

## PLANNING AND ZONNING

The East Haven Planning and Zoning Commission held its Regular meeting on Wednesday, October 4, 2017 immediately following a certain public hearing at the East Haven Community Center, 91 Taylor Avenue, East Haven in order to transact the following:

Chairman Cianelli called the meeting to order at 8:31 p.m.

Roll Call - 3 Present (DeMayo, Cianelli, and Alternate Carmelo Rivera) Absent - Gravino and Colangelo.

Staff Present - Christopher Soto, Zoning Official, Town Attorney, Joseph Zullo, and Sal Brancati,

Director of Administration and Management.

1a) Accept/Approve minutes of September 6, 2017.

Commissioner DeMayo moved to approve the minutes.

Commissioner Rivera second the motion.

Voice vote-All in Favor. None Opposed. No abstentions.

Approved.

2a) 519 Laurel Street, Modified Site Plan Application Approval-Trucking, (Schedule A, Line #54), excavation, earth removal, (Schedule A, Line #66) and outdoor storage (As per §25.7)

Commissioner DeMayo moved to approve with the recommended hours of operation:

Saturday 8:00 a.m. - 4:00 p.m.

Sunday No activity

Monday - Friday 7:00 a.m. - 6:00 p.m. and provide an updated plan.

Commissioner Rivera second the motion.

Roll Call Vote - All in Favor. None Opposed. No Abstentions

Approved with conditions

3a) 656 Silver Sands Road, Modified Site Plan Application Approval-Addition of 10 cabanas (Schedule A, Line #42), hotels and motels, and restaurants, recreation facilities, and cabanas when accessory and subordinate thereto.

Chairman Cianelli disclosed that his firm Giordano Associates does business at times with your firm and since there are only three members sitting tonight I don't want to have to make you comeback I don't have the authority to sign contracts or anything within my company so I don't believe I'll have any impact that can act on this arbitrarily.

Attorney Nicholas Mingione agreed with the chairman to go forward. He further stated He is with the firm of Fasano, Ippolito, Lee, and Florentine. What the application is asking for is an already existing and already approved plan, after Superstorm Sandy the restaurant portion was completely destroyed and the commission previously approved a two-story building where the restaurant was to be located. Only one story of the restaurant was built the applicant would like to place the lockers on the cement slab and this is just a different use of what was already approved. We do not exceed the height limit and it's just a modification of what is on the existing approved map approved by the commission.

Chairman Cianelli asked if CAM application is required.

Attorney Mingione indicated a CAM application was submitted with the original approval.

Chairman Cianelli indicated that the town engineer has already signed off on this plan.

Attorney Mingione concurred.

Chairman Cianelli asked Mr. Soto if he had any concerns with this application.

Mr. Soto indicated that his only concern was with the height and he review the plans and they do not exceed the height. He indicated he also spoke with the town engineer Kevin White and he is comfortable with the plan and does not believe a coastal area management application is required.

Chairman Cianelli asked all parties if they were comfortable with him voting on this item.

All members and staff and Attorney Mingione reply to him affirmatively.

Commissioner DeMayo Move to approve submitted.

Commissioner Rivera second the motion.

Voice vote-All in Favor. None Opposed. No abstentions.

Approved

4a) 420 Main Street, Modified Site Plan Application Approval-Outdoor Seating, (Schedule A, Line #37), restaurants and other food service establishments including "drive-in" restaurants.

Mr. Soto stated that the gentleman who is opening the new restaurant "Fish O'Hoy" At the old Mama Del's. We did an administrative approval and then he came back to request outdoor seating, but our outdoor seating regulations states that you cannot the outdoor seating from the street or sidewalk. You must enter the outdoor seating area from within the restaurant only so he does not qualify for that. So we will make the disclaimer we would check in where there are other restaurants on Main Street and they all had previous approvals. Perhaps at the time, when they came in that was not the rule at the time.

Mr. Brancati stated that they possibly could come back because obviously we are very supportive of our businesses on Main Street and he possibly can come back before the commission.

Chairman Cianelli stated that it's commendable that he tried to do it the right way and come before the commission. But we can't have people just doing this carte blanche.

Mr. Soto stated that in an attempt to do justice for him we did look into the fact that we do have several businesses on Main Street that do have established outdoor seating and they did have approvals. It ties my hands I can't go back and say now you cannot do this the approvals are in place. There's only one other establishment that we know that puts tables outside and we are addressing that.

Commissioner DeMayo asked if we are changing that regulation.

Mr. Brancati stated that is the administration's intent we have to see how we can go about this.

Chairman Cianelli and Commissioner DeMayo asked if this has already been denied and does he understand the circumstance.

Mr. Soto stated it was denied administratively and it is a seasonal approval only.

Attorney Zullo indicated that the applicant could go before the Zoning Board of Appeals to get approval while the regulation is being amended in an attempt to obtain outdoor seating.

Denied

4b) 16 Main Street, Modified Site Plan Application Approval-Dental Office, (Schedule A, Line #47), medical and dental clinics, medical laboratories, rehabilitation facilities, licensed by the State of Connecticut.

Mr. Soto indicated that the building at 16 Main Street received a master approval on the whole entire building. We requested a modified site plan in order to cement the use at that site and it was approved administratively.

Approved Administratively

4c) 199 Saltonstall Parkway, Modified Site Plan Application Approval-Restaurant and Bar, (Schedule A, Line #38), restaurants and other food service establishments where customers are served only when seated at tables or counters and at least  $\frac{3}{4}$  of the customers' seats are located within the enclosed building. Such uses may include a food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles or served primarily at food takeout counters or drive-thru windows.

Chairman Cianelli has concerns and he questioned giving them up modified site plan approval. The commission would like to know how many parking space they're going to have how large the area there utilizing because parking is based on 400 ft. of usable space.

Mr. Soto indicated that this is a pre-existing site so it limits us in terms of how much parking is there. With these pre-existing buildings I tried to crunch the numbers to see if I can approve administratively.

I'm bound by the rules and if he's going to need more than 3 spots of relief then he is going to have to come before the commission.

Chairman Cianelli indicated that he is also going to serve liquor and he could possibly be open until 2 a.m.

Mr. Soto stated that his hours of operation are from 5 p.m. to 2 a.m. therefore I'm going to assume he's going to serve some type of food.

Commissioner DeMayo asked if there will be entertainment and feels there is some ambiguity with this application.

Mr. Soto indicated that the applicant said that there is going to be a restaurant and in a smaller room a bar.

Mr. Soto explain to the applicant that he has to give a thorough explanation of exactly what he intends to put at the site that he cannot add things at a later date. With what the applicant is proposing it looks like he can stay open only to 1 a.m. with regard to our regulations in the state regulations.

Commissioner DeMayo indicated there are too many unanswered questions I believe he needs to come before the commission with his statement of use and his modified site plan.

Mr. Brancati stated that he met with this gentleman on Nick Torello's recommendation and he represented to him and Nick that it was going to be a bake shop.

Commissioner DeMayo indicated there are far too many concerns and he wants to see a plan.

Mr. Soto stated that he does have a complete plan and a statement of use I think what the commission is asking, at this time, that he come before the commission and answer your questions. He then read the statement of use to the commission.

The Commission would like the applicant to come before them to answer any concerns and questions they might have.

Submit Plan to Commission for Action.

Respectfully submitted,

Roberta A. DeLuca  
Commission Clerk