

John Parese's Outline

North Haven
Planning & Zoning Commission

August 24, 2021

Public Hearing on Slate School
Applications for Special Permit
and Site Plan Approval

NORTH HAVEN PLANNING & ZONING COMMISSION
PUBLIC HEARING – SPECIAL PERMIT APPLICATION
5100 RIDGE ROAD
AUGUST 24, 2021

- I. Opening remarks
 - A. Re-introduce self, clients and clients' property
 - B. We have come to the point in this public hearing where we – that is, the organized opposition – has an opportunity to refute the “glowing” picture of the proposed Slate Upper School that the applicant has painted. And more to the point, to reiterate the many ways this application fails to satisfy the requirements for a special permit as set forth in the Regulations.
- II. First, we submit that:
 - A. Despite Mr. Hunter's harsh words at the August 2 session of this hearing, the value of my clients' property, as well as the values of the properties of other homeowners in the area will decline if this project is approved. I refer you to John

LoMonte's letter and supporting charts that document the reasons and debunk Hunter's unfounded assertions. Mr. LoMonte is available to respond to questions from the Commission, however I believe his response, addresses all of Hunter's claims and needs no further elaboration. The construction and operation of the proposed school will result in a significant decline in property values in the area.

- B. Traffic engineer, Dan O'Neill, will explain why the increased traffic that will be generated by the proposed school will adversely affect traffic safety on this undersized, country road. He will also speak to Mr. Giulietti's questions about how traffic generated from a small church differs from the projected traffic that will be generated by the proposed high school; and he will point out an inconsistency in the driveway sightline standard applied to 5100 Ridge Road as compared to the standard it applied a few years ago for the Mansfield Road School. In effect, they are playing a shell game (my words – not Mr. O'Neill's), with the safety of the drivers, bicyclists, runners and walkers

who use Ridge Road on a daily basis. And on this point, I respectfully ask you commissioners to draw on your own knowledge of the character of Ridge Road in this area, as you are not merely allowed to do – but actually are required to do.

C. Attorney John Acampora, whose property borders 5100 Ridge Road, will offer his observations about the deficiencies of the proposal and comment on the long-term impacts.

D. Of course, I appreciate that this is neither an election nor a popularity contest – the only votes that count are those of the 5 commissioners who are charged with acting on this application. Nonetheless, we submit that despite the applicant's claims:

1. The majority of the project's *opponents* have lived in the immediate area of the proposed high school for decades; and

2. The majority of the project's *supporters*, including the few who actually do live in the area, have either a vested interest in, or connection with, the Slate School – parents, teachers, administrators, students – and in *at*

least one case – have recently sold their property to the school at a very generous price.

E. We've heard a lot of testimony that – at least in my opinion – is not germane to the issues this Commission must determine to act on the application. It is classic misdirection ...

1. The old lawyer joke goes something like: If the facts are on your side, pound on the facts; if the law is on your side, pound on the law; if neither the facts nor the law are on your side – pound on the table! I suggest we've seen and heard a skillfully crafted version of table-pounding over the course of this public hearing.

- a. My kids love the school ...
- b. We don't use gasoline-powered lawn equipment ...
- c. We're learning about ecology ...
- d. We're going to move to North Haven if you approve the school ...
- e. Mr. de Simone's licensed, professional lawn care service uses chemicals ...

F. For purposes of a special permit application under § 2.1.1.5 (b), does it really matter if Slate School provides a great or a mediocre educational experience? Does it really matter if their proponents live in North Haven or Ann Arbor? Or if the opponents live on Lancelot Drive, North Haven or Hogan Road, Hamden? I respectfully remind you that the issues this Commission must address are set forth in the Regulations: You are to give consideration to the effect of the proposed project on 5 criteria:

1. present and future dwellings in the vicinity,
2. proposed site planning and landscaping,
3. conditions affecting traffic safety,
4. provisions for off-street parking and
5. (the catch-all), other standards provided in these regulations.

III. At this point, I am going to ask Dan O'Neill, to address the traffic safety issues; and then I will come back to elaborate a bit on:

A. The demographics and analysis of the supporters and opponents – referring to the spreadsheets; and

- B. Brian Miller's August 19, 2021 analysis of how the applicant's proposal wantonly disdains the Town's POCD – and more significantly – the Zoning Regulations; and then I ask for a few minutes to sum up by repeating that this proposal asks for a use at this site that is *too* ambitions, *too* intense, and therefore *thoroughly inappropriate* for this less-than-three-acre-lot in this quiet, residential neighborhood ... and of course I will ask you to deny the application for all of those reasons.
- C. Both the supporter/opponent spreadsheets and Miller's letter were also submitted on Friday.
- D. Dan O'Neill, please ...

[O'Neill's Presentation]

[Followed by Acampora's Presentation]

- E. Supporter / opponent demographic analysis.
- I. Once again, this is not a popularity contest, however I do ask that you take a critical look at the applicant's claims of widespread community support. First of all, I do not believe I

we've heard any of the supporters address the zoning and POCD deficiencies of the application – which I will detail shortly; and

2. The spreadsheets spotlight that neighborhood support is minimal – even counting the people who sold their home to Slate School at an apparently inflated price earlier this month. While my clients, the Acamporas, (whose homes border the site) and Dr. & Mrs. Mangi (right across the street) unanimously oppose the application; and virtually all of the other neighbors in the immediate vicinity also oppose the plan.
3. By our count, there are **67** supporters who have a relationship with the Lower School – that is, they have a vested interest in having the high school approved. What IS important is that **77** opponents live within 1-mile of the proposed site, compared to **24** supporters. And I submit to you that the opinions and concerns of the 74 people who live

closest to the proposed site, and who would be most negatively impacted by the high school, should carry more weight than the opinions of the people who have vested interests and/or would not be negatively impacted by the high school.

F. And now to get back to the criteria the Regs require you to consider:

1. I refer to Brian Miller's August 19, 2021 report

[GO THROUGH MILLER'S LETTER
POINT-BY-POINT]

2. Having moved the driveway some 20 feet to the north, I question whether the Town Engineer or Fire Marshal has reviewed turning radii for access by emergency vehicles – can a ladder truck get to the proposed new building?
3. Another thing that I find unusual, and really bothers me, is that the plans show no dimensions for the buildings. I've been doing this a while and I would venture to say I've worked on hundreds of site plans – I expect most of you have seen thousands. When did you ever see one

that did not include building dimensions?
– especially for new construction! I
pointed this out months ago, but we still
do not have dimensions for the buildings.

4. And I want to remind the Commission that just about 4 years ago, when this applicant sought, and obtained, the Commission's approval for the school on Mansfield Road, Mr. Lee emphasized:
 - a. "...the property is about 25-acres. We are utilizing for school purposes about two acres; the remaining portion of the property is going to be undeveloped at this time...." Transcript, 10/02/17, p. 28
 - b. And at the August 7, 2021 hearing, Attorney Hollister told you:
 - "The general principles are that every application is different, every application that comes before you depends on facts, studies, impacts, Every parcel of land and its surroundings is different. That is especially true with uses that you have already classified as special permit uses." Tr., p. 53.

- “So to say that approval of one special permit application implies or binds you to approval of another is just simply inconsistent with the nature of the application and the use. Approving one application does not bind this Commission to grant any other application, even if it’s for the same use in the same zone.” Tr., pp. 53-54.
- “I think you know even without us explaining that an elementary school is a fundamentally different use from anything that might be associated with a college or university; most notably because elementary school students, they don’t drive, they are always under the supervision of parents or administrators or teachers. Zoning regulations routinely differentiate between colleges and universities, **high schools**, elementary schools. Your regulations do and you would too in reviewing any specific application.” Tr., p. 54. (emphasis added).
- “So there is nothing in this application that should give you pause as to some future application, whether by Quinnipiac or any other use.” Tr., p. 55.

Therefore, I suggest that it is entirely appropriate to recall these words – the Slate School on Mansfield was a very different application than the proposed high school on Outer Ridge Road: The site was more than 8 times the size and preserved a lot more open space and screening; the student population was smaller, *and younger*; and your previous approval of that elementary school most definitely provides no precedent for approval of the current application.

IV. Conclusion

- A. I am going to conclude by going back to the beginning – the beginning of the Regulations ...

SECTION 1.1 PURPOSE 1.1.1 For the purpose of promoting the health, safety and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic and other dangers; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; for the purpose of conserving the value of buildings and encouraging

the most appropriate use of land throughout the town:

- B. And I am going back to my own words about this application: ... this proposal asks you to allow a use at this site that is *too* ambitious, *too* intense, and *thoroughly inappropriate* for a less-than-three-acre-lot in this established, residential neighborhood.
1. This proposal underscores the many limitations of trying to pack way too much onto this lot – a lot that can accommodate one or two residences, or a small country church – but way undersized for a high school – as documented in our submissions going back months.
 2. 80% of the lot (which happens to be in an aquifer protection district), is going to be disturbed;
 3. Impervious surface is going to be dramatically increased;
 4. The increased traffic will pose a danger to pedestrians, bicyclists, runners and other motorists;
 5. It doesn't conform to the zoning regulations; and

6. If the POCD, developed by the applicant's engineers and approved by this Commission means *anything* – this proposal ignores almost every goal for this part of town.

I respectfully implore this Commission to deny the special permit / site plan applications before you this evening.

THANK YOU.