

RECEIVED FOR FILING  
DATE 10/19/2020 TIME 3:35PM  
TOWN CLERK'S OFFICE  
EAST HAVEN, CONN  
*Stacy Gravano, CTC*  
TOWN CLERK

## Planning and Zoning Minutes

The East Haven Planning and Zoning Commission held a regular meeting Wednesday, October 6, 2020 at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue, East Haven and via video conference and conference call as noted to conduct the following:

Chairman DeMayo called the meeting to order at 7:27 p.m.

Chairman DeMayo recognized Attorney Segaloff who apologized to the commission for the delay but he requested to withdraw the application.

Attorney Coppola indicated for the record the date of the next meeting is November 4, 2020.

### I. Roll Call

5 Present (Asid, Tarducci, DiSilvestro, Shaul, and DeMayo) A quorum present.

Staff present: Assistant Town Attorney Jennifer Coppola and Jonathan Bodwell, Town Engineer.

### II. Administrative Actions

1. Accept/Approve minutes of September 2, 2020.  
Voice Vote-All in Favor. None opposed. No abstentions.  
Motion carried.

### III. Public Hearings

2. Public Hearing #1: Amendments to Zoning Regulation Changes- (Adoption of entire Zoning Regulations) [The Commission will discuss selection of a special meeting date for continuation of the public hearing.]

Assistant Town Attorney Jennifer Coppola noted that the commission should pick a future special meeting date to discuss the regulations prepared by the consultant to include some revision issues with regard to adult services, PDD amendment, and cottage food operations.

Commissioner Asid moved to postpone the public hearing to a future date.

Commissioner DiSilvestro second the motion.

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

Motion carried.

3. Public Hearing #2: 20-01-Z: 49, 57, and 63 Coe Avenue: Application for a Zone Change:-(R-1 to PDD). Request to create a Planned Development District in accordance with the requirements of Section: 26.2.4.4. Owner/Applicant AG&L Properties, LLC.

Attorney Segaloff requested to withdraw the application after a discussion with the Assistant Town Attorney Coppola due to the incorrect architectural plans submitted to the Planning and Zoning Department and the Commission. As a result, he withdrew without prejudice until the November 4th meeting.

#### IV. Site Plans

4. Site Plan #1: 20-11-S: 912 Foxon Road: Application for Modified Site Plan. Request for food preparation and take-out business for salads, sandwiches, and juice bar. Owner: 912 Foxon, LLC; Applicant Racquel Bryan.

Chairman DeMayo recognized Ms. Bryan owner of Peach's Juices indicated that she has rented a space in a commercial strip near a bus stop for the opportunity to offer healthy food choices where there are none. She will offer soups, sandwiches, salads, and juices.

Chairman DeMayo asked how many parking spaces, is there seating, and what are the hours of operation.

Ms. Bryan indicated that there are some tables to grab a lunch eat and leave, there is no wait staff.

Chairman DeMayo asked if she is preparing food on the premises and is there a stove.

Ms. Bryan indicated she will have a stove but will not be doing a great deal of cooking; it is mostly salads, sandwiches, and juices.

Chairman DeMayo asked how many people could be accommodated in the store.

Ms. Bryan indicated 10 people.

Chairman DeMayo asked how many parking spaces are dedicated to you.

Ms. Bryan indicated 7 parking spaces.

No additional comments.

Chairman DeMayo requested public comment and recognized Sue Deko who asked what's the address of the business and the hours of operation.

Ms. Bryan stated 912 Foxon Road and the hours 8:00 a.m. to 10:00 p.m.

Danielle who lives in the community and had the opportunity to meet Racquel, she is happy to have the availability of healthy food choices and cultural food choices.

Amanda Bryan indicated this gives the public healthy options and juices, which are fresh and easy to grab and go.

Ms. Robinson is a resident of the area who saw the sign and stopped and Racquel let her try some of her juices, she is also from Jamaica and she appreciates the cultural addition of the juice bar and foods.

Chairman DeMayo asked if she is in business at this time because they have mentioned that they have tried your juices.

Ms. Bryan stated she prepares juices from home, but she put out a sign coming soon.

No public opposition.

Commissioner Tarducci asked how long have you been in business and how much of the building will you be occupying.

Ms. Bryan indicated 1 ½ years from home and just 912 Foxon Road someone else rented 910 Foxon Road.

Chairman DeMayo asked if she has a license to sell.

Ms. Bryan indicated she has a food license permit to sell from the health department.

Commissioner Asid indicated that in the application it is noted that you will have 10 employees; they won't all be working at the same time. How many will be working each shift and where will they be parking? You will be getting deliveries and how often? Do you anticipate adding any convenience items or lottery sales?

Ms. Bryan indicated that there will be 4 employees at a time and she has not addressed where they will be parking, she will be getting deliveries, and at this time it will only be the sale of juices, salads, and sandwiches.

Attorney Coppola asked Ms. Bryan to explain to the commission how much seating you plan on having.

Ms. Bryan indicated with Covid-19 she does not know.

Commissioner Asid stated that in your application and in the attached drawing it shows just one little table with 4 seats, which is understandable for someone waiting for service.

Ms. Bryant explained that there are two 8 ft. counter tops and two small tables with 4 chairs on each side of the room.

Commissioner Asid stated if you read your application it states take out only and if you plan on having seating it appears that you are expanding on what you are applying for at this time.

Commissioner Shaul understands that you would let people sit and eat quickly and you have free wifi but trying to expand this won't work because of the parking issue. This is on Foxon Road which is a very busy road and where there is no parking on the street. If 910 Foxon Road is rented then you will have an issue with their parking.

Ms. Bryant indicated that there is a liquor store and laundromat no one is staying longer than 20 minutes.

Chairman DeMayo asked for any further comments, hearing none move to the next application.

5. Site Plan #2: 20-12-S: 591 Main Street: Application Modified Site Plan. Request for smoke shop with sale of cigarettes, tobacco, electronic cigarettes, and accessories. Owner: Coin Superstore, LLC; Applicant: Gamdan Muthana.

Chairman DeMayo recognized the applicant.

Mr. Muthana explained that this was a former coin store on Main Street and it's his intent to open a smoke shop for the sale of cigarettes, tobacco, electronic cigarettes, and accessories. No sale of food, four parking spaces and off street parking, there will be two employees that will be dropped off, open 7 days from 9:00 a.m. to 9:00 p.m.

Commissioner Asid asked if the accessories include rolling papers and lighters.

Commissioner Shaul asked if he would be selling any Hemp products.

Mr. Muthana indicated he will not be selling hemp products; tobacco accessories only.

## V. Deliberation Session

Application #20-01-Z: 49, 57, and 63 Coe Avenue  
Withdrawn

Application #20-11-S: 912 Foxon Road

Chairman DeMayo feels there is a lot of missing information, going from take-out only to having 10-20 people. There is a disconnect within the application and what was presented, we need more clarification.

Commissioner Shaul is concerned with the parking and deliveries on Foxon Road.

Chairman DeMayo stated no mention of refrigeration.

Commissioner Asid stated that the application mentions a refrigerator.

Chairman DeMayo asked about the size of the store, it's small. He appreciates her entrepreneurial aspirations but the application is missing a lot of information.

Commissioner Asid believes the parking will be an issue. If those seven spaces are hers then it will serve her appropriately but with four employees it will cause an issue.

Commissioner DiSilvestro indicated if the spaces in front of the other store can say those spaces are theirs and theirs alone then there will be a parking issue.

Chairman DeMayo is concerned with the unanswered questions and evidence of the food service license.

Commissioner Shaul is also concerned with the East Shore Health's approval.

Attorney Coppola stated that it is part of the application and regulations that all food service businesses need to have health department approvals.

Commissioner DiSilvestro stated he believes we are all in agreement that this is something we would like to have in town but there are some unanswered questions. He believes we asked her some questions that she may not have been ready to answer and should have those answers by the next meeting. Therefore, he moved to table until the November 4th meeting.

Commissioner Shaul second the motion.

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

Tabled

Application #21-12-S: 591 Main Street

Commissioner Tarducci asked if the applicant was in this type of business.

Commissioner DiSilvestro indicated that he is not sure there are four parking spaces but there have been several businesses that have not succeeded at this address.

Commissioner Shaul is concerned if they will be selling marijuana.

Commissioners Asid and Tarducci both indicated the applicant stated he was not and it is a very regulated process.

Commissioner Asid moved to approve the application.

Commissioner Tarducci second the motion.

Roll call vote-All in favor. None opposed. No abstentions.

Motion carried/Approved

Vi. Administrative Approval by Zoning Enforcement Officer

Application #20-10-S: 110 Commerce Street: Application for Modified Site Plan. Request to modify existing site plan dated 9/17/99 and last revised 9/29/99 to conform with as-built site plan dated 2/21/01.

Owner/Applicant: BHD CT Realty LLC/Richard Balik.

Attorney Coppola explained the events that resulted from the sale of this property by the buyer's attorney looking for a letter of compliance. Mr. Soto and Mr. Bodwell inspected the site and approved the site with conditions noted in the file.

Approved Administratively

VII. Discussion of potential Cottage Food Operation Use in residential districts.

Attorney Coppola explained that after a discussion with the Zoning Staff and after some research with regard to a public act create in 2018, for Cottage Food Operation Use licensed by the Department of Consumer Protection as a home occupation for the sale of breads, cakes, confections, granola, vinegars, herbs, etc. Her research included an ordinance from West Hartford to allow by special exception with standards for this type of home occupation. This will be included in the discussion for some changes to the regulations that are still pending approval.

VIII. Executive Session

- A. Discuss the status of the pending litigation of The Bluffs, v. Town of East Haven Planning and Zoning Commission (Docket Nos. NNH-CV18-6079780-S and HHB-CV20-61211108-S), and possible action relating to same.
- B. Consider whether to convene in executive session to discuss the status of the pending litigation of The Bluffs, v. Town of East Haven Planning and Zoning Commission (Docket Nos. NNH-CV18-6079780-S and HHB-CV20-61211108-S).

Commissioner DiSilvestro moved to enter into executive session for the aforementioned items.  
Commissioner Shaul second the motion.

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

The Commission entered into executive session at 8:26 p.m.

Commissioner Asid moved to come out of the executive session at 9:58 p.m.

Commissioner DiSilvestro second the motion.

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

Commissioner Asid moved to adjourn at 9:59 p.m.

Commissioner DiSilvestro second the motion.

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

Respectfully submitted,

Roberta A. DeLuca  
Commission Clerk