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**TOWN OF EAST HAVEN  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE REGULAR MEETING  
MARCH 1, 2023  
IN PERSON AND**

***VIA ZOOM VIDEOCONFERENCING AND CONFERENCE CALL***

Acting Chair, Ms. Marlene Asid, called the regular meeting to order at 7:21 p.m.

**I. Roll Call and Pledge of Allegiance**

The Pledge of Allegiance.

Sotonye Otunba-Payne, Clerk, called the roll for the Commission as follows:

Bob Cubelotti - Present  
John Tarducci - Present  
Louis Fusco (via conference call) - Present  
Al Shaul - Present  
Marlene Asid - Present

There was a quorum.

The following were in attendance:

Joseph Budrow - Zoning Enforcement Officer  
Attorney Jennifer Coppola - Counsel to the Board  
Sotonye Otunba-Payne (via videoconference) - Clerk

**II. Review and Action on Prior Meeting Minutes**

1. Minutes of August 29, 2022 Special Meeting
2. Minutes of October 12, 2022 Special Meeting
3. Minutes of February 1, 2023 Special Meeting
4. Minutes of February 15, 2023 Special Meeting

Ms. Otunba-Payne read this section for the record.

Ms. Asid indicated that she had reviewed the August 29, 2022 and February 1, 2023 Minutes.

Ms. Coppola indicated that the February 1, 2023 minutes needs to be amended regarding testimony given on that day as there were many errors.

Ms. Asid indicated that the only minutes that could be approved was the August 29, 2022 minutes.

Attorney Coppola indicated that the January 4, 2023 minutes were not complete. She indicated that she would resend the other two minutes.

**Mr. Cubelotti motioned to postpone the minutes of October 12, 2022 Special Meeting minutes, February 1, 2023 Special Meeting minutes and the minutes for February 15, 2023 Special Meeting. Said motion as seconded by Mr. Shaul. The motion passed unanimously.**

### **III. Public Hearing**

1. **Application No. 22-07 - on behalf of the East Haven Planning and Zoning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations to complete the draft revision from 2019, proposing some changes, and proposing a new format. [Public Hearing to be left open.]

Ms. Otunba-Payne read this application for the record.

Mr. Budrow indicated that at the last hearing he promised to put the draft on the website. The following day he and Attorney Coppola spoke. There were concerns that what he was going to post was not a red-lined draft meaning it wouldn't show where the changes were. He does not have the software to do that. He was to e-mail Attorney Coppola the 2019 draft and what he drafted. He has been unable to do that. There should be postings on this weekend. The public would have nearly a month to review it.

In addition, the town engineer had not received the parking calculations from him. He has since submitted it to Mr. Bodwell for review. He got comments and questions from Mr. Bodwell on March 1, 2023. They were good ones that he could respond to. There were some cut and paste errors. Mr. Bodwell wondered why his retail and personal service calculations got less extreme. He would look to see where he got the calculations. There were also questions about self-storage. Mr. Budrow indicated he got the language from a town similar to East Haven.

Mr. Bodwell also thought that auto detailing and car washes were high. It appeared to be a typo. All these would be amended by the end of the week, and posted on the website with the draft red-line regulations.

Attorney Coppola indicated her office has the ability to do the red lining using Abode. The public should see what the changes are.

**Mr. Tarducci proposed that they continue the public hearing for Application No.22-07 until the April 5, 2023 meeting. Said motion was seconded by Mr. Cubelotti The motion passed unanimously.**

2. **Application No. 22-15 - Gurukrupa Investments, LLC, 85 Hemingway Avenue.** An application for a Site Plan Modification to approve the existing

conditions at the property.

Ms. Otunba-Payne read this application for the record.

Mr. Budrow stated that he would like to update the Commission before Attorney Tim Lee spoke. There were two things going on. There is the final seal for the building for a Certificate of Occupancy and Use. This was tied to a temporary fire lane. Temporary because over the course of time, a house on the property was supposed to have been removed since 2017. It is still there. Once that house is taken down, there would be some improvements to the southwest part of the property with regards to paving or landscaping. It depends on whether there would ever be commercial buildings on the lot. Once that initiates, there could be improvements to the interior lot that will allow the fire trucks to no longer use the temporary and go in from the street straight in and then have a good turn around the main building.

There now is a temporary paved driveway that goes to the south and then aims to the south end of the building so the fire trucks can go around without being bogged down in mud. The fire marshal indicated that it had already been tested and he is now at a point where he can initial for the CO that will go to the Building Department.

The fire marshal initiates this checklist to get to the Building Department. So, the town engineer will have this checklist tomorrow. Then it will come to him. He would then make sure the taxes are paid and the building, according to him, have already been looked at meaning he has gone around and inside the building.

He does have some conditions he wrote up yesterday. The CO is for the building. The site will have a final certificate of zoning down the road.

Attorney Lee represents the applicant. He was before the Commission at its January meeting. They are asking the Commission to eliminate one of the buildings from the approved site plan so that the town could ultimately issue a strict zoning compliance which would lead to the CO.

At the conclusion of the meeting they decided that they would continue the public hearing to ensure that the applicant paved the emergency access to the building as Mr. Budrow just stated. That happened recently. They are requesting the application of the special permit and a site plan to temporarily eliminate the commercial building from the site plan. At this point in time his client does not have a proposed tenant for the commercial and does not have the resources to spend on the building without a tenant.

They full understand if they identify a tenant in the future, they would have to come back before the Commission with a new application for the approval of that

commercial building. The public hearing was kept open to ensure the paving of the emergency access.

Mr. Budrow indicated that Mr. Al Shaul was not present at one of the meetings. He asked Attorney Lee to give a brief presentation.

Attorney Lee indicated that this application was originally before this Commission in 2017. The application involved three properties on Hemingway Avenue. As part of the development, the applicant proposed a 55 and over apartment complex that has been constructed and currently being occupied subject to a temporary provisional Certificate of Occupancy from the building official. Also, as part of that development the Commission approved a commercial building. At this point in time, the applicant has not identified a tenant for a use for that commercial building that was part of the original approval in 2017.

So, in order to try to get the property into zoning compliance, they decided to submit an amendment to the special permit and site plan to eliminate the commercial building. If the Commission grants the modification to the special permit and site plan, it would eliminate the commercial building from the property. They would then be able to bring the property into zoning compliance.

His clients understands that by eliminating the commercial building, if that's what the Commission chooses to do, if he identifies a tenant in the future, they would be required to submit a new application to amend the special permit and site plan to the Commission, come back before this Commission, discuss that development and hopefully have it approved by the Commission at that point in time.

Just to summarize it, all that's asked of the Commission tonight is to eliminate the commercial building from the site plan so that they can bring the apartment complex into zoning compliance.

Mr. Budrow says they are going with the existing as built conditions.

Ms. Asid asked if the request was to approve the removal the commercial building from the site plan or to approve the whole thing with conditions..

Mr. Budrow indicated that it was to approve the as-built condition there now and the one building, and to take the two buildings off that have been there for five years with this CO only. He had a meeting with the building owners and they were totally fine with it. Should the Commission approve this as-built site plan, there is no active approval anymore to amend. It would be a fresh application should something come down the road.

Mr. Budrow read four conditions as follows: The first condition would be that the owner would correct any building or site-related matters that may cause health and safety concerns in the opinion of town officials. One example is there ia down

sprout which has these little splash pads where they go into gravel. But there is one in the back corner that comes down, curves away from the building and just open flows to the pavement. And there is water sheet flowing on the driveway and it causes potential ice hazards. They would have to rectify that in some way.

The site will be cleaned up in a manner that makes the property look residential. So, the piles will be removed within all exposed areas of dirt. Grass will be planted as soon as feasibly possible and no later than date in the spring, May 1, 2023. Finally, existing house at southwest corner will be removed within six months of the decision date. The removal of this structure is important for the development of the rest of the property.

Mr. Lee indicated that he had no objections to any of the conditions. The current house which was slated for removal on the plans has a tenant which his clients inherited when they purchased the property. He asked for a year to remove the house. They would have to kind of evict the tenants.

Mr. Budrow indicated a year was fine. Nine months out, there would be a letter from the town warning about the removal of the house.

Attorney Coppola indicated that she would like counsel to make the representation that they understand that that structure is to be removed.

Attorney Lee responded by saying, yes, he understood that that is going to be the condition of the Commission, correct.

Attorney Coppola indicated that there had been attempts to get compliance which has been an issue throughout the development of this property from the get-go. She indicated that Attorney Lee make sure his clients understand. She was inclined to think a formal bond is warranted.

Ms. Asid asked if that was what they want.

Attorney Coppola indicated such requests happen occasionally. Considering the amount of time that's passed, it something that the Commission should be concerned about that there has not been compliance.

Mr. Budrow asked Attorney Lee if he was okay with the town engineer to establish a bond amount for the installation of a bond based on his calculations for bond installation.

Attorney Lee replied by saying that the town could not bond for that. Also, he didn't think the town could bond for removal of the house. If his clients do not remove the house, a zoning enforcement action could be filed against the owners and they could be fined. Under amendment to the state statutes, the town is not

permitted to bond for those types of things. That being said, he understood the Commission's desire to get rid the house. That has been made loud and clear. There is a very strong understanding about the removal of the structure. He also understand the town's desire to make sure that they get the lawn seeded. If there is a way to do that, they are happy to do that.

Attorney Coppola indicated it was up to the Commission.

Ms. Asid indicated that this matter has been before the Commission since 2017. All this time the owners knew the structure had to come down. If they had tenants in there, the tenants should have been notified.

Attorney Coppola indicated that if Attorney Lee has evidence to offer the Commission that there are efforts to remove the tenant at a future meeting, that is fine. She does not want to be unfair, but at some point one has to say enough is enough.

Attorney Lee indicated that he had no factual information to offer the Commission. He was not aware that there was a structure on the property till he received an e-mail from the town planner this afternoon. He does not know what steps his client had taken to remove the tenant from the property. He knows what the process is in the future to remove a tenant. And that process could take anywhere from three months to nine months depending on what the tenant does. This is the reason why he had suggested a year just to give them a little extra cushion.

Ms. Asid replied by saying maybe that's the problem. Attorney Lee should familiarize himself with what his clients had done to get the tenant out of the building. This has been going on since 2017. They knew the house should have been down since then. The Commission needs to be firm. She was unsure if they would make a decision that night.

Mr. Budrow indicated they would run out of time.

Attorney Lee indicated he could grant an extension if the Commission was so inclined, to continue the public hearing. Mr. Budrow was indicating that there had been a couple of extensions already.

Attorney Coppola suggested this be passed for Attorney Lee to call his clients.

Attorney Lee indicated that the issue is how much time would be required to get rid of the tenant. The other question what assurances or what stake could the Commission hold over his clients' heads to make sure that that happens.

Attorney Coppola said yes.

Attorney Lee indicated that at this point in time they had not begun eviction. It's a month-to-month tenant. The evictions process would take roughly six months, give or take. If the Commission were to impose a condition that it be removed in six months or as long as there is the opportunity to report back to Attorney Coppola or Mr. Budrow the status of the eviction in case something happens that slows the process down, and outside of their control, His clients would be told to initiate the eviction process ASAP.

Mr. Budrow indicated that the hearing began in January. It went to February. Mr. Lee did an extension of time to tonight. So, there is plenty of time to get us to April 5<sup>th</sup>. Attorney Lee agreed.

Mr. Tarducci stated that an extension was fine. There needs to be some sort of bond. They would like to bring it to conclusion and move on.

Attorney Coppola indicated that Attorney Lee was looking for six months to evict and the opportunity to return to the Commission for an extension if needed.

Mr. Cubelotti indicated this has been going on for a while. Six months from now if the house is still there, the Commission would be left with noncompliance of a condition of approval.

Mr. Tarducci asked if the the Commission could put some teeth in there by requesting a bond.

Attorney Lee indicated he understood that the Commission wants this structure taken down. However, he did not think that the town could bond for it under the state statutes. He did not think the Commission had the authority under the state statute to bond for it. And as a practical matter, he did not know what a bond would do for the Commission because a bond will not help evict the tenant. His point is that the bond is a difficult mechanism to achieve what the Commission wants to achieve. He is happy to work with the Commission to achieve the removal of the structure. His only point is the bond is not the right mechanism to ensure eviction

Attorney Lee further stated that he would consent to the extension of the public hearing. He could work with Attorney Coppola and Mr. Budrow in order to try to figure out a mechanism that would ensure that the tenant is gone. Also, if the Commission wanted to vote tonight, they could vote tonight.

After discussions it was decided that the public hearing regarding this application would be extended.

Ms. Asid called for public comments for or against this application. There were none.

Attorney Coppola indicated that the Commission would be extending the public hearing to its Regular Meeting on Wednesday, April 5<sup>th</sup>, 2023.

**Mr. Tarducci motioned to move to extend the public hearing for Application No.22-15, Gurukrupa Investments, LLC, 85 Hemingway Avenue to April 5, 2023. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

3. **Application No. 22-18** - A Petition for a Text Amendment to the East Haven Zoning Regulations on behalf of the Planning and Zoning Commission to adopt a new zoning district, “Adult Use Cannabis Retail District,” as Section 11.9 of the Regulations for retail and hybrid retail cannabis establishments.

Ms. Otunba-Payne read this application for the record.

Mr. Budrow indicated at the last meeting the Commission received the draft for the first time. The Commission, hopefully, has had time to digest it. Since then he and Attorney Coppola have had questions about it. They believe there is some molding still to be done. The Commission will see the changes in this draft.

Attorney Coppola stated that there was not much. They do want to hear the public comments. Mr. Budrow did ask that they add the definition of “person” at 11.9.2 which is the definition in the statutes. In terms of standards, Mr. Budrow thought there needed to be a clarification at 11.9.3.2 which is the “Uses Permitted, Limit and Governing Law. The non-cannabis establishment uses would still be allowed. It would be a permitted use in the underlying commercial district and are also allowed in the cannabis district that’s being established. And then the bulk standards and other regulations applicable in the underlying commercial district will be complied with by both existing and proposed non-cannabis establishment uses ... Other changes were suggested.

Ms. Asid called for public comments.

Attorney Rod Ferrell, Cohen & Acampora, stated he had a comment to make regarding the proximity to other uses, 11.9.3.3, where it indicates 750 feet of another cannabis retailer or hybrid retailer ... near a school ... a park. He wondered if the Commission would consider removing that. He was not quite sure of what the public policy reason to have a cannabis retailer or facility near a package store. All the other things to him make sense.

Attorney Coppola responded by saying that they had discussed this. There were some concerns potentially just with regard to traffic. It is up to the Commission. It can make it difficult to identify properties that may be pursuant to other eligibility requirements that may qualify. The Commission should take it under advisement.

Attorney Ferrell indicated that was all he had and thanked the Commission.

Mr. Ronald Fasano, North Haven, began by indicating he was not here in any capacity other than as a resident. He grew up in this town. He served a state senator for 18 years. He's done zoning in this town since 1988 in one capacity or another. He had served as legal counsel for this town. He knows this town pretty well.

Over the years in planning and zoning he had turned down projects that he felt, although it would pay the bills, was not something the Town of East Haven needed. So, he kind of felt obligated to speak out on something that he spoke very strongly against in Hartford and that is the cannabis legalization.

This bill had been around for seven or eight years before it became law. The first time it came out everyone said, forget it, it's never going to happen. To keep at it and find out how to appease every interest that's against something, you get something fast.

If one looks at this bill, in his view, it has nothing to do with public policy. Zero. Look at the bill that was passed in Hartford. You've got money to the state, three million dollars just for the license. You've got tax to the State of Connecticut. To entice the municipalities, we are going to throw you some money too. We are going to throw you a percentage of the taxes. That wasn't enough. To get the inner city legislatures to vote for it, they had to repeal of all sorts of criminal legislation. They had to get rid of convictions on marijuana possession. They had to raise the possession of marijuana to misdemeanors.

If I am a cop, and you are driving a car, and I pull you over for a taillight and I smell alcohol, that's probable cause for me to give you a sobriety test. Under this bill, if I pull you over for the taillight and it smells of marijuana, no probable cause. So, if you are going to go out drinking, put a lit joint in your car because they cannot do a test because that is against this bill.

Let's look at the other things about it. The home growers say they don't care about the bill because who cares. We don't care about the money. We just want to grow a couple of plants in our yard. That's how this thing began. The medical marijuana people said, I invested tons of money in security, fencing, buildings, I want my piece. They said, okay, we'll include you. The inner city people said, I want criminal justice for the court and I want social equity. Okay, we'll include you. The state said if we are the biggest drug dealer in the State of Connecticut, because we are, we are going to license who is going to do it and we are going to license what territory you should have and we are going to collect.

We are the biggest drug dealers in Connecticut, we are going to take off the top. Everyone said take what you like because this is lucrative. And then we said, well, how are going to get the municipalities to follow. Well, let's give them a piece. This is not about public health, clearly.

He has a daughter in New York City on the West Side. You smell marijuana every place. Mayor Adams had a press conference. He stopped in Time Square. He is trying to get rid of weed in Time Square now. If you walk down New York City, that's what you smell. It's disgusting. It's not for public health. It's certainly not for the welfare of the residents. No one would argue it's a good thing. How do we know it's not a good thing?

The Commission is allowing people to do this. On the very edge of the town as close as you can to are New Haven, Frontage Road and Foxon. You can't go any farther without going into someone else's city because you know this is not a good thing. You don't want it on Hemingway Avenue. You don't want it on Main Street. You don't want it in these areas because it's not something you are going to be proud of. So, why do it? For \$300,000 potentially? That's not even a .00 percent of the budget. It's nothing.

We have an obligation for public health, safety and welfare. That's our obligation. If you are sitting here on the Board, that is what you are supposed to be looking at. This has nothing to do with public health, safety and welfare. He would argue, it's counter to public health, safety and welfare.

Let me throw another fact at you. Reality and theory. Theory is we are going to have legalized marijuana and, therefore people, are going to buy legalized marijuana. Legalized marijuana is very, very expensive. They predict in Connecticut it's \$333 per ounce. Street value on the high side, it's \$20 per gram. And there's 28.35 grams an ounce. So, you put that altogether, you could buy a heck of a lot of street marijuana cheap than pay all the different prices you have to pay when you buy in the store. You don't have to use your whole paycheck.

East Haven is one of those towns that they would look to put a place in quicker because of the town's economics, because of the employment and factors just like that. He does not understand why a distress to this town, if you would, is a desirable place that you want to put a marijuana place. The point being is that it's a lot more expensive to buy.

Now what comes with it, safety. He agreed with the Commission. When you buy it at a retail facility, it is probably going to be safe as opposed to the street where the Fentanyl may be get into it because it's cheaper grade to give it the kick. This is why kids are drawn to it. What we are going to do is to tell people it is legal if you buy it from the store. People who can't afford it, are going to buy it on the street corner. But the police cannot stop people purchasing the marijuana. Why? It's not probable cause. That's what the law says. They wrote that purposely.

Yesterday or the day before that a smokehouse, where they smoke cigars, was raided because they were selling candy laced with marijuana illegally. I will tell you I don't know the difference. He almost, almost went to go buy a brownie from a

bakery and the brownie was from a place up in Branford. You are supposed to be able to pick one without marijuana. You cannot tell. This is what we are going to be faced with in East Haven. We might have a drug problem. If we say no to this regulation, are we going to stop this? No.

The truth is that legislatures watch what they do. They want to see what they've done and how far it gets. And if they see every town has said, yes, we are okay with this. They are going to say we did well. See, we could buy off farmers. We could buy off welfare. We can get people to swallow anything.

We can say we are not going to do it. If other towns want to do it, it's on them.

He tried to get a fresh list of how many towns have agreed to do it. He does not know how updated it is. It has the fall of 2022 but he did not know what happened in between. He did not want to talk about this because he did not know enough about it. Someone could find out and report back.

There is a bill up there now that came up a year ago to make mushrooms which is a highly hallucinogenic drug. People laughed about it when that bill came in. Don't laugh because there are more sponsors on this bill this year than there were last year and the year before that. That's how it happens. You are endorsing these ideas. You have raised the concept. You capitulated what they want to do.

He thought people have to take a stand. The Commission is acting as a legislature. When you write regulations, you are legislatures. That's what the Commission is. The book doesn't matter anymore. You guys get to decide what zoning was as a legislative person. That's what you decide. We have to look at the welfare of the town and determine if this the right thing for this town.

He wasn't going to say anything but it's something he's dealt with for a long time. He thanked the Commission for their time.

Ms. Nicole Mason indicated she is the current chair for the East Haven Wellness Alliance and she is the prevention specialist for the Alliance for Prevention and Wellness which is the regional behavioral criminal prevention organization for the Town of East Haven. She has been running the East Haven Wellness for over a year now. And she was speaking tonight because she has concerns regarding the potential opening of a marijuana retail establishment in town.

Things she has been seeing is that they are not receiving any town support for its prevention. Our social services and community providers are at capacity. They are inundated with all the community needs. We have no prevention education programs. Ours is a small community-based mission. There are funding opportunities that we can't pursue because there are no institutions in town that can support us.

She is saying all this to say if a retail shop is opened in town, her fear is the consequences and the outcomes that it will have on the community of East Haven like increasing positive messaging and promotion that marijuana isn't harmful which we know it is. And their coalition focuses on reducing youth substance use, particularly vaping. And they get a lot of reports from first responders and social services providers that marijuana is their biggest concern for youth right now, and that they are seeing parents that are using marijuana in front of their young kids.

And all this again, just to say that I would urge the committee to think about what prevention efforts do we have in town to protect our young people or protect our families from ongoing and increasing marijuana use especially when the town is in favor of marijuana, the positive acceptance of marijuana use and how that would impact our youth and families. She has written testimony as well that she would like to provide. It has some resources and some more detail.

She urged the committee that before a formal decision is made, to consider what prevention policies and programs and protections the town has in place because if the Commission is going to support increased access of marijuana to the community, there also has to be support preventing addiction for the youth and families. \

Attorney Coppola asked if Ms. Mason said she was associated with East Haven Alliance and one other organization. She could not have heard her.

Ms. Mason indicated that it was the East Haven Wellness Alliance. The other organization she mentions is called the Alliance for Prevention and Wellness. It is called a regional behavioral health action organization that is defined by the Department of Mental Health and Addiction Services. So, she oversees the prevention efforts for 36 towns. East Haven falls under her area.

Ms. Asid called for comments for or against the regulation. There were none.

Mr. Budrow indicated Mr. Fasano mentioned health, safety and welfare. In the regulations in Section 1 it says this commission looks to promote health, safety and welfare of the town. But that's within the purpose regulation which ties the Plan of Conservation and Development to the zoning regulations.

Mr. Budrow further stated that this should go to Commission's April 5, 2023 meeting.

Ms. Asid indicated that the moratorium ends at the end of this month.

Mr. Budrow indicated he would write a report where he is going to look at the Plan of Conservation and Development to see if there is anything that connects the POCD to something like this regulation.

Ms. Asid asked if this regulation is approved and the town gets revenue from this, where the revenue would go, what it could be used for and if it could be used for something like prevention.

Mr. Budrow indicated it would be three percent of the ten percent of the tax on the sales. There are four areas where the funds could go.

Mr. Tarducci asked if there were specific areas. Mr. Budrow replied that it was very specific.

Attorney Coppola indicated that 37 municipalities have approved some form of cannabis establishment use. There are 35 municipalities that still have a moratorium in place. There are 18 that have passed prohibition. Those are the current numbers.

Mr. Tarducci indicated there had been discussions about Section 11.8.3.3, Proximity to Other Use. There is a 750-foot distance, He would like to see that changed to multi-family dwelling. The measurement in between locations, 750 feet.

Mr. Budrow replied by saying that is the same language. It is too late now. If approved, this could be changed. That process leaves a lot a desired. It is in there like that to be consistent with the alcohol and beverage language. He is in favor of property line to property line now.

Mr. Fusco said he is listening to everything. He is good the way it is now. He is ready to vote yes but they are not there yet.

Attorney Coppola replied by saying that the municipal use of funds could be used for the following purposes: Streetscape improvements and neighborhood developments in communities where cannabis retailers, hybrid retailers, or micro-cultivators are located; education programs or youth employment and training programs in the municipality; community services for individuals in the municipalities who were released Department of Corrections custody, probation or parole; or mental health and addiction services; youth service bureaus and municipal juvenile review board; and community civic engagement efforts.

Ms. Asid indicated the sort of youth education programs could be specific.

Mr. Tarducci wanted to know what the three percent entailed. He wondered if it was three percent of gross sales or what it was.

Attorney Coppola replied by saying that it as an additional sales tax. It is three percent on top and in addition to the 6.35 state sales tax. There is another tax that is based on the list of products.

Mr. Tarducci asked about the potential 300,000 sales revenue. Attorney Coppola indicated that that was a 10-year projection. Mr. Tarducci then said it was more like \$30,000 per year.

Attorney Coppola indicated that she had some concerns about documents for the March 15, 2023 special meeting. There necessarily has to be postings of these documents that the public could review. Mr. Tarducci had mentioned changes he would like to see. There had been a proposal through Attorney Ferrell as well that they remove a separation distance from liquor outlets. She asked for the Commission's thoughts on that. Traffic has been a consideration for the distance. A traffic report could be requested as part of the application process.

Mr. Shaul indicated he had no input because he did not agree with the program. So, distances do not matter to him.

Attorney Coppola reiterated that Mr. Shaul does not support cannabis as a permitted use. Mr. Shaul replied, yes.

Attorney Coppola stated that if the Commission felt it needed more time to make a decision, the moratorium could be extended.

Following discussions, it was decided that this application would be continued to March 15, 2023.

**Mr. Cubelotti motioned to extend the public hearing for Application 22-18 to the March 15, 2023 Special Meeting. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

#### **IV. Site Plan**

1. **Application No. 23-02 - On behalf of the Silver Lining Development, LLC/Karl Muller, 495 Short Beach Road.** An application for a Site Plan Review to construct a 4-story self-storage facility with site improvements [Request to continue to April 5, 2023 regular meeting.]

Ms. Otunba-Payne read this application for the record.

Attorney Coppola indicated that she noticed that some folks were using the Chat feature of Zoom to communicate. They do not monitor the chats during the meeting. The Commission is not privy to those chats. They are not part of the record.

Mr. Budrow indicated that their CAM application had not been submitted to the town engineer. Attorney Pellegrino did request in writing that this be continued to April 5<sup>th</sup>, 2023.

**Mr. Tarducci moved to extend Application No. 23-02 to the April 5<sup>th</sup>, 2023 meeting. Said motion was seconded by Mr. Shaul seconded. The motion passed unanimously.**

**V. New Applications**

1. **Application No. 22-04 - On behalf of Hilaris Martinez, 75 Frontage Road, Unit 15.** An application for a Site Plan Review to locate a café/restaurant use with a commercial space at 75 Frontage Road.

Ms. Otunba-Payne read this application for the record.

Ms. Hilaris Martinez indicated she is not a resident of East Haven. She lives in West Haven. She is looking to put a restaurant at 55 Frontage Road. It's the Home Depot complex. Her husband wants to put a Latin American bar/restaurant in one of the spaces. They currently have a bar/restaurant already in Bridgeport with the same theme. It will be take-out only. They want to have some tables and chairs. They want to have live music, if possible.

Mr. Tarducci asked how long she had been there. Ms. Martinez replied, a little bit over a year.

Ms. Asid said this was an impressive plan. She asked about hours of operation. She said she was trying to look it up. Ms. Martinez added that it used to be karate studio. Ms. Asid indicated that they had some work to do with the space.

Mr. Budrow asked Ms. Martinez to indicate where her restaurant would be. Ms. Martinez replied by saying it would be between the barbershop and the hair salon.

Mr. Tarducci asked if they had experience in the restaurant business. Ms. Martinez indicated that he husband had a restaurant in New Haven on Grand Avenue. And also a restaurant in Fair Haven on Ferry Street. One was called Aztec Café. The other one was Lata Patia

Ms. Asid asked if they had a liquor license in Bridgeport. Ms. Martinez replied that they do. Ms. Asid indicated they would have to apply for a liquor permit for this new restaurant. Ms. Martinez indicated they would.

Ms. Asid asked about the capacity. Ms. Martinez said they are looking at about 70 people right now. Ms. Asid said that's including dining and they also want some dancing. Ms. Martinez replied by saying yes. The space is not very big. She is not looking to do like a nightclub. People will come have a meal, have some beer and have a good time.

Mr. Tarducci asked if it was 15. Ms. Martinez indicated that it was Unit 5. The address is 15-65, Unit 5.

Ms. Budrow indicated that when you click on the parcel, it's 75 Frontage Road. All the units have numbers. That is what she is referring to. He had been asked if this had been referred to other town offices.

Attorney Coppola said this application needs to go to other department. It has to be continued for that purpose.

Mr. Cubelotti asked about the capacity for the space.

Mr. Budrow says he would notify the fire marshal. It was an error not referring this to him because he thought the space was small. The fire marshal has calculations based on conditions and square footage. We have to get his numbers and his thoughts.

Ms. Asid said it looks like there is a lot of work to do in there. They can see what their floor plan looks like. It is nice. She didn't realize there was nothing in there.

Mr. Budrow indicated that this application would have to be continued.

Mr. Tarducci asked if she and her husband have liquor permits in Bridgeport. Ms. Martinez indicated that they do. She knows the process which is why she came first to zoning before pursuing other licenses.

Mr. Budrow indicated he would keep her in the loop. She will always know the status of her application.

Ms. Asid explained that it would need to be postponed until next month.

**Mr. Cubelotti motioned to continue Application No. 23-04 to April 5, 2023 pending more information. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.**

2. **Application No. 23-05 - On behalf of Vigliotti Construction Co., 71 South Shore Drive.** An application for a Special Exception to construct a 4-story apartment a building containing 72 apartments and site improvements. [To be scheduled for a public hearing.]
3. **Application No. 23-06 - On behalf of Vigliotti Construction Co., 71 South Shore Drive.** An application for a Coastal Area Management Site Plan Review to construct a 4-story apartment a building containing 72 apartments and site improvements on a property within the Coastal Area.[To be scheduled for a public hearing.]

Ms. Otunba-Payne read both applications into the record.

Attorney Coppola indicated that both should not taken at the same time. There should be separate public hearing for each application.

**Mr. Tarducci motioned that Application No. 23-05 be scheduled for a public hearing for the April 5, 2025 meeting. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

**Mr. Tarducci moved that Application No. 23-06 be scheduled for a public hearing on April 5, 2023. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

## **V. Deliberation Session.**

1. Discussion and possible decision on **Application No. 22-15 - Gurukrupa Investments, LLC, 85 Hemingway Avenue.**
2. Discussion and possible decision on **Application No. 22-18 - on behalf of the East Haven Planning and Zoning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations on behalf of the Planning and Zoning Commission to adopt a new zoning district, “Adult Use Cannabis Retail District,” as Section 11.9 of the Regulations for retail and hybrid retail cannabis establishments.
3. Discussion and possible decision on **Application No. 23-02 - on behalf of the Silver Lining Development, LLC/Karl Muller, 495 Short Beach Road.**
4. Discussion and possible decision on **Application No. 22-04 - on behalf of Hilaris Martinez, 75 Frontage Road, Unit 15.** An application for a Site Plan Review to locate a café/restaurant use with a commercial space at 75 Frontage Road.

## **VII. Other Business**

1. Discussion regarding a potential text amendment to establish a Moratorium on multi-family housing development projects.

Ms. Otunba-Payne read this application for the record.

Attorney Coppola indicated she requested that this be added to the agenda. At the February 15, 2023 meeting the Site Plan for The Bluffs was approved which is going to be 378 housing units. There is also the Stipulated Judgment for the Autumn View. This is another 69 units. You have just scheduled a public hearing

for the South Shore proposal. There are a lot of multi-family development projects in the immediate future.

Attorney Coppola indicated there is a concern that there are so many units. There is the affordable housing requirement. She is not suggesting a long moratorium. She would like the Commission to do a six-month moratorium because she does have recommendations for the Commission as far as the regulations are concerned. She has been thinking about the affordable housing plan. She would like to see what other towns are doing. She would get some information for the Commission.

She has a report she would like to share with the Commission about affordable housing plan. She is very proud of the town's plans, It's a real plan with real strategies in it that the Commission could do something with.

Mr. Tarducci commented by saying that it is kind of an unfortunate position that we are in as a town. Let me change my hat to an economic developer. The only growth that we are see in town is available industrial land or commercial land without going through some gap in their use which is another consideration. He will not say that he is opposed to a moratorium, but he would prefer to set this aside to accomplish the required goal which of 10 percent.

Attorney Coppola indicated the moratorium would be in place to give the Commission time. This is why she said six months. She asked if anyone would like to see a moratorium and that she could draft it and state the reasons for it. This is to authorize she and Scott to a prepare text amendment for the Commission's consideration. This will be done at the April 5<sup>th</sup> meeting. Obviously, there are going to be exceptions for pending applications and approvals.

**Mr. Cubelotti motioned to have counsel and Scott draft a text amendment for a moratorium. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

### **VIII. Adjournment**

Mr. Cubelotti motion to adjourn. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

The next Special Meeting is on March 15, 2023.

The next Regular Meeting is on April 5, 2023.

The Commission adjourned at 9:26 p.m.

Respectfully submitted,

Sotonye Otunba-Payne