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Planning and Zoning
Minutes

The East Haven Planning and Zoning Commission held its regular meeting on Wednesday, January 6, 2021 at 7:00 PM via videoconference and conference call as noted above to conduct the following:

Chairman DeMayo called the meeting to order at 7:11 p.m.

Staff Present: Jennifer Coppola Assistant Town Attorney and Jonathan Bodwell Town Engineer

I. Roll Call
5 Members Present-A Quorum Present

II. Administrative Actions

1. Accept/Approve minutes from the December 2, 2020 special meeting.
Commissioner DiSilvestro moved to table.
Commissioner Asid second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Tabled

III. Public Hearings

1. 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 public hearing.].
Commissioner DiSilvestro moved to table.
Commissioner Asid second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Tabled
2. Public Hearing #2: 20-14-S: 1270 North High Street: Application for Modified Site Plan. Request for additional ADA compliant parking stalls, upgrades, and renovations to all floors to improve the site and/or comply with ADA recommendations. Owner: Woodview Associates; Applicant: Melissa Cox.
Withdrawn
3. Public Hearing #3: 20-02-Z: 49, 57 & 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.

Chairman DeMayo recognized Attorney Segaloff. Attorney Segaloff presented that based on a text change approved by this commission, which is basically to permit a PDD in a Shoreline

Zone with less than 2 acres for elderly non-assisted units. This is precisely what we are presenting. The applicant AG&L, LLC have been in business for 30 years and are part of the community and want to build something that is better than what was there prior. They want to build 18 one bedroom units, three floors in height for elderly housing and the Plan of Development and Conservation addresses the need for elderly housing. It is consistent with the character of town and the design of the building is consistent with the neighborhood.

Chairman DeMayo asked what are the benefits to the area.

Attorney Segaloff replied that it will potentially change the character of the area.

Town Attorney Coppola indicated that the transcript from the previous meeting, plans, applications, and written comments have all been posted to the town's website and are part of the permanent record.

Robert Mangino, architect for the applicant has been working on these plans for approximately a year. It's a nice area for 55 and older. They can walk to the beach, they are nice size units that fit into this residential neighborhood and happen to be 18 single bedroom condos. We have reduced the number of units from 20 to 18, and we also reduced the rear portion of the building facing the neighbors, now there is no way that they could be looking down at their neighbors. It is two separate buildings so as not to look at one long building. These are condos and the people living there will be the owners and committed to the neighborhood as much as those who already live in the area. The developer is part of the community and understands their concerns. There is plenty of on-site parking because they too do not want on street parking.

Anthony Bianco, A, G&L Development thank everyone for being part of this process. He stated that he and his brother have been in business in East Haven for over 35 years. They have built numerous buildings in town including Rite Aid, Dunkin Doughnuts, and Walgreens, along with many residential dwellings. We came across this project because the previous owner had a vision to recreate the old Colony Hotel that existed on the beach and this piece of property served the purpose to present that look. They wanted to be very sensitive to making it look like it belongs in the neighborhood. They presented their plan to the neighborhood a year ago and obviously we are businessmen but we wanted it to fit into the community and he believes they have done that with the help of their staff. We are trying to make the area a better place to live. These units are serviced by elevators and are on a bus line.

Jim Pretti, Criscuolo Engineering stated unless you want to go over the entire presentation again he really doesn't have anything to add. He did add that even if this doesn't come to fruition two family homes could be built at a height 37 ft. in height without any variances.

Chairman DeMayo asked anyone to speak in favor of this application.

Daniel Estremera, 106 Henry Street spoke in favor of the application to finally get rid of the eyesore at that site.

Donna Dowd, 64 Coe Avenue who lives directly across the street has no problem with this development and is in favor.

Brian Savo, 316 Coe Avenue is in favor of the development as it will clean up that site and keep the town on a forward path, which he believes is good for the town.

Cynthia Woods, 16 George Street spoke in favor of this application.

John Sargent, 45 Edgemere Road, is in favor of this development because the site has been an eyesore for so long.

Michael Perelli, 50 Coe Avenue stated he has been a resident his whole life and has lived across the street from this site for 5 years and it is an eyesore full of trash while bringing the value of the surrounding homes down.

The following resident spoke in opposition:

Tim Costello 45 Coe Avenue stated that these two buildings are not consistent with the neighborhood. The application states apartments and the attorney is stating condos and he does not want condos or apartments 10 ft. from his property. At present they are dumping fill and tires at this site. It is not consistent with the characteristics of the neighborhood and not appropriate to cover 95% of the site with structures.

Jackie Trickett, 454 Edgemere Road their request is for too many units, it blocks the view of the neighbors, and on street parking is an issue because so many children ride their bikes to the beach. In addition, one bedroom does not insure one person; it just does not fit at that site.

Joanne DeVoe, 19 George Street stated this is too dense for the property and it would create a bigger parking problem than we currently have.

Oni Siosin, 12 Wilkenda Avenue stated his concern is that this was an auto repair shop at one time and has the soil been tested for contamination. To maximize the economic development at the expense of the neighbors would affect the quality of life in that area, it is too dense.

Dorothy Morgillo, 41 George Street is opposed because she believes that it will create parking issues, cause difficulty for emergency vehicles getting down the streets, and a safety for the children in the area. Also, are these condos or apartments and if they are condos then they need a new applicat

Theresa Costello, 45 Coe Avenue stated she lived there for 41 years and there has always been flooding problems. Originally, this was supposed to be 10 units; something is suspect with this application.

Attorney Segaloff indicated that it was always 20 units and they lowered it to 18 units.

Joanne DeVoe stated that there is a drawing on line that has 16 units on it, she then asked is this 16 units or 18 units?

Attorney Coppola indicated that staff uploaded the wrong plan in error and it is their intent to proceed with 18 condo units. Also, those plans make reference to apartments but again this was in error and the correct plans were posted.

Holly Bryk, 121 George Street this plan is disguised as a PDD to create more units without a variance. There will be too many people, too much parking, and too many units. They can build one family homes.

Lorena Venegas, 73 George Street quoted Section 26.1.1. which Attorney Segaloff only read a portion. There is a lot more text. It states that PDD's are consistent with a comprehensive plan of development adopted by the Commission for the Shoreline Development area, when such tracts are of sufficient size to accommodate such design units and when another zoning district could not be appropriately established to accomplish such purposes consistent with the town's Conservation of Development, which tracks are of sufficient size to accommodate such designed units when another track of land could not be appropriately established to accomplish such purposes. This is what gives this commission the authority to deny this application.

Lucas Ullrich, 28 George Street asked how far from the property line would the dumpsters be located.

Mr. Mangino stated there would be a private hauler called in as many times as needed and the dumpsters would be fully enclosed and inside the limits of the building.

Jim Pretti, indicated the limit of the rear property line is 20ft. and the height of the fence would be 6ft. vinyl fencing.

Jay Bodner, 12 Coe Avenue stated that they simply don't want this development.

Cynthia Woods, 16 George Street she believed it would be an 8ft. fence.

Chairman DeMayo stated that is not the regulation 6ft. is required.

Joanne DeVoe, George Street stated that the architect indicated that the buildings would be 20ft. off the property line but that does not take into account the balconies.

Mr. Mangino stated that it does take into account the balconies otherwise we would be violating the regulations.

Mrs. Costello, 45 Coe Avenue asked how far from her property line would the building be located.

Mr. Pretti stated the side-yard setback in an R-1 zone is 10ft.

Patrick Rowland, 2 Minor Road stated that Mr. Pretti indicated that the height of the building did not require a variance, regulation 25-4.3 states Additional Setbacks: In residence and shoreline development districts, any portion of a building or other structure exceeding 30 feet in height shall be set back from any property or street line by two [2] additional feet for each foot, or fraction thereof, by which such portion exceeds 30 feet in height, except that no additional setback from a street line is required in a Residence, RA-2 District. These buildings exceed 30ft. in height. Therefore, this regulation requires an additional setback for every foot over 30ft. Next regulation gives an additional setback for regulation 25.4.4.4 for narrow streets, the required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the public or private right-of-way of the street. The 2019 minutes indicate that it was stated that if you approve PDD's in a shoreline area of less than 2 acres you would be opening Pandora's Box. Regulation 23.18 Shoreline Development District be made more restrictive and raise the level of requirements in 26.2.4.1.

Niki Whitehead, 9 Hilton Avenue stated that it is evident there are concerns about the mass and a picture is worth a thousand words. She submitted into the record a rendering of a streetscape of the building to scale as it depicts the enormity of the building as it relates to the surrounding homes. Nothing in the depiction has been exaggerated. She had committed to written comments in September 2020 and they have been part of the record since September and updated in October when there was a change.

Chairman DeMayo assured Ms. Whitehead that the commission has received her comments in writing as they are part of the record.

Ms. Whitehead stated that first the commission must ask if the commission has legal authority to deny this application. The reason she stated the legal authority is the way it is being presented, a portion of the regulation was altered and Mr. Rowland alluded to that fact for an elderly housing unit. The presentation is based on the carve out of a 55 and older complex, but the commission still has the right to deny this application even if they met the standards of the new PDD text. She has provided the legal basis in her written comments.

Chairman DeMayo indicated that the commission is fully cognizant of their legal abilities.

Attorney Segaloff interrupted and stated that he agrees otherwise they wouldn't be spending time presenting it to the commission.

Ms. Whitehead stated her second reason for the board's ability to deny. Inaudible too much background noise.

Chairman DeMayo asked that they bring it to a close, the board highly respects your input but we have it all in writing. We have counsel to discuss the legalities of this application.

Ms. Whitehead stated that this application has set aside the regulations to such an extent they have totally subverted the zoning scheme and even upended long range planning. The applicant has extended these buildings to the very set-back line that in of itself is unusual and an overage. They don't work with the density, set-backs, or bulk, they all work together. With this application there is a staggering increase in coverage that would not fall under any of our regulations.

Chairman DeMayo stated we are in excess of this discussion of 2 hours of repetitive information.

Ms. Whitehead stated her last comments will be with regard to storm water management, there has not been any attempt to provide any background information with respect to the water table and the height of the water table. There is no mention of the outflow on the galleries as to where the water is going to go and there is an issue with flooding with the properties to the right of the parcel where the elevation slopes down. She then mentioned the comments of Mr. Brancati who stated that parking won't be an issue due to the 55+ age restriction and it seems that this application is hanging its hat on that comment and that is the only link it has with the Plan of Conservation and Development. Fifty five and older as defined in the text as Mr. Segaloff present at the November meeting elderly non assisted housing is not limited to 55 and older what it actually says is that one of the household residents has to be 55, once again we have a definition problem. The parking is a problem on

the property and it will be on the street, the reason to use 55 and older is that they can present the application with one parking space per unit.

Donna Dowd, 64 Coe Avenue stated after seeing the rendering of the site she has changed her mind and is now against the project.

Edward Cole, 151 Bradford Avenue is against this project after listening to Patrick and Niki's comments.

Haley Bodner, 12 Coe Avenue she and her husband are opposed to this project especially after seeing the picture of the proposed project.

Joseph Vellali, 97 Bradford Avenue totally against the project far too big for the parcel.

Attorney Coppola indicated that all correspondence from the public received and responded to (Joanne DeVoe, Bruce Bernardo, Joan Mongillo, Maria Fatima Ward, Jim Harding, Lucas Ullrich, Niki Whitehead, and Patrick Rowland) have been posted to the website, dated and are part of the record.

Attorney Segaloff stated it strikes him that the size is out of proportion of the rendering Ms. Whitehead provided. It seems that the objections are to the sized not the design. This is a bona fide attempt to provide housing for the community and overall it fits in with what is currently in the neighborhood. He believes the design fits and it is an overall attempt to add to the community.

IV. Site Plans

1. Site Plan #1: 20-16-S: 208 Main Street/216B, 218B, and 220B Main Street: Application for Modified Site Plan. Change of use/expansion of church use into additional adjacent tenant space. Owner: Falcon Mews Associates LLC; Applicant: Andres Castillo.

Chairman DeMayo recognized Andres Castillo, applicant for the modified site plan. He stated that he and most of the members of the church live in the area. They would like to expand the space to accommodate the altar and office space for the pastor.

Chairman DeMayo asked how many members attend his church and you will now have 2,700 sq. ft. to occupy.

Commissioner Tarducci asked if this was a church prior to this application and the parking would be in the rear of the building.

Chairman DeMayo recognized Derek Della Cruz the owner of the property who indicated this space was indeed a church prior and they wish to increase the space to include an office.

Chairman DeMayo asked if there is adequate parking available.

Mr. Della Cruz indicated he meets the requirements.

V. Deliberation Session

Application #20-14-S: 1270 North High Street

Withdrawn

Application #20-02-Z: 49, 57 & 63 Coe Avenue

Commissioner DiSilvestro will be abstaining from voting, he was one of the attorneys that was part of the real estate transaction.

Chairman DeMayo stated based on the presentation from the applicant and the testimony from this meeting we need to discuss.

Commissioner Shaul feels the amount of information sent to the commission and the amount of information from the public hearing he is not sure if he has all the information needed to make a decision.

Chairman DeMayo everything we heard is basically what was sent to the commission. We have heard 90% of what was sent to us and after all the discussion some of those in favor of the development have changed their opinions. He stated that he can't say for sure but he assumes Ms. Whitehead research is impeccable and he does not believe she would distort the facts in any way. It is his opinion that this is overkill, the initial presentation was misrepresented to the commission. As part of this commission he does not believe they were fully apprised of the ramifications. He believes it is totally out of character that it does not fulfill the comprehensive plan for that area. We do listen to the neighbors and even some of the Council were confused by what was presented. He does not need any additional information to read and the people in the area made a fabulous presentation.

Commissioner Asid stated she totally agrees with what the Chairman is stating that there was some misrepresentation and with the additional information it is too much for that parcel. The concerns with the parking, off street parking, the size of the buildings, and we are here to enforce the regulations as well as the will of the people.

Commissioner Tarducci indicated without repeating everything but most families 55 and older are two car families. The parking will overflow and the density is too much for the site and he's not sure of their marketability.

Chairman DeMayo stated what is interesting to him is that the people are not against something being built there but within reason.

Commissioner Shaul stated he will withdraw what he stated before if what was stated in all he public comment is what is in all the information that was provided then he is definitely not for it.

Commissioner Asid move to deny application #20-02-Z: 49, 57 & 63 Coe Avenue for a zone change from an R-1 to a PDD due to the density of the building.

Commissioner Shaul second the motion.

Roll call-4 in favor to deny. None opposed. 1 Abstention (DiSilvestro)

Denied

Application #20-16-S: 208 Main Street/216B, 218B, and 220B Main Street

Commissioner DiSilvestro moved to approve.

Commissioner Asid second the motion.

Roll call vote-All in favor. None opposed

Approved

VI. Administrative Approval by Zoning Enforcement Officer
None

VII. Discussion
Scheduling of a special meeting to discuss zoning status of Foxon Road.
No action necessary

Correspondence to Commission from Patrick Rowland dated December 18, 2020.
Submitted as part of the record.
No action necessary

VIII. Executive Session

Commissioner DiSilvestro moved to enter into executive session to

- A. Discuss the status of the pending litigation of The Bluffs, LLC v. Town of East Haven Planning and Zoning Commission (Docket Nos. NNH-CV18-6079780-S and HHB-CV20-6121108-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, LLC v. Town of East Haven Planning and Zoning Commission (Docket Nos. NNH-CV18-6079780-S and HHB-CV20-6121108-S).

Commissioner Asid second the motion.

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

Approved

Entered into executive session at 9:52.

Commissioner DiSilvestro moved to reconvene the regular meeting and adjourn at 10:23 p.m.

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

Approved

Respectfully submitted,

Roberta A. DeLuca
Commission Clerk