to keep in contact. They will maintain egress from the playing area and have an EMT on site. Everyone will be wearing protective gear and zero tolerance for irresponsible behavior.

There have been rumors that we have been demolishing landscaping and there is no evidence of that; all we did was mow the area. The LLC was created prior to coming to East Haven for proposals and approvals in Branford and North Branford.

Town Attorney Joseph Zullo, on behalf of the mayor read the following letter into the record:





Mr. Serio stated that the sound decibels have been measured.

Mr. Joseph Ryan, 17 Branhaven Drive spoke in favor since he has live next to the Sportsplex for 8 eight years. Mr. Serio stopped by the house to reassure us of what his plans are with this site. This recreation facility will be protected by the topography the noise will be minimal and safe for kids and teaches teamwork.

Louis Pacelli, 107 Foxon Road indicated that he is directly across the street from the former Girl Scout camp and is not opposed to simulated weapons; he is opposed to the location. Sperry Lane is a private road 12 ft. in width and cannot handle the amount of traffic entering and exiting onto Route 80 there have been two recent fatalities at this very point on Route 80 due to the curve. A traffic study should be required prior to any consideration, it is a safety hazard and it is spot zoning for this R-5 zone.

Vincent Franco, 7 Oakhill Drive stated that he is a senior at EHHS and this is just another sport just like baseball and football but this teaches leadership and other positive things like safety. Thank you and God Bless America.

Ann Pacelli, 107 Foxon Road who lives directly across from the property. This is pristine, untouched and beautiful property. To create a makeshift battleground will cause adverse traffic; a traffic study is needed and she believes it is very bad use and opposes this use.

Joe Milano, 78 Hellstrom Road, also a high school student who is in favor of this site for airsoft games; it teaches teamwork and leadership and is safer than any collegiate sport.

Robert Hoff, 50 Michael Street, he is a strong believer in the second amendment and has done some research on this use and is strongly opposed.

Amr Maklud, 277 Argyle Road, Orange CT stated this has benefitted him personally he no longer shy, he is more involved in the community and has become more outgoing from this type of teamwork.

Bob Affie, 26 Branhaven Drive the question is not about the safety it is how much more before it is expanded for the kids, he is opposed.

Kendal Svengalis, 111 Waiwinet Trail, Guilford CT who is the father in law to Todd Talmadge who is a financial partner; he stated that he lives near the New Haven Gun Club that provides for none of the regulation. The gun sounds won’t be audible. The quality of the character of these young people who are well instructed are the type of people who go into the military and become police officers. This is a positive outlet.

Melissa Roy, 3 Circle Drive stated that she is opposed to this application for special exception and it should have never been accepted, it clearly violates the 1000 ft. school rule, developed and adopted by the Board of Education deem to be detrimental and is prohibited on school grounds. Attorney Roy provided rulers and maps which were submitted by the applicant and noted that the scale in the lower right hand corner has been altered and the site is actually 500 ft. from school property. This application should be denied with prejudice.

Robert Spencer 27 Pennsylvania Avenue (former address) now Middletown asked to speak.

Attorney Alfred Zullo indicated that discussion should be based on zoning issues; relative to parking and the altered zoning map.

Robert Spencer asked how many of the board ever played army. We were allowed to play paintball at the Trolley Museum and this is a viable sport and the issues are…

Attorney Alfred Zullo interrupted the Mr. Spencer and stated that you do not get to dictate the rules and ask questions.

Jason Blotney, 101 Foxon Road stated that he has lived on Foxon Road for 10 years and this directly affects the traffic and a traffic study should be required. Had Mr. Soto not looked into the activities at the site Mr. Serio would have opened for business June 11, 2016.

Attorney Alfred Zullo stated that Mr. Serio met and gave a similar map to the town engineer.

Mr. White indicated that it is less the 500 ft. to the school property.

Mr. John Serio stated that it is showing more than 1000 ft.

Attorney Alfred Zullo indicated no, it is as the crow flies.

Chairman Cianelli indicated that this application does not meet the 1000 ft. rule.

Mr. John Serio stated that the copying of the map changes the scale.

Attorney Alfred Zullo stated again it is as the crow flies the basis for this application gives us no jurisdiction to hear this; the board has no authority the public hearing will be closed.

Steven Serio stated that he went to town hall and got the first set of maps and we were told we could not use those that we presented the zoning office did not provide us assistance. Then we present a new A-3 map.

Chairman Cianelli stated that we have to follow the statute we have no recourse.

Zoning Official, Christopher Soto stated that the GIS maps have a disclaimer and cannot be use and it is not the job of the town departments to keep maps on file. It is the applicant’s job to have maps made and the actual map was 1-50 and the overlay has been altered at the bottom. Do not put this on me; I am not an engineer it is your responsibility to provide an accurate and complete application.

Chairman Cianelli closed the public hearing.

5 Minute Break

Public hearing #4

The Clerk read aloud the firsts public hearing:

75/83/93 Hemingway Avenue, site plan application for 76 age restricted units and 10,000 sq. ft. of commercial space.

Attorney Timothy Lee 388 Orange Street, New Haven apologized for the not being in attendance at last month’s meeting due to a misunderstanding. The application is for a 76 unit 55+ and a 10,000 sq. ft. medical office building and a smaller commercial building but that use is not permitted in that zone by application. He met with the Zoning Official and the property was approved by special exception in 2002 and is still valid. The site plan has expired by operation of law the new application is for 76 units. We sent the Town Engineer, Kevin White revised plans and he has not reviewed them to date.

Bob Mangiano, engineer for the project displayed a model of the housing and two commercial buildings. He further explained that the front portion will include the two commercial buildings and the back portions will include the 76 housing units with parking underneath, solar energy, with residential characteristics, and 100% green construction. No adverse traffic report completed by Nafis & Young engineers and it meets with the town’s Plan of Development.

Wayne Sandford, Mansfield Grove Road owns the property at 114/116 Hemingway Avenue has concerns about the size of the building it is reminiscent of Four Beaches Condos. To the rear of this property is a flood plain and with the driveways where will all the runoff go it has to go somewhere. Also the increase calls to the East Haven Fire Department will increase to 1.75 per day that’s another 300 calls a year.

Attorney Treffers, who representing the homeowner at 88 Hemingway Avenue stated that this is all very premature because the commercial portion of this application isn’t before you, there still needs to be a zone change.

Chairman Cianelli indicated that currently there are 14 different zones along Hemingway Avenue, this is a big deal we need to consider this as a whole. In addition, the parcel is very low 1.5 above the mean high tide very low and can be severely impacted during a storm because the water will have to go somewhere. We have great concerns for the residential portion with regard to flooding. Anybody can bring an application before the commission but we will have to separate the two.

Mr. Soto indicated that the gentleman who addressed the commission is correct, we will have to research this better and complete a zone change.

Niki Whitehead, 9 Hilton Avenue stated that she was taken by surprise procedurally; this should be two concepts separate the piece for site plan approval and the other should be a zone change on a separate occasion. Other options she thought of were withdrawal as incomplete, denial as incomplete, and keep the hearing open.

The first point the three pieces where not Planned Elderly Facility District that was mistake on the application. The use statement still says an underlying PEFD, this is not the case. The three pieces encompass 2 zones CB-2 and the 2 acre portion RA-1 what happened in 2002-2003, was a text change and zone change through special exception to allow for elderly use to be built. The site includes three different zones the two southern properties are CB zone, half the piece is RA-1, 2 pieces are CB-2 nothing to do with the application. The previous owner came for a special exception no commercial use. Attorney Lee is saying that the special exception stands by regulation 33.61, the regulations say that if you have failed to obtain a zoning application within one year the special exception expires, it has been 13 years. The entire four acres would not comply with the zones and have not met the regulations. The proposed site plan does not allow for sidewalks, the commercial portion and the residential portion of the site plan do not meet the standard of the zones and do not comply, they clearly have a problem. They cannot spread the residential across three zones and to get the maximum use they will have to make the building four stories. The last point they propose to fill the back portion to meet the elevation, they are in the flood zone and would need a Coastal Area Management application, and there will be a problem with storm water. This is mishmash and does not comply with the plan of development.

Chief Sandford stated that moving the back buildings closer to Hemingway Avenue would be safer for those parking their cars it would be safer. Maybe placing the building on columns would be better.

Commissioner Gravino lives almost abutting this property on Vista Drive and it gets flooded during a storm, where will the storm water run-off go. Hemingway Avenue at Rite Aid floods now and you can’t get through there.

Kevin White, Town Engineer stated that he will provide comment to the applicants attorney prior to the September meeting.

Chairman Cianelli stated that the commercial portion is not such a good idea.

Attorney Alfred Zullo asked the applicant what would you have to do get around the zones procedurally, so that we are looking at the correction applications.

Chairman Cianelli stated to Attorney Lee you should withdraw and start new your variances are in place, ask the commission to continue to the September meeting.

The public hear will be continued to the September 7, 2016 meeting.

Respectfully submitted,

Roberta A. DeLuca

Commission Clerk