

PLANNING AND ZONING  
Public Hearing

The East Haven Planning and Zoning Commission held a certain Public Hearing Wednesday, October 4, 2017, which commenced at 7:23 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven in order to transact the following:

Chairman Cianelli called the Public Hearing to order at 7:23 p.m.  
Roll Call - 3 Present (DeMayo, Cianelli, and Alternate Carmelo Rivera) Absent - Gravino and Colangelo.  
Staff Present - Christopher Soto, Zoning Official, Town Attorney, Joseph Zullo, and Sal Brancati,  
Director of Administration and Management.

Chairman Cianelli Recognized Attorney Mingione who represent the applicant Cinque Brothers LLC, and we are before the commission today for a modified site plan which was done at the request of the town. It's all said in our statement of use this site has been used for trucking, excavation, storage and it predates the zoning regulations. We have a pre-existing nonconforming use at 509 Laurel Street; this use has been in effect probably going on close to 100 years. The property has been used as a contractor's yard, trucking company, excavation earth removal and crushing. We would just like to continue what has already been done for years and years and years. Again we are doing this at the request of the town to memorialize the uses that have been at the site for years. The applicant is not waiving any rights with regard to the pre-existing use. The applicant Mr. Mauro has been in Construction for about 50 years, he has owned the Cinque Brother property for 10 years and has been working at the site for the past 10 years with the Cinque Brothers placing material on the property and then trucking it out of there. This has been a long-standing use with a lot of history along with the excavation and the crushing at the site. Mr. Mauro would like to continue the same use. Also included is an affidavit from Rosemary Ferraro who is the daughter of one of the original owners John Cinque, she gives a short synopsis of the history of that site back to the 1950s where they use is the same trucking excavating crushing with about a hundred truck in operation bringing material in and out of the site. Included with the information was also Salvatore Ferraro's obituary whereas upon his death he initiated the sale of the site to Mr. Mauro, within the obituary it states that he has been running a trucking company for over 60 years out of that site. He also provided pictures and of its current state and aerials in conjunction with the neighborhood around it, we have a map on file with the town. Depicted on the map is the area where bagged mulch is stored and through the winter and spring and sold throughout the spring and summer to Lowe's and Home Depot. There is more than one hundred foot buffer and it's in vegetative state which exists and there are mature tall trees. To put additional vegetative screening would not grow at the height of the mature trees that are there right now so it does not make sense to plant arborvitaes; it's already a highly vegetative area of nearly Letis Court with 100 foot buffer there.

Tim Hanley, 250 Laurel Street he's lived at this address for 31 years, he has some questions and some history just from the past year. At the beginning of 2017, Mr. Soto the Zoning Official issued a cease and desists to Mr. Mauro for the excavation of sand, gravel and soil. On March 16th the applicant appealed cease and desist at the Zoning Board of Appeals, he ask Mr. Soto if there were any other fines that could have been given to the applicant for any other violations.

Mr. Soto Stated that such a far-reaching question, do you have something in mind?

Mr. Hanley asked if Mr. Soto was aware that they were storing mulch on the site in October and November of the previous year, hundreds of pile of mulch double-stacked. If you went there to issue a cease-and-desist why didn't you address the mulch being stored on the site? And that is why he is here tonight asking for storage on the site, so why didn't you issue a cease-and-desist for the storage. So this was a legal when he did it last year. Attorney Lee requested this be tabled at the zoning board of appeals meeting in April and March. Again in May Attorney Lee advised Mr. Mauro to ask for a continuance. At that same meeting Attorney Alfred Zullo revealed he has a conflict of interest because he has represented Mr. Mauro in the past. Now the time is past and it is now May and Mr. Falcigno the chairman of the Zoning Board of Appeals asked Mr. Soto if work was continuing to take place even though there was a cease-and-desist in place. Mr. Soto's answer was that because it's under appeal the cease-and-desist cannot be enforced, that's a loophole that needs to be corrected. Attorney Zullo reminded them with regard to the 65 day rule. Mr. Henley stated that he just found out what that means and that means that they can wait 65 days before they can make a decision.

Attorney Joseph Zullo when asked if that was correct he indicated no. Under the statute you have 35 days to hold a public hearing and 65 days to close it. They can also have the right to extend it upon their request past 65 days, it's not that you have to wait 65 days to render an opinion it's that you have 65 days to extend that decision.

Mr. Hanley stated that in June the public hearing was still open and they continued it again until July and again remained open. Nothing was ever done about it and in the meantime he is still doing work up at that site. Because there's a loophole and it's under appeal. So in July Attorney Mingione stepped in and asked for public hearing to remain open and stated that they have cleaned up all the violations. In August they close the public hearing and applied for a site plan modification with the Planning and Zoning in September. Mr. Henley is sure they're going to withdraw their appeal because they've done all the work they need to. I'm here tonight because I don't want to see what happened last year in October November with all the trucks going up there.

Chairman Cianelli Stated that you live there for 31 years and you've never seen trucks going up and down there they ran a trucking company out of there.

Mr. Henley said they haven't had a trucking company there 30 years and the chairman differed with him. Right now there is no thru trucks it's impossible to enforce. The 50 foot tractor trailers that were going up and down Laurel Street delivering the mulch we're going up there before 6 in the morning and double stacking the mulch, not to mention that speed limits 25 miles an hour and they exceed that.

Chairman Cianelli Stated we are not here for the traffic that's a whole different board we are here for this modified site plan.

Mr. Henley dated that he's concerned with his quality of life and this site becoming a distribution center. His concern is that they could put anything up there that they want within reason as long as you put it behind the fence. This is my wife's house been in her family for over a hundred years and I've lived there for 31 and for 30 years this site has been inactive. There are few businesses that are active in there a fence company, car repair, we don't want to listen to all this truck traffic on the weekend those are our homes are assets and it devalues are homes by listening to all this truck traffic. I would like the commission to consider denying this.

Archie Foster, 308 Laurel Street stated that Laurel Street has become a superhighway for anyone who wants to speed or whatever there are no sidewalks to walk on and now we have to put up with these trucks. The owner should be utilizing North High Street so we don't have to listen to these trucks going up and down Laurel Street. We also listen to them bang the buckets to remove the rock on Sharon Drive on a Sundays. Now you can work 7 days a week and the town does nothing about it, why? He said he was there since 1971 and it continues to get worse every day.

Chairman Cianelli stated that if you've been there since 1971 that you knew that there was a trucking company there.

Mr. Foster continue to say that there was some trucks going up there but not like there is now. You wouldn't want them coming by your house everyday with those trucks loaded it's not a State road they should be using North High Street. I think you need to look at this situation before you start giving these people what they want; who's going to stop the applicant from bringing whatever he wants to that site what if its contaminated material will never know. You guys are not going to monitor him as to what he's putting on that property.

Tom Farrell 345 Laurel Street Ask how many units were going to be built on Sharon Drive he feels that that will add to the congestion on Laurel Street and he agrees with everything that Mr. Henley stated. He further questioned the correct address of the building zoning official explained to him how the address is plotted.

Debbie Henley indicated that Mr. Mauro is not the owner we think the Brothers still own it.

Attorney Mingione showed Mr. Farrell on the map where number 519 Laurel Street located. He further stated that Mr. Mauro is the owner of Cinque Brothers LLC he is the owner of record. He also wanted to state for the record that change of ownership does not change the pre-existing use.

Attorney Zullo wanted to clarify that his firm did not represent Mr. Mauro in the Cinque Brothers property but in other business dealings of his and or that obvious reason, that's why I can't give you any advice on this issue.

Chairman Cianelli asked the Zoning Official, Christopher Soto if he agrees that this is a pre-existing nonconforming site.

Mr. Soto agreed that is why we are here tonight.

Inaudible due to an outburst from the public and the commission.

Debbie Henley read a letter from Mrs. Lendroth in opposition of the site plan modification.

Debbie Henley also voiced opposition. This activity affects their quality of life.

Mary Conway, 76 McLay Avenue spoke in opposition of the application, also.

Jennifer Sarja, 96 McLay Avenue stated that this is her dream home and is concerned with activity affecting her home.

Attorney Mingione stated that there is no activity anywhere near your property along with a 100 ft. buffer.

Laura Kluth is also concerned with the amount of activity at the site and is in opposition.

Fred Criscuolo spoke in favor of the application and indicated that since Mr. Mauro has owned this property he has cleaned it up, it in much better condition.

Chairman Cianelli indicated to the public that he is bound by the regulations and could only make a decision based on those regulations. He thanked all parties and closed the public hearing.

Respectfully submitted,

Roberta A. DeLuca  
Commission Clerk