

TOWN OF EAST HAVEN
PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING


TOWN CLERK

MARCH 2, 2022

HELD VIA ZOOM VIDEOCONFERENCE, CONFERENCE CALL
AND IN PERSON

Chairman William DeMayo called the regular meeting to order at 7:01 p.m.

I. Roll Call and Pledge of Allegiance

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

Marlene Asid (via conference call)- Present
William DeMayo (via conference call) - Present
John Tarducci - Present
Robert Cubelotti - Present
Louis Fusco – Alternate, Present, sitting

There was a quorum.

The following were in attendance:

Mr. Jonathan Bodwell - Town Engineer
Joseph Budrow - Zoning Enforcement Officer
Attorney Jennifer Coppola - Counsel to the Board

The Pledge of Allegiance.

Mr. DeMayo called for a moment of silence for the people in Ukraine.

II. Review and Action on Prior Meeting Minutes

1. Minutes of the January 5, 2022 Regular Meeting.

The minutes will be voted on at the Commission's next regular meeting.

III. Public Hearings

1. No public hearings scheduled.

IV. New Applications

1. **Application No. 22-01 - Neil Saulino, 280 Foxon Road.** An application for a Site Plan Review requesting the location of 26 new parking spaces.

Mr. Saulino indicated that he is the owner of John & Maria's Pizzeria Restaurant on Foxon Road. He was before the Commission requesting 26 new parking spaces.

Mr. Budrow indicated Mr. Saulino had been before the Inland Wetland Commission because of his proposed activity was within 50 feet of inland wetlands. And he was approved for his concept plan that was before this commission.

Mr. DeMayo asked Mr. Saulino to indicate why he needed the 26 new parking spaces.

Mr. Saulino indicated that he needed this for two reasons, entering from Route 80 and exiting the rear of the building. There is a half-acre parcel. He is just clearing it out. He wants to do this mostly for employees and overflow parking and then exiting out.

Mr. DeMayo inquired about the type of construction that would be done and what types of materials would be used

Mr. Saulino replied by saying that he thought it would be six inch minus and process on top. They will be using just processed stone with a swell for waterflow when it rains heavily.

Mr. DeMayo asked if he was going any drains to divert water when it overflows.

Mr. Saulino replied by saying no. There is a two-foot pitch already. It's actually an old, existing railroad trolley. It is obviously overgrown. So, there was a road there 100 years ago. There will be no structure built, just more clearing and putting parking spots

Mr. DeMayo asked if Mr. Budrow had reviewed Mr. Saulino's proposal regarding the parking, the safety factor.

Mr. Budrow replied by saying yes. He had known of this proposal since around October of 2021. He also know the town engineer had looked at it. Based on the site plan, he did see any danger factors.

Mr. Tarducci stated the curb cuts on River Road. He asked if this would be the exit of all the restaurant's traffic or only employee traffic. Mr. Saulino indicated it would probably be both. There is a curb there already.

Mr. Budrow said the egress and ingress would stay the same. This is just an added extra area. Mr. Saulino indicated that he would like to cut off the entry now because when people exit the restaurant on Fridays and Saturdays,

it is really dangerous. He would like people to enter through Route 80 and exit from the rear. He does not know if it is going to work. He will try is utmost best to make it work.

Mr. DeMayo asked if signage is planned for the exits. Mr. Saulino said yes.

Mr. DeMayo recommended that signage be posted to hopefully help the people follow the instruction.

Mr. Budrow said regarding safety that many of the spaces are angled and to one side with no parking on the other. And there's 18 feet of open area for cars to pass and back out. So, it sounds pretty safe. There are about six spaces are on other side of other spaces on the north end. So, they will have to cross their fingers there.

Mr. Fusco indicated that he resides in close proximity to the location. He was familiar with the ingress/egress situation at the indicated location. Route 80 on Friday and Saturday nights has a lot more traffic. He saw this request as a plus.

Mr. Budrow indicated that when Mr. Saulino went before the Inland Wetlands Commission, his plan was approved. It looks like there's some landscaping on the plan.

Mr. DeMayo stated that as a recommendation the Commission would like to see the whole plan on the landscaping.

Ms. Asid said, hopefully, this would alleviate some of the traffic at the location. Mr. Saulino indicated that was the plan.

2. **Application No. 22-02 - Paul Stoecker.** A petition for a Text Amendment to the East Haven Zoning Regulations proposing to add definitions for "Membership Club" and "Lounge" and to add "Membership club, lodge and community houses" as an allowed use in LI-3 District. (Public hearing to be scheduled)

Mr. Budrow indicated that for the last six weeks Mr. Stoecker father, who was currently rides in the south somewhere, was guiding him through the process. Mr. Mr. Stoecker resides in Long Island but is in Connecticut often. He came into the office proposing an idea for a property at 260 Dodge Avenue which is zoned LI-3. It's over where Homebuilder Supply is. Mr. Stoecker is looking to open a cigar lounge with some accessory elements to it.

Mr. Budrow had all these ideas. He got Mr. Stoecker to focus on membership club and community houses. This is a use that East Haven allows in various districts around town, but they are not allowed in LI-3. Mr. Budrow informed him that it would take some commitment from him regarding the text amendment. Mr. Budrow told him about the process he would have to go through to get approval to allow the use in LI-3.

Mr. Stoecker came up with this language before the commission. Mr. Budrow modified it for him. It resulted in adding a use for his idea of a cigar lounge to LI-3. Mr. Budrow informed him that at the public hearing he would have to bring in examples of where such uses are allowed in the area in such districts.

Based on Mr. Stoecker's vision he needed to put a definition for "membership club" because East haven does not have one, but they are allowed. He will also add a definition for "lounge" because lounge is part of his vision, the cigar lounge. Those two definitions are on the table and the use going to LI-3. Mr. Budrow indicated that he told Mr. Stoecker not to come tonight because it's a long trip, and he would just say the same thing twice.

Mr. Budrow indicated that he thought it was something legitimate. East Haven has a club in the LI-3 zone right now. He just found out about it.

Mr. DeMayo indicated that the description of the request was ambiguous. Mr. Budrow replied that Mr. Stoecker came up with a two-page description which he thought was too much.

Mr. DeMayo asked what the patrons would be doing in the cigar lounge. He indicted he did not have a clue what this meant.

Mr. Budrow indicated he would have Mr. Stocker's detailed description e-mailed to the members of the commission the following day.

Mr. DeMayo indicated there needs to be a full description and understanding of what potentially could be going there. He encourages all to come before the commission.

Mr. Fusco indicated all were looking at each other not knowing the way to handle this. However, he stated that his concern is that Mr. Stoecker came in a very detailed description of what he wanted to do. The Commission is asked to view this vague language. The Commission could be opening itself up to other clubs that the town does not desire as a result of this language.

Mr. DeMayo asked a club, a club of what? Could he be a member of the club?

Mr. Budrow indicated that Mr. Stoecker has a very detailed description of what he wants to do regarding the cigar lounge with accessory retail for members and an accessory kitchen.

Mr. Budrow indicated that Mr. Stoecker was trying to come in to open the door to go to a certain space, and then he can give the details as to the kind of club. Mr. Budrow further stated that he would call Mr. Stoecker to tell him his application would be received next month and to supply everything he wants.

Mr. Fusco concurred that this matter should be heard at the next meeting.

Ms. Asid wondered if restrictions are needed with the text amendment being requested.

Mr. Cubelotti concurred as well that this should be heard next month. There are two extremes to a cigar lounge. There are cigar lounges where you can go and become a member. You can sit there and smoke your cigar. There's pool tables, maybe they have bring your own booze, a drink. And then there's the other extreme which is in New Haven which is a full-blown cigar shop. It's a bar. They do serve food. They have some music. Mr. Cubelotti thought the commission should be very careful about what Mr. Stoecker wants to put there. There are residential properties right across the street. The commission would not want to make a mistake there.

Ms. Asid said if Mr. Stoecker wants this, they might have to restrict what goes in that area.

Mr. DeMayo stated that all agree on hearing this next month.

Ms. Asid asked if they have to vote on this.

Attorney Coppola indicated that the commission's direction to the staff is that it is not accepting this application. The commission is requesting more details on this. The commission is choosing not to schedule a public hearing based upon what has been submitted.

V. Deliberation Session

1. Discussion and possible vote on Application No. 22-01 - Neil Saulino, 280 Foxon Road.

Ms. Asid motioned to approve the application as discussed with the 26 parking spaces. Said motion was seconded by Ms. Asid. The motion passed unanimously.

Ms. Asid added the conditions of approval would be landscaping and signage.

VI. New Business

1. **Zoning Regulation Section 51.8.4 Referral** - Discussion on a proposed use variance to be heard by the Zoning Board of Appeals. Conversion of an office building to a two-family dwelling at 49 High Street within an RA-1 District.

Ms. Asid stated the request is to convert this the building to a two-family residence.

Attorney Coppola stated the commission should remember why this application was before it. There is a referral before the commission regarding use variance. There are provisions in the regulations at Section 51.8.4 and reads as follows: *Zoning Board of Appeals shall not grant any use variance unless a favorable report is issued by the Planning and Zoning Commission and unless each of the following additional findings can be substantiated by the Board and entered into the minutes at which the use variance request is acted upon.*

So, this is the process that comes before the Zoning Board of Appeals. So, that their variance standards will apply. Then they have to make additional findings. It's Section 51.8.4.1 as follows: *The parcel of land cannot be reasonably developed for any permitted use which the district in which it is located because of reasons peculiar to the parcel in question, and not otherwise applicable to the area as a whole; and ...*

Section 51.8.4.2: *The use will not impair the essential existing character of the area and will not conflict with it's general purpose and intent of the Regulations.*

Attorney Coppola reiterated that the way this application came before the commission was by way of a referral. The commission is to decide whether or not to issue a favorable report.

Mr. Budrow indicated that this was in the RA-1 district which is a denser residential development. This property is already developed. The entire east side of High Street from Main Street all look like houses. There is one interior lot that's condominiums. You cannot see it. So, they all look like residential homes. Interestingly, along High Street on the east side from the church all the way to Tuttle Street there are 13 parcels. Ten of them are nonconforming uses because they do not allow offices in the district or two-

family homes. So, this is actually one nonconforming use to another nonconforming use.

Mr. Budrow indicated that the good news was that it was in character with the neighborhood. This is something to look forward to in the future in terms of adding two-family dwellings to that district.

Mr. DeMayo indicated the area is residential with one-family dwelling. Two-family dwelling would have no adverse effect in the area albeit it is one nonconforming to another nonconforming.

Mr. Budrow indicated that the way the regulations were written is to protect vacant lots from getting a use variance proposal and ensuring that it's in character with the neighborhood. Here, the building is already there. Fortunately for the applicant, it does fit in the area.

Ms. Asid agreed that the building is already there. She did not think it would harm anything.

Mr. Budrow indicated that the assessor's card shows that property as known office. But the applicant said that the way it looks, it seems like two apartments. I do believe the applicant when he says a lot of it is existing. It's just ready for final touches. However, they are not doing work at this time. Mr. Jim Bassett is aware of the situation.

Mr. DeMayo said Mr. Bassett would be on top of this. Mr. Budrow replied, yes.

Mr. DeMayo asked how to proceed.

Mr. Budrow indicated he was taking notes and would write a report.

Attorney Coppola stated that the commission should vote.

Mr. Budrow said the vote will be either sending a favorable report or not to the Zoning Board of Appeals.

Ms. Asid motioned to approve and to send a favorable recommendation to the Zoning Board of Appeals to allow this two-family dwelling to be used as a residential rather than an office use at 49 High Street. Said motion was seconded by Mr. Fusco. The motion passed unanimously.

2. **Municipal Improvement Referral** - Per Connecticut General Statutes 8-24, discussion on a proposed water easement in favor of The South Central Connecticut Regional Water Authority over Town-owned land known as 99 South Street.

Mr. Bodwell stated that the South Central Connecticut Regional Water Authority had requested to extend the water servicer across town property

over to Stanton Road and down to Beach Avenue and then across private property at Beach Avenue to service people on Beach Avenue. Because it is going on town property, we have to do it per Connecticut General Statutes 8-24. He is requesting a positive referral for the town to give the easement to the water company to extend the water service to the people on Beach Avenue.

Mr. DeMayo asked if all procedures had been followed to bring it to this point and all procedures would be followed for its completion.

Mr. Bodwell replied by saying that if there is a positive referral, then he has to go to the Town Council for their approval because the water company will be getting the easement from the Town of East Haven. So, their approval is required. Then the water company would be able to extend this water main. The other nice advantage is that they would installing a fire hydrant in this area since there are none in that area at all. So, for safety purposes, this is a good idea also.

Mr. Cubelotti asked if there was no water in the area. Mr. Bodwell, responded by saying that there was no water in the area at all.

Mr. Tarducci indicated that it was a win-win situation for the town.

Ms. Asid motioned to send a favorable recommendation, for the request for easements by the water authority to use town land, to the Town Council. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

VII. Other Business

1. Discussion of Planning and Zoning matters.

Attorney Coppola indicated that as the commission is aware, Attorney Luzzi, Mr. Budrow and herself has been working with the newly-formed Affordable Housing Plan Advisory Committee with the intent and purpose of having a draft affordable housing plan, a five-year plan, to the Town Council by their April 5th meeting. They did meet with the SCRCOG representatives on Friday evening, February 25, 2022 and the consultant that was hired by the SCRCOG to prepare the draft plan. The newly-formed committee will continue to meet.

Attorney Coppola further stated that it would be beneficial for the Planning and Zoning Commission to have at least one, if not two, meetings with the newly-formed committee to give them input. One of the things considered is whether to take on any zoning strategies. It would be a good idea to have input from this commission.

In addition, there is an attempt at scheduling a joint meeting with the Town Council with regard to cannabis as well as accessory apartments and parking and whether to opt out of the legislation.

She requested that this joint meeting with the newly-formed committee be later this month or at the beginning of April. The moratorium is in place until the beginning of June. And then with regard to the accessory parking legislation, if your decision is to opt out, remember the process to follow within that. That same process has to be repeated at the Town Council level. And all that has to be accomplished by January 1st, 2023. Time is flying.

Attorney Coppola indicated she would send an e-mail with dates for the meetings.

Mr. Budrow indicated that the commission had heard from him previously about the draft Zoning Regulation book. He did an assessment and he verbally informed the commission section by section where they left off. He now has it in writing. His plan was to have the commission have the draft book in front of them next month. He would provide his synopses of all the sections. He will also give the commission some supplements that he would like to have as the official text amendment for May to engage in more discussions. Then public hearing would be scheduled for the summer. The supplements are going to be a re-formatting of the town's use table to go district by district instead of use by use.

The definitions would be separate because uses are being added. The on-premises parking should at least identify every use allowed. There will be one more supplement of miscellaneous.

Mr. Budrow further elaborated that they are doing supplements because he did not want to touch the draft book as it would make it confusing. He just wants to pull out sections that are very important and focus on them without flipping through the book. He is hoping to give the commission those sections unofficially at the next meeting for discussion. And then an application for a text amendment in May would follow.

In addition, Mr. Budrow added that East Haven has a patchwork of zones. Rezoning would have to be done. Mr. Budrow indicated that other commissions and/or boards would be kept in the loop as well.

Attorney Coppola suggested that Mr. Budrow to explain what he meant by rezoning.

Mr. Budrow indicated that if one were to follow the zoning map down Route 80, one would see it's very checkered and will little zones. Long

zones that are consistent may be ideal. Through this process, they may find that a zone is not needed in a particular area. They might find that a certain zone is not needed at all. For example, Main Street is a splotchy-zoned area. He would write up a synopsis on that as well.

Mr. Tarducci said they just saw that on High Street.

Mr. DeMayo stated that this is reviewing the rewriting of the zones in East Haven. He wondered if on a Saturday interested parties could ride around the town to identify what the problem areas are. This might be very productive and help the commissions understand what the issues are and what the goals of the rezoning would be.

Attorney Coppola indicated it was not an off-the-wall idea. However, it would be a public meeting and members of the public would be able to attend as well. It would be considered a walk-audit and would be done methodically.

Mr. Budrow spoke about the Affordable Housing Plan Advisory Committee which has a deadline of June 1, 2022 for the plan unless the town requests an extension. There is a very heavy push for Zoning Regulations to be in sync with such plans. There may be a need for a separate application regarding affordable housing inclusionary zoning.

Attorney Coppola indicated she was not sure how she felt about that as the town has an affordable housing regulation. There necessarily would be more discussions about this more specifically when they have a joint meeting. However, they are not there yet.

Attorney Coppola indicated the Affordable Housing Plan Advisory Committee was doing a supplemental survey. The commission would be a sent a like to that survey. This survey would be sent to all boards/commissions. She encouraged the members of this commission to take the survey. It would take under ten minutes to complete.

VIII. Adjournment

Mr. Cubelotti motioned to adjourn. Said motion was seconded by Ms. Asid. The motion passed unanimously.

The next regular meeting is scheduled on April 6, 2022.
The Board adjourned at 8:07 p.m.

Respectfully Submitted,

Sotonye Otunba-Payne