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**TOWN OF EAST HAVEN
PLANNING AND ZONING COMMISSION
MINUTES OF THE SPECIAL MEETING
MAY 3, 2023
IN PERSON AND
VIA VIDEOCONFERENCING AND CONFERENCE CALL**

Acting Chair, Ms. Marlene Asid, called the regular meeting to order at 7:53 p.m. after a period of technical difficulties.

I. Roll Call and Pledge of Allegiance

The Pledge of Allegiance.

Ms. Asid introduced the members of the Commission and the staff.

Ms. Otunba-Payne called the roll as follows:

Robert Cubelotti

Louis Fusco

Marlene Asid

John Tarducci

Al Shaul

There was a quorum.

The following were in attendance:

Jonathan Bodwell - Town Engineer

Joseph Budrow - Zoning Enforcement Officer

Attorney Jennifer Coppola - Counsel to the Board

Sotonye Otunba-Payne - Clerk

II. Review and Action on Prior Meeting Minutes

1. Minutes of the February 15, 2023 Special Meeting
2. Minutes of the March 21, 2023 Special Meeting
3. Minutes of the April 5, 2023 Special Meeting
4. Minutes of the April 19, 2023 Special Meeting

Ms. Otunba-Payne read these items into the record.

Ms. Asid indicated that she had reviewed the March 21, 2023 and April 5, 2023 minutes. Members of the Commission concurred with Ms. Asid.

Mr. Cubelotti motioned to approve the Minutes from the March 21, 2023 Special Meeting and the minutes from the April 19, 2023 Meeting. Said motion was seconded by Mr. Fusco.

Mr. Patrick Rowland indicated that those online could not participate as the online link was broken because they could not see the meeting. He requested the meeting be stopped as a result.

Attorney Coppola indicated that she would check to see if she could join the meeting via the link provided. Two people were able to join the meeting with the provided link. After much discussion it was determined that the link was working.

Ms. Asid indicated that she wanted to say that the comments that she made for the March 31st meeting were not included regarding the vote for cannabis which was voted down.

Attorney Coppola said the minutes are not meant to be a recital. They do need to reflect all the actions of the body.

The motion passed unanimously.

Ms. Asid indicated that the other minutes would be reviewed at the next regularly scheduled meeting.

Ms. Asid indicated she wanted a motion to move two items ahead.

Mr. Budrow indicated that the Commission should bump Application Nos. 23-02 and 23-14. Both are 49 Short Beach Road. These would be heard before the Public Hearings. Mr. Budrow further requested that the Commission allow to be heard first Application No. 23-13 under Public Hearings.

Mr. Fusco motioned to move Application No. 23-02 and Application No. 23-14 before the Public Hearings, and to move No 23-13 to the first item under Public Hearings. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

OTHER BUSINESS TAKEN OUT OF ORDER

1. **Application No. 23-02 - on behalf of 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.

2. **Application No. 23-14 - on behalf of Silver Lining Development, LLC/Karl Muller, 495 Short Beach Road.** An application for a Coast Area Management Site Plan Review to construct a 4-story self-storage facility with site improvements within a special flood hazard area and near tidal wetlands.

Ms. Otunba-Payne read these two applications into the record.

Mr. Budrow indicated an approval for this property expired in 2018. Mr. Mueller has purchased the property and was looking to resurrect the same exact project that was approved years ago.

Mr. Bernie Pellegrino represented the applicant. He indicated the new owner was seeking approval of what was essentially approved the last time. It will be a self-storage facility.

Mr. Jim Pretti indicated that majority of the plans previously approved were going to be used. They wanted to ensure that the owner adhered to the current FEMA standards. There were some changes that were part of the original approval.

Mr. Bodwell indicated that CAM application is now up to the required standards. The engineering is satisfactory. Tidal wetland requirements have been met.

Mr. Budrow said a sidewalk was required. Mr. Pretti confirmed it was in there.

Mr. Budrow stated that he had received a letter regarding this application.

Attorney Coppola reiterated that regardless of whether it is a public hearing or not, the Commission can always receive correspondence on any application.

Mr. Budrow read the correspondence into the record. The author of the correspondence indicated she was online.

Mr. Fusco motioned to approve Application No. 23-02 and Application 23-14. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

III. Public Hearing

1. **Application No. 23-13 - on behalf of Marc Amato.** A Petition for a Text Amendment to the East Haven Zoning Regulations requesting a new use for “Contractor Businesses” to be allowed in all Industrial Zoning District. (To be scheduled for a public hearing.)

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

Mr. Budrow stated that the applicant's intended use was not allowed in the town, shockingly, based on the East Haven Zoning Regulations. Only one contract business is addressed in the town's use tables which is a building contracting business with an outside storage yard. He needs to get his use allowed, landscape contractors, via language.

Ms. Asid reiterated that if the language is changed, Mr. Amato would still have to appear before the Commission for a site plan approval. Mr. Budrow replied in the affirmative.

Attorney Coppola indicated the Commission should be cognizant of the section of the East Haven Zoning Regulation related to outside storage at Sections 25.7. She indicated that other towns that have this regulation have it with broader language. The Commission may want to add that outside storage be subject to approval of the Commission rather than a compliance with 25.7. She read the relevant regulations into the record.

Ms. Asid asked for public comment. Hearing no response, the public hearing was closed.

Mr. Cubelotti motioned to close the public hearing. Said motion was seconded by Mr. Fusco. The motion passed unanimously.

Ms. Asid commented that the Commission would like to hear public comments either for or against an application, but they do wish that each speaker use some proper decorum while addressing the Commission. She cautioned that speakers not disparage other people while sharing their opinions. If the nature of the comments and actions of the speaker are abusive, she will shut down the hearings. She thanked everyone.

2. **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.

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

Mr. Budrow indicated that he had to respond to some questions posed to him by Mr. Bodwell, the town engineer, regarding parking calculations. He requested that this application to be heard at the Commission's June meeting.

Mr. Fusco motioned to continue Application No. 22-07 to the Commissions' June Meeting. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

3. **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 building containing 72 apartments and site improvements.

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

Attorney Len Fasano represented the applicant. This is a continuation from last month. Since then there have been a few changes to the plan he spoke about the changes.

Mr. Steve Dietcko, PE, Mr. Ray Sullivan of Sullivan Architectural Group and Mr. Neil Olinski from SLR presented before the Commission on behalf of the applicant. Attorney Fasano indicated that the applicant was agreeable to 10 percent of the building being used for affordable housing.

Mr. Budrow indicated he had requested 10 units be set aside for affordable housing as opposed to 10 percent which will be eight units.

Ms. Asid asked for public comments:

The following spoke against the application:

Denise Santabarbara

Monica Buonocore (submitted a document that was marked Exhibit 2)

Jessica Mikulski

Stephen Tourangeau

Scott Selpod

Patrick Rowland

Cindy Sperago

Attorney Coppola indicated that there was a question of bonding for amenities which is not something the applicant is amenable to now. However, if the applicant wants a certificate of occupancy and there are things still left to be done, a bond would need to be posted. Attorney Fasano indicated he understood.

Attorney Coppola added that the town just received the easement that is on record regarding what it may or may not allow the applicant to do. They have concerns about whether or not the language that's there will allow what's needed. There necessarily needs to be some back and forth about that. Revised plans came in on Monday and were just delivered to the Commission in addition to other documents such a supplemental traffic report. She was not sure if everyone had had the opportunity to review all of that. Attorney Coppola suggested that the applicant be asked for an extension to the Commission's meeting in June. She would like to also take a look at the landscaping plan with the Commission and town staff.

Ms. Asid agreed that the public hearing should be continued. She asked Attorney Fasano for an extension.

Attorney Fasano responded by saying that there had now been two hearings. He had no problem granting an extension as long as it is not going to be the same comments at the next public hearing.

Ms. Asid agreed with Attorney Fasano.

Mr. Fusco motioned that Application No. 23-05 and its public hearing be continued to the June 7th, 2023 meeting of the Planning and Zoning Commission. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

4. **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 building containing 72 apartments and site improvements on a property within the Coastal Area.

Ms. Asid asked for public comments related to the CAM which had been approved by the town's engineer. There were none.

Attorney Coppola asked for Attorney Fasano's consent to extend the public hearing as well. Attorney Fasano consented.

Mr. Fusco motioned that Application No 23-06 be continued to the Commission's June 7th, 2023 meeting including the public hearing on behalf of the Coastal' Management Site Plan Review. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

5. **Application No. 23-12 - one behalf of the BVB Realty, L.L.C., 293 and 305 Short Beach Road, 14 Talmadge Road, 1 and 2 Pinto Drive.** An Application for a Special Exception to construct an assisted living facility with other site improvements. (To be scheduled for a public hearing.)

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

Attorney Timothy Lee presented on behalf of the applicant. They are looking to expand their operation to include to assisted living component to the facility. This is a major economic generator for the town and a major employer in the town.

Mr. Richard Reynolds from SLR and Mr. Jim Bell, the architect, presented before the Commission on behalf of the applicant.

Mr. Budrow indicated that there was a comment in the POCD which should addressed by the town and the Commission related to interconnectivity to try to reduce traffic on the streets. He was not sure if it was commercial or if it could relate to a project like this.

Attorney Lee indicated they were not sure what the Commission wanted so it was designed as a stand-alone building. If it is something the Commissions would like to see that, they were open.

There was a letter regarding this application sent to Mr. Budrow. The author of the letter was present. She requested that the Commission not vote on this application as there had not been enough time to review the submissions related to the application.

Ms. Asid asked for public comments.

The following commented:

Peter Cianelli

Kim Hinde

Attorney Lee and his team responded to the comments.

Mr. Fusco motioned that Application No. 23-12 on behalf of BVB Realty's public hearing, prints and a memo from staff be continued to the Commission's June 7, 2023 meeting. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

6. **Application No. 23-09 - On behalf of the East Haven Zoning and Planning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations to establish a Moratorium that prohibits the submission of any land use applications for multi-family housing proposal for a period of 4 months.

Ms. Otunba-Payne read the application into the record.

Mr. Fusco motioned that Application No. 23-09 on behalf of the East Haven Zoning and Planning Commission be continued to the Commission's June 7, 2023 meeting. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

IV. New Application

No new applications.

V. Other Business

3. **219 Laurel Street, LLC** - A request for a 5-year extension of a previously-approved Special Exception for a 29-unit age-restricted apartment building at 216 Laurel Street. (Tivoli Gardens)

Ms. Otunba-Payne read the application into the record.

Mr. Timothy Lee spoke on behalf of the applicant.

Mr. Budrow indicated that the requested five-year extension was related to only Building 4. There needs to be discussions about Building 3.

Attorney Lee indicated he would be meeting with Mr. Budrow in the nearest future. So he will return next month.

Mr. Fusco motioned that the 210 Laurel Street, LLC application regarding an extension request be moved to the Commission's June 7, 2023 meeting. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

4. Commission discussion of potential prohibition language for cannabis establishment uses within the Zoning Regulations.

Ms. Otunba-Payne read the application into the record.

Attorney Coppola indicated that the Commission received packages. She included all the prohibitions that have been passed to date. There are number of communities that have not decided regarding cannabis. The Commission had to decide if it wants a prohibition text amendment to be drafted given that the Commission has decided not to allow any retail establishment use. They had spoken about cultivation, micro-cultivators specifically. She wondered if the Commission wanted to change its mind and disregard the prohibition language.

Mr. Fusco indicated that he thought the Commission was committed to the prohibition language. So a draft of the prohibition language should ensue.

Attorney Coppola indicated that any prohibition language does not bar the Commission from amending it in the future. They will draft it.

VI. Deliberation Session

1. Discussion and possible decision on **Application No. 22-15 - Gurukrupa Investments, L.L.C., 85 Hemingway Avenue.**

Ms. Otunba-Payne read the application into the record.

Mr. Budrow indicated that he communicated with Attorney Lee earlier as to why there should not be any votes regarding this application. The Commission has 65 days to deliberate. The apartment building is set way back for a reason. The Commission should protect the requirement for commercial use to be at the property. Crafting of a well-honed condition with Attorney Coppola, Attorney Lee and himself that is agreeable would be presented next month. Attorney Lee understood and is open to this being continued to next month.

Ms. Asid indicated that they had spoken about it last month. They were going to allow him with condition to go through and get his occupancy certificate and everything and not put the commercial building at this time. However, the commercial building does have to be there at some point. That's part of the original approval.

Mr. Fusco motioned to move the discussion of Application No. 22-25 to the Commission's June 7, 2023 meeting. Mr. Tarducci seconded. The motion passed unanimously.

2. Discussion and possible decision on **Application No. 23-05** - On behalf of **Vigliotti Construction Co., 71 South Shore Drive.**
3. Discussion and possible decision on **Application No. 23-06** - On behalf of **Vigliotti Construction Co., 71 South Shore Drive.**
4. Discussion and possible decision on **Application No. 23-13** - on behalf of **Marc Amato.**

Ms. Otunba-Payne read the application into the record.

Mr. Fusco motioned to approve Application 23-13 on behalf of Marc Amato. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

5. Discussion and possible decision on **Application No. 23-12** - one behalf of **the BVB Realty, L.L.C., 293 and 305 Short Beach Road, 14 Talmadge Road, 1 and 2 Pinto Drive.**
6. Discussion and possible decision on **Application No. 22-07** - on behalf of **the East Haven Planning and Zoning Commission.** (Regulations Revision)
7. Discussion and possible decision on **Application No. 23-09** - On behalf of **the East Haven Zoning and Planning Commission.** (Moratorium on multi-family and multi-unit development projects)

Ms. Otunba-Payne read the application into the record.

VII. Adjournment

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

The next Regular Meeting is on June 7, 2023
The Commission adjourned at 11:09 p.m.

Respectfully submitted,

Sotonye Otunba-Payne