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Planning and Zoning Commission
Minutes

The East Haven Planning and Zoning Commission held its Regular Meeting Wednesday, April 7, 2021 Via Zoom, which commenced at 7:00 p.m.

Chairman DeMayo called the meeting to order at 7: 09 p.m. and read the Zoom process with regard to the executive order.

Staff present: Assistant Town Attorney Jennifer Coppola, Town Engineer Jonathan Bodwell, and Zoning Official Joseph Budrow.

I. Roll Call

5 Present (a quorum)

II. Review and Action on Prior Meeting Minutes

1. Minutes of the March 3, 2021 regular meeting.
Commissioner Cubellotti moved to approve.
Commissioner Asid second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Approved.
2. Minutes of the March 17, 2021 special meeting.
Commissioner Tarducci moved to approve.
Commissioner Asid second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Approved.
3. Minutes of the March 23, 2021 special meeting.
Commissioner Cubellotti moved to approve.
Commissioner Asid second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Approved.

III. 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.]
Continued

Site Plan Review

1. **Application No. 21-04-S - 321 Shepard Avenue, LLC, 396 Short Beach Road**, East Haven, CT, Assessor's Map 130, Block, 1517, Lot 7, R-2 District. An application for a

Site Plan Review requesting the continuance of a retail package store. Property Owner: 321 Sheppard Avenue, LLC.

Zoning Official Joseph Budrow addressed the commission explaining this is an application for the continued use of this building as a liquor store.

Attorney Ajello indicated that he submitted a modified site plan at the site which was previously a liquor store, along with a statement of use.

Commissioner Asid asked if there will be any other changes.

Attorney Ajello stated yes two additional parking spaces.

Mr. Budrow indicated that the site is in an R-2 residential zone, which makes it a non-conforming use. The non-conforming use can only be continued within 2 years from the discontinued use of the non-conformity; it has been 5 years since it was a liquor store. For these reasons he believes the applicant needs to apply for a variance.

Commissioner Asid asked what is the hardship.

Chairman DeMayo state that if there is no record of a variance or additional backup; he objects and stated they need to go before Zoning Board of Appeals

2. **Application No. 21-05-S - Schulz Electric c/o Mike DiGiacomo, 110 Commerce Street**, East Haven, CT, Assessor's Map 60, Block 710, Lot 1, L-2 District. An application for a Site Plan Review to locate an industrial business at 110 Commerce Street and to allow the location of two building additions and the addition of 24 new parking spaces. Property Owner: 110 Commerce Street, LLC.

Chairman DeMayo recognized the representative from Indigo Engineering who showed a split screen of the parcel that was formally Tek Motive. This is an LI-2 zone where they will build an addition to the existing building; they have a survey depicting storm water calculations that meet the required regulations. They also met with the Town Engineer Jonathan Bodwell. Some of his requests were to not increase the impervious surface, make a turnaround in the parking lot, add bollards, maximize the space, and no curbs so that all the storm water will shed off. The depiction showed the location of the dumpster, landscaping trees in the island, expansion of the grass area with a grass swale, which come off into crush stone to slow the runoff of water and they addressed and included all the town engineer's comments. The floor slab will be at 5.5 to 6.5 elevation as it relates to the tidal wetland, which is at 4.5.

Commissioner Asid asked Town Engineer Jonathan Bodwell if he approves of all updates incorporated in the plan.

Mr. Bodwell indicated that the plan covers his comments but would like to add an additional request of a 50 ft. setback line of the upland for future development.

Commissioner Asid asked if they have the required parking spaces.

The Engineer for the applicant indicated that 40 spaces are required and they have 45 spaces.

Commissioner Cubellotti asked if they are relocating from New Haven and if their processes have any hazardous chemicals because they are relocating near the wetlands.

Rich Tanowski stated that all processes are contained and they have never experienced a spill in over 30 years everything is very controlled. All contaminants are contained and burned off; closely monitored.

IV. Deliberation Session

1. Discussion and possible action on **Application No. 21-04-S** on behalf of 321 Sheppard Avenue, LLC, 396 Short Beach Road, East Haven, CT.

Commissioner Asid believes this should be referred to the Zoning Board of Appeals and the commission should deny this application.

Chairman DeMayo stated he does not want to give blanket approvals without more background information.

Commissioner Asid moved to deny it based on the regulations.

Commissioner Cubellotti second the motion.

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

Denied.

2. Discussion and possible action on **Application No. 21-05-S** on behalf of Schulz Electric c/o Mike DiGiacomo, 110 Commerce Street, East Haven, CT.

Commissioner Asid moved to approve with the conditions to have 50 ft. upland wetlands mapped and the landscaping as presented on the islands.

Commissioner Shaul second the motion.

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

Approved with conditions.

V. Other

Discussion and presentation regarding a new proposed development option for 49, 57 and 63 Coe Avenue Planned Development District proposal by AG&L Property Management, LLC.

Attorney Coppola indicated at the request of Ray Baldwin asking for some guidance for an alternative to their original proposal. Mr. Rivera is here for some pre submission advice. Mr. Rivera's earlier submission was for 18 units and the commission's concerns were density.

Lou Rivera indicated that he is looking for some guidance prior to re-submitting. They are looking at 16 units with no window in the back portion; we are trying to minimize the density.

Mr. Budrow stated he would advise more like 10 units, two stories, and no elderly.

Commissioner Asid indicated that two stories on top of the garage are still too large for the site.

Chairman DeMayo believes 16 units are still too dense.

Commissioner Cubellotti stated his concern is that it does not conform to the rest of the neighborhood. Parking is also an issue and there is no need to add to the problem of parking along the shoreline area.

Commissioner Tarducci also indicated that the volume of the parking and the height of the building are of great concern.

1. Discussion about a potential zoning regulation text amendment regarding outdoor dining and the status of Raised Bill No. 6610.

Chairman DeMayo indicated that this bill will help revitalize the downtown areas; he hopes the state comes up with a ruling.

Attorney Coppola indicated that there were three versions; the final Bill LCO-6610; it is a lengthy bill, which coordinates with the local health departments for outdoor dining. This will be a temporary amendment; the applications for outdoor dining will need to be revised as well.

Chairman DeMayo stated that the ability to be served alcohol is based only if you buy food.

2. Discussion of Zoning Regulation Section 34.5 regarding outdoor sales of alcoholic beverages.

Mr. Budrow indicated breweries must provide for some type of food while there is outdoor drinking; such as food trucks.

Inaudible

Commissioner Asid stated this is a greenlight for a year that supersedes the regulations.

Commissioner Cubellotti stated tents are allowed with no sides and we would receive a site plan in his understanding.

Chairman DeMayo, what about bringing your own bottle?
Mr. Budrow stated you would have to have a meal.

VI. Executive Session

The Clerk read the following 2 items.

1. 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.
2. 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 Cubellotti moved to enter into executive session to include the Town Attorney Jennifer Coppola, Town Engineer Jonathan Bodwell, and Zoning Official Joe Budrow at 8:56 p.m.

Commissioner Tarducci second the motion.

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

Commissioner Asid moved to reconvene the meeting at 9:18 p.m.

Commissioner Tarducci second the motion.

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

Commissioner Cubellotti moved to adjourn.

Commissioner Shaul second the motion.

Meeting adjourned at 9:18 p.m.

Respectfully submitted,
Roberta A. DeLuca
Commission Clerk