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DATE **06/11/2020** TIME **10:49AM**

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Planning & Zoning Commission Minutes

The East Haven Planning and Zoning Commission held a Regular Meeting on Wednesday, June 3, 2020 at 7:00 PM via Zoom.

Zoning Official, Christopher Soto read the executive order and explained the Zoom process.

Chairman DeMayo called the meeting to order at 7:04 p.m.

Chairman DeMayo requested a roll call.

Roll Call-5 Present a quorum present.

Christopher Soto, Zoning Official and Jennifer Coppola, Assistant Town Attorney

Pledge of Allegiance

1. Accept/Approve of Minutes from the March 4, 2020 meeting.
Commissioner DiSilvestro moved to approve the minutes.
Commissioner Tarducci second the motion
Voice vote-All in favor. None opposed. No abstentions.
Approved
2. Public Hearing # 1: Amendments to Zoning Regulation Changes – (Adoption of entire Zoning Regulations).
Chairman DeMayo requests that this public hearing remain open until they meet without utilizing Zoom. He entertained a motion to table.
Commissioner Asid moved to table.
Commissioner Shaul second the motion.
Roll call vote-All in favor. None opposed. No abstentions.
Tabled
3. Public Hearing # 2 20-01-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.

Mr. Soto indicated that he received an email from the applicant requesting to table this item.

Commissioner Asid moved to table.

Commissioner Shaul second the motion.

Commissioner DiSilvestro asked if this will affect the time constraints.

Mr. Soto indicated it does and we will be discussing the effects based on the executive order because it gives the applicant 90 days.

Chairman DeMayo asked if we should allow the extension.

Attorney Coppola indicated there was an executive order that was passed which allows for the time frame at each stage up to 90 days total. The applicant has a total of an additional 65 days

with the applicant's consent and the town has only 90 days to work within, under the executive order.

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

Tabled

4. Public Hearing # 3 #20-05-S: 597 Main Street: Application for a Modified Site Plan: – (Schedule A, Line # 34: Indoor theater assembly). Request to expand services to the 2700 sq. ft. area in the rear of the building. Zone: CC. Owner/Applicant: William B. DiCrosta III.

Chairman DeMayo recognized Attorney Robert Pethick. Attorney Pethick presented to the commission on behalf of the applicant. The issue before you is for a modified site plan for the creation of a theater on the rear portion of 597 Main Street. He further commended the commission and the public for continuing the meeting virtually.

New Haven Academy of Performing Arts is a family owned business operating out of 597 Main Street it teaches voice, instrument, and theatrical services for children and adults. It is a recognized leader in the performing arts. It has operated out of the front portion of 597 Main Street for about 5 years. They have an outpouring of success stories because of NHAPA.

The property is approximately 7,400 sq. ft. owned by Stephen Mancuso who also signed off on the application. NHAPA leases a portion of the front of the building and it is their plan to lease the back portion pending approval. It shares the space with Broad Way Dance. The intended theater use is currently vacant. They are seeking to utilize 2,700 sq. ft. of the rear portion as theater use. The theater will allow for on stage performance and it will help teach the technical aspects of theater including set design etc. This would require 100 seats for patron's access could be through the front portion of the building. The theater would consist of a lobby, 2 bathrooms, and an auditorium with the seating. This use will not require any construction or expansion of the property; any work will be limited to interior alterations. All the utilities are existing. There is no record of approval for the use in the front portion of the building. It is a permitted use because it falls within the definition of a retail service, which is allowed in a CC zone where the property is located. So pursuant Schedule A, #29, where services are rendered. There is no definition of what a retail service establishment is within the regulations. With regard to Mr. Soto's comments I have adopted a definition from a planner's dictionary, which provides "retail services establishments are those providing service or entertainment as opposed to products to the general public for personal or household use. Including eating and drinking places, hotels, motels, finance, real estate, insurance, personal service, motion picture, amusement and recreation service, education and social services." He has described New Haven Academy as providing a service for cost to students in the performing arts. What they are doing at the site falls in line with a retail service.

With regard to the rear a public theater is permitted in a CC zone pending site plan approval. This is authorized by the regulations. We have been asked to address the parking pursuant 42.2, one space provided for every 3 seats we would be required to have 33 spaces. We have proposed 30 spaces, 9 located on the property, 7 offsite within 250 ft. on Doran Street, and 14 spaces at 575 Main Street also within 250 ft. of the theater.

Chairman DeMayo asked if there is a lease for any of this parking.

Attorney Pethick stated he has provided letters stating that they are in agreement. We could enter into a joint parking agreement.

Chairman DeMayo asked if the 2,700 sq. ft. includes the front portion.

Attorney Pethick stated it does not and it requires on space.

Chairman DeMayo stated then the parking spaces are incorrect and what about the tenant on the second floor they have parking too.

The theater is not a continuous performance; it's possibly twice a month with specific times. The front space will be used in the 30 spaces because the school will be closed during a performance. The tenant on the second floor is in agreement; her school will not be open during performances. The parking is for the patrons. The students will be dropped off as they are now.

Chairman DeMayo stated that there is no approval for the academy on the first floor is that part of the application or a separate application.

Attorney Pethick it is part of the application.

Chairman DeMayo stated it is inaccurate that it just indicates the rear of the building.

Attorney Pethick stated he did not submit the application and is providing an amendment to the application to include the use of the front portion. We have provided joint parking with 30 spaces and it is part of the regulations to allow for offsite parking. We are also asking for a modification of 3 or more spaces; we are deficient in 3 spaces. The performance will mostly be at 7:00p.m. or on weekends.

Commissioner Tarducci asked if the spaces on Doran Street are where there is a business operating.

Attorney Pethick indicated that it is owned by Mr. Mancuso the owner of the site seeking approval and the property on Doran Street as well. We submitted a letter from Mr. Mancuso providing those 7 additional spaces. If parking is a problem we can enter into a joint parking agreement.

Mr. Mancuso stated he is the owner of both properties and currently has one tenant who will be moving out. He is allowed to use those spaces on Doran Street.

Mr. Soto indicated we do have some comments from the Town Engineer with regard to parking and backing out of parking spaces. A letter from the Building Official and Fire Marshal have concerns on being the occupant loads etc.

Mr. Soto stated this is allowed by application and with most applications is the adequacy of parking. The applicant has attempted to mitigate the crossover of parking needs with specific hours for the theater. He believes they have done a good job to mitigate the parking issues. We have discussed securing those parking agreements that all parties are committed to allow the use of their parking.

Gina Helland, Broadway Dance can assure the commission nothing else will take place while there is a performance taking place.

Public comment:

The following members of the public spoke in favor of this approval. The general consensus of the people who spoke in favor of this theater is that it has given their children a voice, more confidence, develops creativity and empowerment. Not only does this enhance their children's

lives but their lives too and economically it helps the town we frequent your business while waiting for our children.

Gina Helland owner of Broadway Dance 597 Main Street East Haven
Manameit Foxhill Drive, Madison, CT
Monique Palmer, 128 Oakley Street, New Haven CT
Coleen Pogemiller, 183 Centennial Drive, Milford, CT
Dr. McArthur, 419 Whalley Avenue, New Haven, CT
Marcella Goodwin, 48 Foote Road, East Haven, CT
Lorena Venegas, 73 George Street, East Haven, CT
David Denikin, 20 Boxford Street, East Haven, CT
Lindsey Manciero, 11 Charnes Drive, East Haven, CT
Jonel McFall, 33 Irene Street, Waterbury, CT
Diane Ferrucci, 232 High Street, New Haven, CT
Christy Porter, 93 Austin Avenue, East Haven, CT
Steven Mancuso, 26 Bush Lane, Guilford, CT
Felicia Corolla, 24 Prospect Place, East Haven, CT
Vicki Criscuolo, 61 Townsend Avenue, New Haven, CT

No public comment opposed.

Commissioner Asid where are they performing currently.

Attorney Pethick stated they have small performance in the front portion.

Mr. DiCrosta the applicant stated they have small performances and the number of people vary.

Commissioner Asid made some notes to alleviate the parking; possible valet or a shuttle.

Public Hearing Remains Open

Commissioner Tarducci congratulated Mr. DiCrosta on his fine work. The attorney mentioned he had written letters allowing the use of parking off-site could you have those formalized.

Attorney Pethick stated he will formalize a parking agreement.

Commission Shaul is concerned with the Fire Marshal's letter and if there are sufficient utilities.

Attorney Pethick indicated that they will meet all building codes and we are not expansion, just a change of use.

Attorney Coppola indicated that she and Mr. Soto had a discussion with Mr. Pethick primarily with regard to the Fire Marshal's comments and she recommends the public hearing remain open.

Commissioner Asid moved to keep the public hearing open.

Commissioner Shaul

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

Public Hearing remains open.

5. Amendments to Zoning Regulation Changes – (Adoption of entire Zoning Regulations).
No Action Necessary

6. #20-06-S 474 Main Street: Application for a Modified Site Plan: – (Schedule A, Line # 37: Restaurants and other food establishments). Request for a takeout food establishment for slushies, fruit and ice-cream. Zone: CB-1. Owner/Applicant: Jocelin Valencia Castro.

A representative of Ms. Castro presented for her. Her name was inaudible to the clerk. She stated that Jocelin could not be present tonight and they were before you last meeting and they are awaiting a decision.

Chairman DeMayo stated at the last meeting they had some concerns with parking.

The representative stated that the landlord was going to give 3 additional parking spaces 1 space for Jocelin and 2 for customers.

Commissioner DiSilvestro stated that these spaces are behind the building and this is not a formal agreement for the additional parking.

She believes it is formal and she read the letter. There are 5 spaces in total, 2 for the tenants and 3 for the store.

Mr. Soto indicated the parking requirement is 2.5 per the regulations. They are deficient by one space.

Commissioner DiSilvestro indicated that at the last meeting they said they would create another space on the grass area in front.

Mr. Soto indicated the application that is before you tonight has not been amended.

Chairman DeMayo stated that the applicant has come before us prior to this and we have requested information and we don't have it. They should be before us with the answers and the applicant should be here tonight.

Commissioner Asid is not comfortable with deliveries and parking and they don't meet the required parking.

Commissioner Shaul moved to approve.

Roll call vote-1 (Shaul) in favor. 4 Opposed. No abstentions
Denied not in compliance with parking and the additional information was provided.

7. #20-01-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.
No Action Necessary
8. #20-05-S: 597 Main Street: Application for a Modified Site Plan: – (Schedule A, Line # 34: Indoor theater assembly). Request to expand services to the 2700 sq. ft. area in the rear of the building. Zone: CC. Owner/Applicant: William B. DiCrosta III.
Public Hearing Remains Open/No Action Necessary

9. #20-07-S 519 Laurel St.: Application for a Modified Site Plan: – (Schedule A, Line #50: Warehousing). Request for the storage of fireworks in a Low Explosive Storage Magazine. Zone: LI-3. Owner/Applicant: Cinque Brothers, LLC/ Kevin J. Fritschler dba American Fireworks Display, LLC.

Chairman DeMayo recognized Mr. Fritschler of American Fireworks Display who indicated they will not be storing fireworks long term. They will probably utilize this storage for approximately 3 months in the summer during their busy season instead of traveling back and forth because their business is out of state. They will be stored in a storage trailer with a specially designed lock.

Chairman DeMayo asked how much of the explosives will be on site collectively.
They are #5's low explosives, collectively.

Commissioner Shaul asked how far from vehicles is this storage unit.

Mr. Fritschler indicated approximately 450 ft.

Commissioner DiSilvestro asked what the regulation is for the distance.

Mr. Fritschler indicated 300 - 500 ft.

Mr. Soto indicated that there have been explosives previously stored on the site and the Fire Marshal has reviewed the application and they meet the Connecticut State Building Code and the engineer has also reviewed and has no problem.

Commissioner Asid moved to approve.
Commissioner Shaul second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Approved

10. #20-01-E 11 Roma St.: Application for a Special Exception: - (Schedule A, Line #14: Churches and Places of Worship). Request to establish a church at a prior banquet hall. Zone: R-1. Owner/Applicant: Charles Cheslock/Iglesia Dios Admirable.

Commissioner Asid moved to set a public hearing date for July 8, 2020.
Commissioner DiSilvestro second the motion.
Voice vote-All in favor. None opposed. No abstentions.
Approved
Public Hearing Set for 7/8/2020

Respectfully submitted,
Roberta A. DeLuca
Commission Clerk