

Planning and Zoning

Public Hearings

The East Haven Planning and Zoning Commission held Certain Public Hearings on Wednesday, June 7, 2017 at 7:00 p.m., at the East Haven Community Center, 91 Taylor Avenue in order to transact the following

Chairman Cianelli called the meeting to order at 7:12 p.m.

Roll call - Present 5 (Cianelli, DeMayo, Gravino, Carbo, and Alternate Rivera) Absent Colangelo

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

Chairman Cianelli recognized Attorney Bernard Pellegrino. Attorney Pellegrino explained that there were two applications on the agenda, the first application goes hand-in-hand with the other application for a Planned Elderly Facility District for properties located on Sperry Lane and Foxon Road. The Town's regulation require that a PEFD be located in underlying residential zones which include R-3 but do not include R-5 we purposely filed both together to change the underlying zone to R-3 from R-5. The second application is to overlay this PEFD District and develop the site in accordance with your regulations. We are trying to be as transparent as possible, that is why we filed the second application is a bit more difficult but it's a good development at the same time.

Chairman Cianelli interjected that the commission requires that both application be presented for every proposed plan.

The area surrounding this site is all R-3 Zone, which would make sense then the entire area would be an R-3 Zone. It would be in conformity with your Plan of Conservation. It would help you to consider and hopefully consider favorably the second application.

Commissioner DeMayo asked Attorney Pellegrino if he could state for the record what is the difference is between an R-3 Zone and the R-5 zone.

Attorney Pellegrino stated that R-3 Zone requires a quarter of an acre and the R-5 Zone requires one acre lots.

Commissioner DeMayo further stated all the surrounding parcels are of a smaller size except for a few that are west of the site.

Chairman Cianelli recognized Steven Haddon, 5 Branhaven Road. Mr. Haddon indicated that he is speaking in opposition of this development as it relates to the Town's Plan of Development and Conservation. There are 20 points in which this development are in direct conflict with the Town's Plan of Development and Conservation. Mr. Haddon further explained he was the chairman of the

commission that created the Plan of Development and it was their intent to protect these unique properties by their zoning designation. The Town of East Haven should have purchased this unique piece of property and not surrender this asset as we did our town beach to condo development and Camp Hubinger to a Housing Development. The plan supports the Town to purchase a unique piece of property in the north end of town along with creating a central campus at the site of the Middle School. This plan is the plan that is in effect currently until a new one is submitted and approved by this Commission. The plan was created with Community input and this is what the community wished should happen, this is a unique piece of property that should be kept as an R-5 Zone. This proposal is not consistent with the plan and does not reflect public comments. This is the last piece of available unique land, north of this is farm land. Public resources contribute to the desirability of the town such as the beach campus. He wanted to point out to the commission that this commission is the single most powerful commission and has more authority than the mayor, more than the council's authority because what you decide can never be changed. If you make a mistake it cannot be changed and it cannot be fixed because once you place these parcels into development for housing they are never coming back in your lifetime. Maybe when the plan of development and conservation was written we should have written it with more authority than suggestion. One of the primary duties of this plan is to protect open space in the environment. The Plan needs to be read cover to cover not piece by piece. There is an entire section of preserving unique properties, which are never a burden always an asset. He further pointed out all the conflicts within the plan as it relates to this Plan of Development. The Plan does mention elderly housing and it goes on further to say that the need for such housing has been satisfied. It goes on to say we should prevent incompatible use and he believes it is an incompatible use. The Plan also states we should protect rural areas that are within the Farm River corridor, where this site is located

Chairman Cianelli interject that what you are telling this commission that you don't want to see anything at this site. You want the town to buy it; you didn't want a paintball facility to go into the site. Mr. Haddon stated that he did not speak against that use. We need senior housing because Messina Drive and Woodview are no longer a hundred percent elderly housing. The obvious response to that is what is to prevent this project from not being senior housing at some point. That is why this document was adopted.

Chairman Cianelli stated that you adopted this plan not this Commission.

Mr. Haddon stated this document was approved by this commission and the final plan was adopted by this commission and legally published on the town's website and on file in Hartford, it is the legal plan. Unfortunately, no one follows this plan. The land use strategy in this plan states there should be no subdivision using a private road. Plan points out what you should do we are not here to usurp your Authority the number one duty of this commission is to protect the housing stock in the town. We are a shoreline town, We have a high assessment and low mill rate we should be in much stronger position. We want people to buy houses this commission should protect the housing stock, not any political party.

Because no one follows the plan of development we get into threats to end compatible land use, this plan point out where the threats are coming from. If any residential housing should occur at this site it should be for low density units. You are only responsible for what is brought before you; the lion's share of this plan does not fall on you it's the responsibility of who is sitting in the *inaudible* office.

Chairman Cianelli stated that the board and I take our duties very seriously because our decision will fall on Mr. Cianelli who further stated he comes from five generations some who are still living here.

Mr. Haddon stated then you should have some empathy for these people in this area. You are not the originators you are the adjudicators it's up to Mr. Brancati and whoever he works for.

Commissioner DeMayo stated that we represent the people out there, we are an appointed board and we are supposed to be your voice. We listen and we balance everything.

Mr. Haddon stated that is heartening.

Commissioner DeMayo Stated he didn't like where you were going with the political comment.

Chairman Cianelli stated that no one from the mayor's office has talked to him about this project. He spoke to his staff which includes Mr. White the town engineer and Christopher Soto who is the zoning official.

Mr. Haddon stated I'm sure that puts everyone at ease because there are other projects going on with this developer. In the land of political quid pro quo I don't want to see another go that way. The remediation for this is that the town should buy that property.

Chairman Cianelli stated that no town is in the position to buy assets it's not something that ever happens ever.

Mr. Haddon stated that the town passed on two rounds of funding for open space we just passed on it, no applications were made and funding was available. You have enough information and opposition for a no vote tonight.

Gennaro Amendola, 7 Branhaven Road, stated that he agrees with Mr. Haddon and is also in opposition of this zone change. He also believes that we should acquire assets close to our schools. He also would like the town to purchase this property and cover any that the applicant incurred. He has great concern that the surface water will increase due to blasting. This will cause increased runoff into the Farm River, which I understand is considered through a federal law "Waters of the United States." He also contacted Susan Shelby who does geosonics(spl?) monitoring who stated that the Fire Marshal should be recording every blast at the site and she further believes wells will be affected by the blasting for his neighbors who abut the buffer zone. In addition, there will be 500 residential units which compute into about a

thousand people 750 cars, will there be any commercial units on the property for its residents. This facility will change this peaceful area of town and this unique piece of property. He said he spoke to the town engineer Jerry who told him there are high voltage wire lines and a very steep vertical elevation at this site.

Louis Pacelli, 107 Foxon Road stated that he lives directly across from the back end of this project and knows the developer and has great respect for him he has done numerous projects in town that were done very well but Mr. DiLungo is a businessman who wants to develop his investment. Just like you Mr. Cianelli four generations of my family have lived in town and my parents gave the right of way to the Girl Scouts in order to access their camp. We are all concerned that this might turn into another quarry. It is the town's responsibility to insure and have a plan for elderly housing. We are closing schools and then turning them over to the town why not have a plan in place to sell these schools for the purpose of creating elderly housing.

Niki Whitehead, 9 Hilton Avenue, handed out some written material to the commission and for the record most of what I'm submitting Mr. Haddon has already covered. She presented the commission with a small zoning map and some information from the plan of conservation which goes together with her comments. Her comments were from the Plan Conservation and she is discussing the large piece on Sperry Lane except for the two pieces in green which are open space and the piece that's colored in beige on the map office Sperry Lane is designated low density residential this is pretty much an unbroken area of low density residential. The other map is an overlay to the town's GIS system it may not be 100% accurate but it's pretty close showing a close up of the half mile section of Route 80 (Foxon Road) and you will see that the R-5 Zone is the dark brown area and where the Sperry Lane property heads down towards Route 80. The lighter brown area within that dark brown area is R-3 Zone and R-3 is ½ acre minimum if you are looking at single family housing whereas the R-5 is a minimum 1 acre for single family homes, which is a significant difference. The important part to note in here with regard to the plan of conservation and development is that that document does recognize that there can be incursions of the R-3 zone within the R-5 Zone What we recognize was where these incursions of the R-3 they had significant open associated with them. The density is considered units per acre it's how it is measured was still consistent with the R-5 standards and it depends on how they R-3 zone is used. You have Branhaven Drive on the east side of this property and Branhaven drive has a significant piece of open space (18 acres) related to was turned over to the town in 1968 as it relates to open space to the development on Branhaven Drive. so in terms of units per acre that is the offset for those homes on Branhaven Drive, which is consistent with R-5. Higher up behind the high school is Mill Pond Heights and they have approximately 24 acres of open space related to that development, which is now part of the East Haven Land Trust. Mill Pond Heights is offset by those 24 Acres of open space. The very beginning of the Plan of Conservation it does say the land use pattern in the Town of East Haven is well established. The plan is consistent with enforcing and utilizing the existing land use pattern provided for appropriate new development. The next page is the land use classifications, which are outlined on the map of conservation and development in beige low density residential is 1 unit per acre so in an R-5

Zone it's 40,000 square feet per acre, it does say what the intent was for this Zone. With regard to the subdivisions that I mentioned it takes care of that requirement as it relates to the requirement of open space. So keep that in mind when you are considering this zone change, because it attorney Pellegrino implied there was just a bunch of R-3 zones around the Sperry Lane property, implying that these lesser zones can be pushed up into the more restrictive zone. R-5 zone Can be preserved all the way down to the Sperry Lane property because the property surrounding that are R- 3 Zone have satisfied the open space requirement and are equivalent to the R-5 Zone standards. With regard to the census tract 1602 it indicates that it should remain low density. Given that we have development before the commission it should be considered with the R-5 standards. There is possible alternative not that I'm in favor of it but perhaps you can have your cake and eat it too. My suggestion would be this if you want to maintain the R-5 standards and the location of Sperry Lane what you have is a location where someone wants to develop in a location where a PEFD is not permitted. You want to skip over all the zones to get to an R-3 so that the PEFD is allowable, we could entertain amending the zoning regulations take the plan elderly facilities District section not just add R-5 into the list but you could establish a portion of that regulation with standards that you could enforce for contemplating development of plan elderly developments. Don't marry these two Parcels by downgrading the zone marry them by accommodating them within the regulations. the reason I say don't put it in the list but create a regulation for PEFDs in an R-5 Zone with its own set of standards, without the R-5 requirement; the density, and lot coverage, etc. It is the whole notion that you design with the land, providing you eliminate steep slopes by definition, avoid significant blasting, significant grading, and to include wooded areas. If you create a new regulation it will also support economic growth. Denying the zone change at least you can recognize there's another way to accomplish this development. This way we're not just saying no you can't we're saying yes you can with specific standards to be follow. So this is my suggestion and it would protect this unique piece of property in this R-5 Zone. I do clearly recommend that you do not downgrade R-5 Zone to an R-3 Zone.

Bob Sand, 501 Thompson Street, Councilman District #5, stated that he is also opposed to the zone change on this property. With regard to the comment that the town does not purchase property we do purchase property we bonded money to buy the Bailey Stockdale property 29 Acres off of Thompson behind Bennett. We should make the man and offer and keep this property as open space and leave it as an R-5 Zone. Six large buildings is detrimental to the vegetation and I'm not in favor of this project and I am opposed to this zone change.

Lori Haddon, 5 Branhaven Road Stated we need the board to care about the people who live in this area. This is a huge complex what's to prevent them from developing the land and back of this. I love this town and I hope that you denied this is zone change.

Attorney Pellegrino said that he is focused on this part of the presentation but please rest assured that he has answers to some of your questions. With regard to the other application we will address those questions in detail. He just wants to address this application. a good part of the discussion that is taking

place in his opinion is irrelevant to this decision tonight. whether or not the town acquired or could have acquired this parcel or what they should acquire in the future period this property is irrelevant it's privately owned it could be developed for residential use as of right as a subdivision. It's not that this board is taking it back or allowing it to be developed he has a right to develop this property today. The fact that it's not preserved as open space does not mean it's not in accordance with your plan of development. Those sentiments while talking about some lands that should be acquired are irrelevant because this is privately owned land. You can't deny this property because you want it maintained as open space that would be a taking. Mr. Haddon is correct there is a nuance of writing a plan of conservation and development they're broad and they're written in general terms a wish list for the future. The good news is this commission reading the plan of conservation on whether it's this application or another application it can go either way, I can read that plan and find numerous places where this application is supported by the plan. it talks about a development for a growing demographic which is the baby boomer bubble Is now moving through the snake and is a glut in this town and in many other towns. So you can read the plan it is up to your interpretation there are sentiments in this plan of development supporting this development. There could be by interpretation points in the plan that's a no that's for you to interpret. It's our interpretation that there are clearly enough points addressed. A standard subdivision on this parcel would be private lots owned by that family and only they are allowed on the property. In this application, and the next application we are actually preserving a good portion of the property for passive recreation and would be willing to do so for the residents there. In section J we have preserved portions of the property although not for public use but would contribute to the environmental quality. So clearly there is enough in the plan of conservation and the zoning scheme with the town in general to support the passage of this zone change.

Chairman Cianelli asked for any further comment and wanted to clarify, whatever happens, if there is an approval this would be the first step in a PEFD. The next time they would come before the commission it would be with detailed plans with regard to how much will go there or how little would be there, but this is only the first step in a multi-step process. There is more to this than just the zone change because it is just part of the application.

Chris Soto stated that the commission did ask staff to get reports from the Fire Department and the Police Department.

Chairman Cianelli read the report from the Fire Marshal into the record, which will be on file in the zoning office.

The Clerk read the report from the Police Department into the record, which will be on file in the zoning office.

Chairman Cianelli recognized Genaro Amendola who state with all due respect to Attorney Pellegrino he finds his remark that what was said here was irrelevant, he finds it very offensive.

Chairman Cianelli stated not to take that comment personal it is a procedural comment is what the attorney means. It is pertinent to the second public hearing not the first public hearing.

Kevin White has no public comments at this time.

Commissioner DeMayo move to close the public hearing.

Commissioner Carbo second the motion.

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

Public Hearing Closed at 8:46 p.m.

Public Hearing #2

100 and 31 Sperry Lane, 161 Foxon Road - Zoning Regulations, Zone Change to Planned Elderly Facilities District (PEFD).

Chairman Cianelli indicated that this public hearing has remained open.

Attorney Pellegrino for the record representing the applicant, he stated that at the last month of meeting there are very pertinent and very relevant questions raised by members of the public and raised by the commission and I'd like to make a response to those questions. The typical questions are I really love but I just don't think it's a good site and they are legitimate questions and there are traffic issues and the questions seem to fall into different categories. We're going to address the questions Mr. Overton civil engineer and myself and Mr. Sullivan who is our traffic engineer, hopefully we will answer all the questions that were raised. Attorney Pellegrino stated his explanations with adding a development sequencing plan; this addresses several questions about a mining project being compared to another site in town. It explains how the development will be done in sequence. This is a very detailed and very thoughtful development sequence. It starts with an introduction that is responsive to a lot of the public's concerns and for the neighbors have legitimate concerns. The development will be owner-operated. The development plan will be orderly sequenced in consideration of the sites topography it will be managed during construction to reduce impact on neighboring properties. The plan is to phase the construction into 3 phases each containing two buildings, they will move into the second phase when one of the buildings is substantially completed in the prior phase. It is a business rationale to phase the development to be considerate to those moving into the new development and for those surrounding neighbors. We outlined pre-development and it will be incorporated into the detailed development plan. Everyone will be clear as to how this construction will take place; the contractors will be clear as to how this will be built. The development can be successfully accomplished if these requirements are fulfilled. We have outlined all the pre-construction requirements, sediment and erosion control, during phase 1 we'll bring a road in and start at the top of the site and start with buildings 1 and 2. Once building 1 is rented we will start on building 2. We would not move into phase two until at least one of those

buildings is substantially complete and the other building is under way. Part of this is to show we are not here for any other reason to develop this property as it's proposed. We are not here to undermine or take rock off-site. The intent is to use that rock on site as much as possible. Phases 2 and 3 there's actually some fill areas and we will use the rock for the internal roadways as well. Phase two will have some stabilization, phase 3 will have some plantings and finishes. I'd like to address the blasting since the last time the blasting expert was here he indicated that a blasting plan should be submitted in advance. Blasting specialist indicated that his requirements might be even more stringent than that of the town's. As for the need for blasting of those 6 buildings only one will require blasting the second one from the top due to the change in the grade at that site is about give or take 30 ft. The distance from the residential houses where they'll be blasting is significant and is a significant factor in eliminating a lot of the vibration from blasting. Blasting can be done to minimize its effects if it's done right.

Dave Sullivan, Traffic Engineer, Milone and MacBroom, he will be addressing the traffic study as well as the parking. He will address the report from the police department. Firstly we did new study with new counts and expanded the study with new morning and afternoon peak hour counts. Second thing we gathered traffic accident data and I have included a summary. The neighbors in the area are correct, they do know the area in which they live between Wheelbarrow Lane and Totoket Road for a three year period there were 80 accidents almost half were at the intersection of Totoket Road. There are a large number of curb cuts in that area and it is a single-lane road. Yes there are more accidents all along this area of Route 80 than any other part of it. We did look at some State information since they do routinely look at their highways and we looked at their slosh list and it did not show up on the state slosh list. The fatality was discussed it was a couple motorcyclist and a car and the information given wasn't very clear, but I believe that the motorcyclist crossed the centerline. The trip generation that was developed for the site was a questioned as to how we do this is there is a manual that we enter information from to get those data points using senior housing points along with census data. The new counts have been increased by 6/10 of a percent each year through the State Office of Planning. We analyzed the driveway and we analyzed it as service "C" into the site level service "A" it won't change any of the service at other locations and none of the levels of service change at Totoket Road either, which is a level service "E." The development of the site is not making the traffic any better but it's definitely not making it any worse. There are some concerns about site line and we beef that up a little bit. For the speeds that are on the road those sight lines exceed the requirements. We updated the parking space plan; the units generate the parking spaces not traffic. There will be stop sign coming out of the site there will not be another signal light. We looked through the parking generation book on average these types of units require is 1.66 is more than required.

Commissioner DeMayo raised the question at the last meeting with regard to parking is it assigned parking and where is the visitor's parking. Is assigned parking or is it a free for all. I will let Darren Overton answer that question but it is my opinion that visitor parking should be assigned and resident parking should not be.

Darren Overton discussed runoff towards the Branhaven neighborhood. He discussed the runoff and the proposed runoff from the maps. He further discussed all four watershed areas and how it moves through the property. We had two neighbors at the last meeting who pointed out the runoff to their homes. The existing pond on site can hold a considerable amount of water and utilized for some water storage. Where the development will be located will drain toward the pond, the area described will no longer drain toward the Branhaven neighborhood. The water in the pond will go into the overflow, which drains toward Route 80 to a couple more storm water drains. We decided to connect those overflows coming out on the access road into the state drainage system. This will require going to the DOT for a couple issues, along with the approach to the site. The drainage system will all have to go to the state DOT. All the drainage will take place on site. There will be a reduction in the water draining to the high school, Branhaven Drive, and where it flows to Route 80 now will be place in a drainage system. We believe we will be reducing the amount of runoff by placing it in a control system then into the state's system. Address the Fire Marshal comments are all reasonable concerns. One of the concerns is regarding water pressure and supply. The Regional Water Authority indicates that there is a large pipe on Route 80 sufficient enough to supply this area with a water pressure 56 PSI. We will place a booster station for the water supply. The parking garages will be a concern, Fire Marshal requests a standpipe system and lock boxes as well. Additional parking spaces, we designed with 1.5 spaces per unit with additional resident parking spaces appropriate we have 767 spaces, which equates to 1.54 per unit. Along the road where it is level an addition 127 spaces gives us a total of 894 spaces get to 1.82 spaces per unit. Consider the road side parking after the site is developed. Regarding the sight line with regard to the contours and height of the buildings that runs along the ridgeline you would not be able to see the building from Branhaven Drive. There will be some visibility of the roof line, which is minimal.

Louis Pacelli, where does the water run now and will I get more.

The watershed area that currently shed towards your property will no longer flow toward your property.

Mr. Overton indicated that the east side of the property will not be developed and it should ease drainage towards your property it no longer will flow in that manner.

Mr. Amendola has concerns with the service road that you're talking about is that near the open space that this service road is going into. Eliminating a lot of the vegetation in that area his concern is the water draining onto his property once the vegetation is disturbed and also with the visibility of the buildings.

Mr. Overton indicated that they will not be infringing on any of the town owned open space, the open space is approximately 300 ft. from the back yards on Branhaven drive and then we have another 50 foot buffer of mature trees. The road entering the site has not changed on the plans they're the same as they

were initially. All we did was highlight the watershed area on this map; the blue area shows that it no longer will drain toward the east it will drain into the pond on site eliminating some of the watershed.

Mr. Amendola asked if the building was going to be lower than the elevation of the road, if not how will the water run down.

Mr. Overton indicated that the building is higher but it will be picked up through the drainage system and there will be a berm around the pond to collect the additional water into the pond and drain through the pipes into the system.

Chairman Cianelli asked Mr. Overton where building one was located.

Commissioner Carbo asked with regard to the pond will you be making that pond any deeper.

Mr. Overton indicated that they will berm off the low side of the pond to allow for the detention storage.

Mr. Haddon stated that his concerns were not so much with water runoff as with the spring activity that affects his yard. Most of the water that accumulates on his property he believes is from spring activity at this site. The water accumulating on my property started upon the construction of the high school.

Mr. Overton indicated that after a discussion with the owner of the property we would be happy to meet with the neighbors on Branhaven Drive and see what the problems are take some pictures and walk the properties.

Niki Whitehead, 9 Hilton Avenue stated we have not seen these graphics or any of the reports that the commission received tonight so it's a little difficult to get into the level of discussion that the commission is in tonight. On a high level it is her firm belief that you are working with the wrong set of standards for this plan. You're using standards that were intended for a true R-1, 2, or 3 that is why they need the zone change. These standards govern the intensity of the development and everything flows from that the coverage, water management, the parking everything. So that the degree to use those standards for this piece of property is wrong, she's not saying that you can't build it but using those standards are incorrect you have to use the appropriate standards because it is R-5 Zone. Less dense and less intense, you are using the wrong standards for this piece of property. You can look at it this way you have 500 units in an R-5 with 50 acres, where the regulations indicate one unit per acre. You have 10 units per acre versus 1 unit per acre there's such a broad disparity here. You can have an elderly facility here with the appropriate standards that meet the regulations.

Attorney Pellegrino indicated that it was questioned how will this remain an elderly facility. The town has control of that by deed restriction.

Attorney Zullo indicated that the applicant has control, unless of course he's willing to deed restrict it.

Attorney Pellegrino agreed they are in control and they are willing to deed restrict it. This is a two-phase approach that will have to come back to you; we went a little bit beyond for the master plan so that it would be beneficial. We understand that there is more work to do but we think what we've proposed for this site is appropriate. The parcel along Route 80 are already zoned R-3. We will have a sign-up sheet so we can get the neighbors numbers so that we could meet with them and see what their concerns are and meet with them. We believe that this plan that we set forth make sense and we hope that you agree and allow us to move on with a detailed development plan.

Chairman Cianelli asked Town Engineer, Kevin White if he had any comments, he declined.

Chairman Cianelli asked Mr. Soto if you had any comments. Mr. Soto indicated that he would put his comment in writing.

Chairman Cianelli stated that we listened to everyone's comments and everything presented before us, and we have done the right thing in the past and we believe we would do the right thing in the future. We have to digest the information that we have.

Commissioner DeMayo said to Ms. Whitehead that some of her comments are very valid, and we are here to make the best decision we can we listen to everyone's comments and consider everything that was proposed to us this evening.

Commissioner Carbo indicated if some of the public came here with the thought in mind that the town would purchase the property it's just not something that we can entertain.

Commissioner DeMayo move to close the public hearing.

Commissioner Carbo second the motion.

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

Public Hearing Closed at 10:05 p.m.

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk