

Planning and Zoning Commission

The East Haven Planning and Zoning Commission held certain public hearings on Wednesday April 05, 2017 immediately following certain Public Hearings at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

Chairman Cianelli call the meeting to order At 7:00 p.m.

Roll call-5 present (Colangelo, DeMayo, Gravino, Cianelli, Alternate, Rivera) Carbo absent
Staff present- Christopher Soto, Zoning Official, Kevin White, PE, Salvatore Brancati, Director of Economic Development, Alfred Zullo , Assistant Town Attorney.

Public Hearing #1

75, 83, and 93 Hemingway Avenue; application for Special Exception-elderly living/non-assisted living(\$33.19); public hearing remains open from March 23,2017.

Chairman Cianelli recognized Attorney Nicholas Mingione, 388 Orange Avenue, New Haven, CT here on behalf of the applicant. We were awaiting additional comments from the DEEP, from Marci Balint regarding the coastal jurisdiction line was not delineated on the previous plans correctly, we have now changed that and have a 25 ft. buffer zone there will be no activity within the coastal jurisdiction line. Also, we have decreased the project from 76 units to 71 units, adjusted the parking from 189 spaces to 173 spaces. Mr. Mangiano the architect for the project indicated that the dwelling units are all FEMA compliant, as well.

Commissioner DeMayo asked Attorney Mingione how many time is this going to come before the commission and with one more change. We have received numerous plans and every time it's just one change and the plans are dropped off to the Zoning Official the day before the meeting. The Town Engineer received them this morning and hasn't had the opportunity to review them properly in order to comment. These plans are constantly changing.

Attorney Mingione stated that he would like to go forward with the public hearing where a plan is less dense with regard to amount of units and parking and less square footage on the commercial portion. It is a lessening of the project.

Commissioner DeMayo said yes, it's all different.

Chairman Cianelli asked the Town Attorney if we should request an extension.

Attorney Zullo indicated that just because a public hearing is closed doesn't mean we can't receive comments.

Chairman Cianelli stated that his concern if there is any public who has not seen these plans they won't have the opportunity to dissect them.

Attorney Mingione stated that the parking still meets the regulations; the plan is still pretty much the same except for a reduction for the delineation of the coastal jurisdiction.

Bob Mangione, architect for the project stated that this is the final submission with a reduction of 5 units, a 25 ft. buffer zone from the coastal jurisdiction line with one of the buildings 30ft. from the line. We have reduced the scale of the project and he apologized to the commission for receiving the plan so late. The plan has been reduced to meet with DEEP designs and requirements. He further apologized for the late submission of the revised plans.

Jim Galligan, PE, of Nafis and Young Engineering, North Branford, CT described the new plans pointing out the coastal jurisdiction line requested by the state and the wetland line. The entire plan has been reduced as well as moving the driveway so that access is away from the wetlands. The detention system is still in place to meet the one hundred year storm occurrence. All the changes that were made are reductions to the plan no additions.

Town Engineer, Kevin White asked Mr. Galligan if fill was added to the site and if he had the calculations with regard to the volume.

Mr. Galligan stated yes fill was added and he will forward those calculations to the Town Engineer.

Attorney Peter Treifers who represents Mrs. Patel on Hemingway Avenue, opposite the project. He further stated that he was really there so that the public can actually comment on the current plans. We can't comment on these plans until we hear what the town engineer has to say. The area with the Coastal Jurisdiction line is controlled by the state not the town to control flooding.

Chairman Cianelli stated that what is on the plan now is what the State Department of Environmental Protection has required the applicant to change, therefore compliant with the state's requirements.

Attorney Treifers stated that State concerns are with the tidal wetland and what we are concerned with is when it rains the tidal area will flood and go over the road to my client and the abutters.

Commissioner DeMayo asked if his client's property has flooded.

Attorney Treifers indicated no, but has in the road across from her house. The abutting property owner prepared a study with regard to the issue of rainwater and flooding. This will cause a tidal issue and what will happen in 3 years from now.

Chairman Cianelli stated I believe it is complaint with the 100 year storm requirement.

Mr. Brancati stated that they have never been within the tidal wetlands even on the first plan.

Chairman Cianelli stated that he was correct it is an Inland Wetland issue and they are 25 ft. away from the Coastal Jurisdiction line.

Attorney Treifers opinion is that the public should be familiarized with this project.

Commissioner DeMayo stated everyone knows what is going on at this site we've been here about 10 times reviewing and each time improving the plan.

Attorney Treifers stated that his concern is with the tidal wetland line going toward his client's home.

Mr. Galligan stated we are not doing anything within the tidal wetlands we are 25 ft. away.

Kevin White asked Chris Soto if he received a report from someone?

Mr. Soto stated he did from Jacobson date March 1, 2017 and received another report today, he then submitted it to the clerk.

Nikki Whitehead, 9 Hilton Avenue East Haven stated that the attorney is saying that this has been before the commission many times and have had ample opportunity to review the plans. The question to the commission is what plans are you going to vote on? So, you are going to ask your staff to review those plans, correct.

Chairman Cianelli stated Ms. Whitehead is correct, the plans submitted April 5, 2017.

Ms. Whitehead stated those plans that will be reviewed are not a complete submission only a portion of the changes. Those changes are not reflected on all the other plans, which alter those plans. There is not a coherent set of plans. You can't pull in previous submission to make up the gaps. This is what the public should be commenting on a complete submission. So what do you want the public that is present to comment on?

Chairman Cianelli stated you held your comments until now and it is the same plan only less.

So which plan should we comment on?

Chairman Cianelli stated the one that is before us submitted April 5th and you went to Town Hall today to look at it.

Ms. Whitehead stated that she did not go to Town Hall to look at those plans but to review some properties of the Land Trust a 3:00 and Mr. Soto indicated there was a submission today.

Ms. Whitehead stated we, the rest the public, have had no opportunity to verify it is a lessening of the original plan. During the March 23, 2017 meeting Attorney Lee had received comments from

the DEEP that same day gave a summary of notes from those comments stating that there was nothing that can't be addressed. He further stated that with a flippant remark that they would complete the comments to appease Marci Balint of DEEP stating that she was confused made an error in the vertical datum that comment was made by an attorney to this board. It has been verified by your engineers that she was completely correct and that is why you have a new Jurisdiction Line. The second thing is the fill was on the plan from March 2th, that was the first time we saw fill on the plan and when questioned Mr. Galligan and Attorney Lee both stated it's where fill is stored. It is not as simple as that the fill raises the elevation from 6 ft. up to about 10 ft. As an attorney addressing that and saying that it is not an issue and simply saying oh that's where it will be stockpiled is not entirely true. The first time we heard this is when Mr. White asked if they brought in fill and they say yes and Mr. White then asks for the calculations. If you go to the back of the property to where the wetland area is located you have now raised the elevation an additional 4 ft., so you just don't fill it you must retain it in some fashion. I do not see on this plan any retaining wall or any grading plan. The attorneys can't just come in and say this is a lessening of the project to appease the public and commission and move on because at some point this commission is going need to know those answers and won't be able to comment or vote on them.

Commissioner DeMayo stated that Mr. White will receive and has requested that information and we will see it as well even if we close this public hearing.

Ms. Whitehead stated it is not that simple, to say it's a reduction. With a quick look at the plans here and there are discrepancies. The comments came in two different plans on the same day and were different. Examining and reviewing all these plans is an insurmountable task for her and Mr. Soto, we don't know which one to use. To close this public hearing is a denial of my rights to be involved in this public hearing. You can deny this without prejudice and they can submit a complete application or withdraw and resubmit.

Mr. Soto did agree that the plans were just submitted today and do require some general housekeeping. The building size differs from the architect to the engineer's plan and the square footage is pertinent as the basis for the parking ratio requirements which are wrong. The signage is too close to the road and there are new drainage calculations. Parking is an issue. The architect plans still say 74 units.

Mr. Mangiano stated that the parking has been revised and the calculations are correct.

Attorney Mingione stated after conferring with the applicant they are willing to withdrawn and submit one application for the commission and public to review. He further apologized for so many submissions.

Public Hearing closed at 7:55 p.m.

Public Hearing #2

Chairman Cianelli recognized Bob Criscuolo, Criscuolo Engineering, Branford CT explained that the only item left to address is the blasting. We recommend a blasting detail be submitted as to where there is ledge and if it needs to be blasted. The plan is to proceed if it is applicable after a testing program has been completed by getting a feel for the land. We will physically measure by using a backhoe to create a test pit for review by a licensed and insured blaster.

Phil Brooks stated that he is still concerned about the ponding in his yard.

Kevin White, Town Engineer stated the problem there is that the catch basin is sitting too high. Also, nothing in this project will increase the water in the yard and he has a solution and will address it in the near future. Any water actually crests and goes in the opposite direction all of developed area, runoff will go in the opposite direction.

Mr. Brancati asked that any concerns regarding blasting be addressed.

Commissioner DeMayo thanked the applicant for keeping the neighbors involved.

Chairman Cianelli asked about the woman on Sharon Drive who has a sanitary sewer back up when it rains.

Mr. White indicated that he is looking into it.

Public Hearing closed at 8:07 p.m.,

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk