Planning and Zoning
Public Hearings

The East Haven Planning and Zoning Commission held certain public hearings on Wednesday November 6, 2019, which commenced at 7:00 p.m. in order to transact the following:

Pledge of Allegiance
Roll Call - 4 Present (DiSilvestro, Asid, DeMayo, and DiMartino) Lang (Absent)
Alternate Commissioner Lomonecelli Present and sitting.
5 Present for a quorum.
Staff Present: Attorney Alfred Zullo, Asst. Town Attorney, Salvatore Brancati, Director of Administration and Management, and Christopher Soto, Zoning Official
Public Hearing #1

Text Change: Zoning Regulations text change to add section 37A, to the East Haven Zoning regulations.

Clerk read correspondence into the record, first letter from Fire Chief Matthew Marcarelli.

Chairman DeMayo opened the public hearing portion of the meeting.
Commissioner Asid moved to add the previously read letter into the record of the public hearing.
Commissioner DiSilvestro second the motion.
Voice vote-All in favor. None opposed. No abstentions.

The Clerk read correspondence into the record from Police Chief Edward Lennon, Jr., residents Jonathan McGuire, 105 Foxon Road, and Rita Croll, 38 Batt Lane.

Attorney Zullo indicated that at the last meeting Miss Whitehead requested to put her comments in writing at this time we should recognize Miss Whitehead and her prepared comments.

Chairman DeMayo recognize Niki Whitehead, 9 Hilton Avenue, East Haven and further explained that this is a carry-over from the last meeting where she was allowed to put her comments in writing to present this evening.

Miss Whitehead replied to Attorney Zullo it is true that I asked attorney Zullo that I'd like to put my comments in written form. She apologized that she has been ill for over a week and was unable to prepare it in writing but does have some significant issues to address with regard to the text change. At this point she cannot provide you with a written copy due to her recent health. Chairman DeMayo informed Miss Whitehead to proceed.

Ms. Whitehead stated it's very important what happened at the last public hearing where there was a lot of information provided with regard to the text change hearing but it really did apply to the project itself. That really does not help because if you choose to modify or deny the text change
what you would be looking for is if there are any types of flaws or deficiencies in the language of the text. Her comments will be restricted to the text itself, she was dismayed that these two applications came in at the same time because that creates a conundrum for the Commission. The Commission would be looking at the first public hearing in order to decide the second public hearing to authorize through the regulations that you are reviewing in the first public hearing. If you are looking for modifications to denying them to meet the regulation that you are currently contemplating, the second application might be mute, if you denied the text change. Just bear in mind, so I fully understand that you have a conundrum with regard to both of these public hearings presented together. She believes it's pretty clear from the text that it is setting up a two-stage process. That might be intriguing in its own way, it might be helpful to parse it out into two pieces, so the text with respect to allowing the creation and the regulation of this new zone. It's called affordable housing development district zone is now a two-stage process and the first stage is a zone change to that new district as defined. The second stage is a site plan approval contingent upon the Zone already being changed. They've separated out into two completely separate steps. That's potentially disadvantageous, in her opinion, to the town. When these things are separated out in precisely the way it's proposed. The first disadvantage is that the zone change the first step you're being required in fact to make a determination of suitability, if you will, of that property for consideration of an affordable housing project and particularly with respect to public health and safety because that is your focus. The change is also asking you to determine certain thresholds that would apply with respect to whether indeed you go forward to the next step and receive a site plan. One of those thresholds in particular when looking at an affordability district is a density threshold which has to be decided early on. You have a considerable amount of information in front of you that would allow you to make that decision. In this instance the way these regulations are written she considers it to be a deficiency, you're given a minimum amount of information. It is a conceptual site plan maybe this time around they may have given you a little bit more but she's not sure. A conceptual site plan is a very minimal document in which to make a determination by which, to determine the suitability of the property for affordable housing and to get that threshold density. So even the letter that was read into the record from the Fire Chief and the Police Chief focused in on 504 units that threshold density which is 10 units per acre would be set if the zone change were to be approved. It has been then carried forward in terminology that states authorized density, which means you have authorized it in the first step. There might be ways that you can change your mind when you receive real information detailing such as the terminology from the police chief. But you are being boxed in if you were to make this very important decision early on, if you follow the regulations and if those regulations are approved that will be what you follow with this project. I think it might be difficult to walk those things back later if you determine that they are being overestimated. The second thing is having those two stages, the second stage which is the site plan stage remove that consideration, that analysis from any public hearing process because it's equivalent to a site plan approval process and that is not something that requires a public hearing. There is no provision for a public hearing in that text. It's not just what the public says with local knowledge it also excludes outside expert testimony, which may be necessary as you resolve storm water issues or traffic issues or what have you. It excludes that in the atmosphere of what they call fundamental fairness, which is a public hearing under the zoning statutes. Those things are very real in the way that this regulation is set up; she believes if you decide to let it go forward with some kind of modification those two things should be taken into consideration. It gives the Commission of false sense that there is some control overrun affordable housing process that you don't really have a lot of control over with regard to public health and safety to the extent that it outweighs the need for affordable
housing, that mantra that people have been using. It's just suggest that you create your own design standards, what one needs to understand is that they would not be enforceable under the 8-30 G statute, because they don't relate to health and safety. she's not saying that the developer is trying to deceive you but if you are feeling comforted by the notion that these regulations might give you more control in the process she actually believes that is deceiving. By separating out in the way that I have shared might be giving yourself less ability to get the information you need. The second point she'd like to make, although she was dismayed was seeing these two applications come in together, in a way it has been very useful because it's like a trial run what it would mean to have these regulations in place. You have been having this contemporaneous hearing on an actual application and if you look at these regulations and think about what your concerns are with respect to this application you will see that some of the legitimate concerns you might have are not captured in those regulations. She gave some examples of what she means, early in the application with regard to the letters from the Fire Chief and Police Chief would be very necessary and there is no provision for them at that first step she believes that is problematic. We have an application in front of us that they are being read in the text change section and there is no provision for them in the zone change section specifically and they need to be. No specific standards for access and egress. if you look at affordable housing regulations for other towns you will find often times they are specific and in this instance you will know that there is an issue with this being an interior lot it has 161 Foxon Road connecting it to Foxon Road the bulk of it is an interior lot if 161 Foxon Road weren't there it would be considered an interior lot on a private road 25 ft. wide and that would not be sufficient for access and egress. You would need some standards in your regulations that would cover this, there is talk of a second way in and out but all this information should be in the regulation with some standards in some manner, it's fully fits in with health and safety. There has been some talk regarding an emergency egress from the high school onto Wheelbarrow Lane from Sperry Lane we are not seeing Sperry Lane impressed into this development for emergency egress. so if there were an emergency that involve both these properties the high school and the Old Camp Murray site you would find out about those properties would be competing for either escape or access for emergency services through the same street. Those standards should be up front and would be necessary in your regulations dedicating actual access and egress. There should also be something about the alteration of the land that is going to be necessary, the amount of cut and fill, amount of blasting and filling to potentially alter that property so that it would be safe. There is no language with respect to the alteration of the property and there is no language in there with respect to Inland Wetland protection, there's any indication of what stage in the process that Inland Wetlands would get involved they don't typically get involved in a zone change. To leave it to the wetland stage would be too late in the game. Also storm water management would also have to be captured in the regulations as to what your standards would be. With storm water management you can also have public safety issues as we knew from a project that was going to feed into a public drainage then into Grannis Lake. Rules and standards of the Town need to be captured in the regulations and the final one would be to say that there is no provision with respect to completion of a project within a certain amount of time. If a phase has begun and the project has not completed then basically the zone should revert those types of safeguards are not given any language in the regulation. Therefore, in her view even in the understanding of the text change may be subject to the 8 - 30 G review, she does know that zone changes are but she's not sure text changes are and that should be addressed. Even if those changes were made she believes this regulation falls short. It's also dismaying to see the level of carelessness in the way that the regulation is written. For example, this is called an affordable development housing district and now it's no longer going to be called an
affordable development housing district (AHDD) by the time you get to subsection 2 and 3, it is then called an affordable housing district (AH-D) those kind of discrepancies especially when, as they sometimes do conflict with our own regulations. Simple things like those discrepancies internal inconsistencies with terms in a regulation suggest certain casualness about putting this regulation together and as you read it you really have to dig into every subsection. Under the circumstances that's all I have to share with you at this time and if you were to deny it I think you need some public health and safety welfare thoughts your denial and its deficiencies.

Chairman DeMayo thanked Ms. Whitehead for her input.

Chairman DeMayo recognized Christopher Soto, Zoning Official.
Mr. Soto stated that the Commission has the report in front of them and would be happy to read it verbatim or just highlight the certain points. His report in essence is that the applicant withdraws the application and the Commission deny without prejudice.
The entire report is made part of the minutes as Exhibit #1

Chairman DeMayo recognized Attorney Alfred Zullo who read a portion of the report into the record.
The entire report is made part of the minutes as Exhibit #

Chairman DeMayo recognized Attorney Bernard Pellegrino for the applicant.
Attorney Pellegrino stated he appreciates the comments that have been made. He wanted to reiterate some of the comments that Miss Whitehead made; some of the comments that we heard during the public hearing portion of this application have to do with the project or the development. I think it's clear to the Commission that we do not have an application before the Commission for the actual site plan all they have is a text and I zone change. Ms. Whitehead’s comments were helpful and refer to the text itself because that’s the application that is before you at this time. This is a text change to permit affordable housing development zone change then a development project. Two things, the statute does not require a text change or a zone change but commonly both are brought; when you heard the Autumn View case I thought both were brought before the Commission. In many of the applications that he’s been involved with its common that there is a text change and a zone change and ultimately a site plan. So while statute doesn't require it go that way and not everyone brings it in that way some people put their affordability right into the regulations right into the zone change application. In case law in the State of Connecticut has held town Close vs. the Planning and Zoning Commission of the town of New Canaan. Any application made to the Commission in connection with the ultimate development of affordable housing project is subject to the section 8-30 G. So the questions before you are there substantial public interest which would outweigh the need for affordable housing within your town that is not protected by the text change. Are there specific provisions in the text change that raise such an interest, I don't think so. The fact that the town has an affordable housing regulation on occasion been held by the courts that it does not prevent someone to come into the town to do something under the statute in a place to the density of or not in compliance with your current affordable housing, there’s an override. The fact that the proposed text differs with some of the principles in the existing affordable housing regulations is no defense. So we will move the application we will not withdraw. You as a Commission will act as you have to act, if there are reasonable provisions that would protect the substantial public interest obviously you have the ability to please conditions or amend the text that
has been proposed. The comments of the Police Chief and the Fire Chief are all very relevant to the third application in which we have not gotten to yet. He sees no relevance in the text change by the zone change other than the fact that the language says that you have to protect public health, safety and welfare. We will have to provide drainage reports, we will have to provide adequate water supply, we will have to provide the ability to provide Emergency Services those are the things that are recognized in the language that we have proposed for the ultimate project and if they're not case law says that you have to adequately protect health, safety, and welfare. Those comments are good comments for the most part. Fiscal concerns of the courts for Autumn View gave you in that case. You cannot look at fiscal restraints where additional services are needed when acting on these applications if it's covered under 8 - 30 G you cannot consider those physical restraints. Certainly, looking for the warrant for the need for a traffic light vs. a stop sign all of those things including the opinion of the DOT ultimately will control those issues when the site plan application comes forward. Really those comments aren't relative to this application for text change.

Mr. Soto addressed Chairman DeMayo and the Commission and further stated that the state statute reads that an affordable housing development means a proposed Housing Development which is A. assisted housing or B. a set aside development, which by default means that regulations are not the development, I think we are in agreement with that. Then an affordable housing application which is subject to the 8 - 30 G appeal is an affordable housing application which means; any application made to a Commission in connection with an affordable housing development by a person who proposes to develop such affordable housing. I think it's pertinent to understand that well there's this veiled portrayal is that the text change is in itself an application subject to an 8-30 G appeal that put this in this very stringent method of doing the application because the state has clearly restricted the Commission's ability to look at an application that is an affordable housing application. The testimony that you are receiving tonight is that best exchange does not meet back criteria for an affordable housing application; as such you Commissioner still retain your full legislative authority in changing the text of your regulations. Furthermore, it is not necessarily true but all these affordable housing applications come through together with a text change. He has done a number of these affordable housing projects and they were all done through an actual development application. That is what the Commission is being advised on this evening, this text change is not a development application before you and if we really want to consider an affordable housing application then we should just receive the development project itself so that the board can truly consider all the public health and safety issues that will arise. such as how much land will be cuts and how that's going to be determined, when is Wetlands involved and in this particular property there are wetlands so when will that Commission be involved, how will we regulate storm water, how would we regulate the project completion and things of that nature, access points as well, these are all points that Ms. Whitehead brought up in terms that where the text change it self fails. Per the statute we, as a Commission, can consider all that in one application and not be confined to looking at a site plan once you've given a conceptual approval for however many units per acre as authorized and now you are looking to being constrained even further more by your own regulations to a strict site plan review. Therefore, it is important to understand that an application submitted under an 8-30 G application just shifts the burden and the Commission has to have facts that the public health and safety is not going to be adversely impacted. Also, if the Commission can determine an application has some sort of facet in it that will adversely impact public health and safety then you can condition it or you can modify it where working together with the developer. That is why our recommendation to you tonight is to well this might have the veil of map of being
affordable housing application maybe the zone change would be that and the board could consider the zone change and consider a full development application strictly under that sense and not have to amend regulations that are narrow in scope when we can probably in fact adopt better regulations as a whole that what address access, filling in the land, storm water and all these other aspects.

Attorney Alfred Zullo stated that he'd like to point out that this amendment is very site-specific. It is not an amendment to our entire regulations that affects anywhere else in town and Miss Whitehead is correct because it sets up a trap and it sets up restrictions for you down the road when the full site plan comes in. It gives maximum density and sets public standards; once you pass them you cannot go back and say oh well maybe it's too many units because you've already set the standard. Now in the Autumn View case brought in text change the zone change and the entire plan at the same time. So when you were voting on that plan you were dealing significant drainage issues, the berm damn that was close to neighboring houses, and encroached on the street, the issues with the pollution of Grannis Lake you had all that information in front of you. You cannot do that here with these applications because you don't have any facts. So the reasonable alternative, the reasonable condition in your case to protect public health and safety not to be able to guess in the dark as to what the public safety issues are. The police department and the fire department did just that they looked into the zone change and said well let's assume they're going to do the maximum and if they do this is what's going to happen. They have both indicated that based on those maximum numbers you're looking at public health and safety issues. what you really need is to have an entire application in front of you so that you're not caught in this trap where you're limited in your scope of review and you're limited even in your ability to put conditions the development because the developers right and Chris (Zoning Official) is right the burden-shifting power of 8-30 G puts a significant burden on you as a Commission looking at that site plan relative to your approval and disapproval or the conditions you put on it. The Commission would have to show that there are significant concerns with public health and safety that outweigh the need for affordable housing. Bypassing the zone change and the text change first that really limits your ability to do so. The Commission needs to have everything in front of you at the same time.

Chairman DeMayo stated he feels as if we are being used to aid and abet this whole process without having all the facts before us. That is not fair to this Commission and above all it's not fair to the town of East Haven or the residents who are impacted. We really do not know what you're doing the applicant at the last public hearing said well maybe we can negotiate. He does not want to negotiate something he doesn't even know what he's negotiating. So, it's not fair to the town, it's not fair to the Commission and I think staff along with Ms. Whitehead help have adequately describe where this is going and how I feel that I'm being used.

Attorney Zullo stated to Commissioner Asid before you comment please tell us what you have done since the last public hearing on these two items.
Commissioner Asid stated that she has reviewed and watched on Facebook the public hearing and I also have read all the meeting minutes.
Attorney Zullo asked Commissioner Asid if she watched the entire meeting live.
Commissioner Asid answered in the affirmative and that she is up to speed to be able to comment and vote on these issues.
Attorney Zullo wanted to clarify that she watched the entire meeting live.
Commissioner Asid again stated in the “yes.”
Commissioner Limoncelli state that although we are not voting on this at this time the input that he has received from Chief Macarelli and Chief Lennon, staff Mr. Soto who's done a wonderful job with this in advising the Commission, our staff counsel has also been advised us and all the options we have. Most importantly, the input from the citizens of this town has made it difficult for him to accept what is in front of us at this time. Although, the vote is not being taken right now again the input from the community has been most important to the process for him.

Commissioner Asid stated she wanted to share some of the same iterations the staff, the public, and the Commission have said regarding but text change she will have more comments when we get to zone change part of the zone change hearing and then vote. She feels the same as Chairman DeMayo and that work kind of like pawns in a game here because we're being asked to adopt a specific text change and we don't have plans that we really don't know what would include. She feels the Commission needs more information and hopes that they can act in the best interest for the safety of this town.

Chairman DeMayo stated just to reiterate one other thing regarding this, we have a lot of people here and a lot of people at last month's public hearing as well and I really want to commend you and thank you for being very respectful of everyone the applicant, the Commission and all of your neighbors. Therefore, I think everyone did a really good job and I want to thank the entire group on that matter.

Commissioner Asid moved to close the public hearing.
Commissioner DiSilvestro second the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Motion carried.

Public Hearing #2
100 Sperry Lane, 31 Sperry Lane, and 161 Foxon Road: Application for a Zone Change (Section 37A, Affordable Housing Development District).

Commissioner Asid moved to add the letters read into the record from the first public hearing from the Police Chief and Fire Chief and two citizen's part of the record of this public hearing for a zone change. Also, to include all of Ms. Whitehead's comments from the first public hearing.
Commissioner DiSilvestro seconded the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Motion carried

Christopher Soto Zoning Official stated that the Commission should have the four of them advisory report with regard to 100 Sperry Lane, 31 Sperry Lane, and 161 Foxon Road regarding the AHDD zone change application. Again, his recommendation on this application is the applicant withdraw the application so the board can deny without prejudice. Specifically we looked at our East Haven zoning regulations, and Connecticut General Statute chapter 124 and the Connecticut General Statutes Section 8 - 30 G, by way of background this is an application for a zone change zone change request to establish what would become an Affordable Housing Development District the application would allow for the creation of 504 dwelling units with 30% set aside for affordable
housing units. This application could be considered and affordable housing application the Connecticut General Statute 8 - 30 G, too. As such the Commission is really restricted in the consideration of the application and it may only deny the application as outlined in Section 8 - 30 G. To date town of East Haven does not meet the criteria set out in 8 - 30 G k or 8 - 30 G .11 set out the criteria in which an 8 - 30 G appeal is available to the developer these sections outline the commonly referred to the 10% rule. The rule where a municipality may be granted a moratorium and as such the town of East Haven is still subject to the 8 - 30 G. The state statute is outlined much of what is required in terms of an application and Commission actions under the 8-30 G appeals process. The statute 8 - 30 G does not explicitly state that affordable housing development does not need to meet all the bulk standards as satisfied in the zoning regulations. However, it does not allow the Commission to deny an application based on density, location and size consideration. State Statute requires an affordability plan must be included with the application under 8 - 30 GB. Their affordability plan must include several components; designation of who is responsible for monitoring compliance with the affordability plan, the fair housing marketing plan, sample calculation of sale and rental prices, affordable units, a description of the projected sequence when the affordable units will be built and offered, and the location of the units within the development. Draft zoning regulations, conditions, deed restrictive covenants, or at least provisions that will govern the affordable units. Per 8 - 30 G the burden is shifted to the Commission to prove based upon the evidence the record is reason for denial. A Decision to deny must be to protect substantial public interest and health and safety and other matters what's the Commission may legally consider and these interest must outweigh the need for affordable housing. These interests cannot be protected by reasonable change to the application other factors are also reasons for denial however these are not issues in this application. That's just that the state statute outlines other areas of denial but they are not applicable to our circumstances. Given that the findings are that the applicant can't be considered for an affordable housing application, the Commission has the burden of proof for its decision on the record and the Commission is really restricted in its ability to deny application solely on the basis to protect public interests in health, what's the Commission may legally consider. The South Central Regional Water Authority has recommended that the development be served only by municipal sewers and a storm water management Plan B required. SCROOG Planning Commission has stated in their call has been forwarded to an automatic review of the 37A Amendment that there might be a potential inter municipal impact caused by drainage in traffic on this project. A portion of the property contains a water course and wetlands which would require an application before the Inland Wetland Commission. The application as it stands today it is only for a concept in the zone and subsequent development. As submitted to the East Haven Planning and Zoning Commission they cannot determine several relevant factors nor does it have sufficient evidence to make a determination a detailed submission should be made to the Commission as such the Commission should not proceed with this application until it has received a detailed traffic study, detailed storm-water management reports, detailed soil erosion control plans, detailed development plan including phases of development, grading, architectural plans, utility lighting and all plans as normally required during the approval of a site plan application. Given that the Commission should be given a substantial amount of information and the possibility that an application to the in the Inland/Wetland Commission must also be made the Commission must ask the applicant to withdraw the application and resubmit the application with the requested details. This would allow the Inland Wetland Commission submission as well this is not in the report but it is necessary to state, that the state law requires if an application is also required to submit an application to Inland Wetlands Commission that application needs to be made prior to or at least
concurrent with zoning application which at this moment we do not have. If the applicant does not wish to withdraw the application the Commission should table the matter which is not feasible without extensions and that the Inland Wetlands Commission verifies that an application is not needed. Upon receipt of a detailed development plan the Commission should consider a third-party engineer to assist in the evaluation of the application. For that reason we are requesting that the applicant can either withdraw or bring back all these other materials to help the Commission make a determination as to whether the project is going to cause harm to Public Health Safety or the Commission deny it based on the facts it does not have these important facts before them.

Attorney Alfred Zullo stated that his comments for the zone change are the same as the comments he made for the text change application. Our current affordable housing regulation allows for affordable housing projects in any zone located in town. In addition, both the Connecticut General Statutes and existing case law does not require zone change as part of an affordable housing application. As he indicated earlier the Autumn View application had text change, zone change and a full site plan and plan of development. We do not have that in front of us here the courts have specifically held that an affordable housing project can be built in any zone in town; as he pointed out before 200 Tyler Street is 100% affordable units with no application for a zone change was necessary. Your job under that statute would be to determine if the proposed application would be a danger to Health and Public Safety which would outweigh the town's need for affordable housing. Section 8 - 30 G was enacted to force towns to meet the thresholds at 10% of the housing units available has affordable housing. In his comments with regard to the text change the town has standards in its affordable housing regulation which for the board's consideration for reviewing such a project. Furthermore, these projects located in an R4 for R5 are to be viewed with even closer scrutiny in line with the town's conservation plan development. The town has already accepted two applications for high-density development one which was withdrawn and the second which was denied. The conceptual drawing that is being submitted with this zone change request it is insufficient to provide this board within information to determine if the project that is being considered by the developer will have impacts on public health and safety. Again, as Ms. Whitehead pointed out by the applicant submitting the application in three parts they are really trying to tie your hands.

He recommends to the applicant to withdraw without prejudice and resubmit with a complete application with the site plan for the development of the site just like Autumn View. The balance of Attorney Zullo's comments are attached in the "Staff Report, Re: Zone Change."

Chairman DeMayo stated that he's not sure this is what the applicant truly wants. If so he believes the application would entail a lot more than what we have. How could we pass something like this with lack of information.

Attorney Bernard Pellegrino, New Haven CT who represents the applicant. His comments are very similar to those with regard to the text change on the previous public hearing. He thinks the application is governed by 8 - 30 G he believes he has provided sufficient information for the purpose of supporting their obligations pursuant to 8 - 30 G. He finds it a little curious that the argument is well how we could change the Zone if we don't have a detailed application. Well in fact that's always the case under your current guidelines you change zones maybe or maybe not. Then when you change the zone the applicant comes forward with an application that meet the regulations in that zone. To place the additional burden on the applicant under the affordable
housing statute, which we know shifts the burden and is meant to provide incentives for affordable housing projects seems more onerous for an affordable housing project, less onerous for a non-affordable housing project. He disagrees with the contention that either the text amendment or in fact the zone change is somehow deficient because you don't have a completely design project because you never do. The case law that has looked at Commission's handling of these types of applications would require so we are not going to withdraw the application and we are going to ask that you rule on it, as you deem appropriate. We appreciate the opportunity to present the applications, I do agree that it was commendable that significant members of the public have taken interest in the application and they should.

Commissioner DiSilvestro addressed Attorney Pellegrino With regard to his comment saying that they don't need the whole development project submitted and he'll give you that it's a matter of semantics whether it should be part 1 part 2 all at the same time but wouldn't you agree with Attorneys Zullo that you're application doesn't have a fair housing marketing plan governing all of That.

Attorney Pellegrino stated he does not agree he believes that they have put together the framework for the affordability plan. Certainly, but the final affordability plan would be necessary for you to approve the project development when total number of units are determined, and identify the administrator which was much like the case in the Autumn View case where there was an argument that that affordability was insufficient in some way justifying the court not to approve the affordable housing appeal and the court said no.

Commissioner DiSilvestro asked does the statute say framework or do you actually have to have all this information.

Attorney Pellegrino stated I think it does say you have to ultimately have all that information for the final approval of an affordable housing development. But putting the project forward as an affordable housing as an application covered under 8 - 30 G what they have submitted in his opinion is sufficient.

Commissioner Asid asked the text change of side, let's say we approve a zone change and your plan falls apart and doesn't happen now we have change the zone so then we are open to any other type of application or project to go in there.

Christopher Soto stated there were a couple things to address it's a little bit more than semantics and Mr. Pellegrino might remember when they brought before the Planned Elderly Facility District application they had the same problem it was too conceptual for the board and the board requested more information as is the boards right. So, it is not true that we are presenting I'm more onerous or more stringent or heavier burdened application. In fact if you went to section 26.2.2 on a planned development district which is probably your most carte blanche application that you can have it says a development plan for the proposed development including site plan, architectural plans, and other drawings that may be relevant and sufficient details to show such boundaries proposed District character and location of existing proposed Contours use of buildings and other structures signs outdoor illumination streets driveways off-street parking and loading spaces outside storage area water courses areas of wetlands storm drainage sewage disposal facilities water supply
facilities and Landscaping. so it's unfair to say that our regulations don't require this level of detail when in fact if you read throughout our regulations the Commission has always reserve the right to ask for more detail than initially is given when they can't and to get to your question once you've changed the zone that is Zone. To conceivably change the zone of affordable housing in that district you might not be able to do some of the other uses normally as of right under that district.

Commissioner Asid Said that the point she was trying to make is that Mr. Pellegrino said that need to give us all of that detail that had nothing to do with the zone change approval and she thinks that it absolutely does. That is the point I was trying to make.

Mr. Soto explained as a Commission routinely reserved the right to do that. So we are not placing a more stringent burden on this applicant. However the law shift significant proportion of burden upon you and the Commission to have facts before you when you consider an application. While on other applications you might consider a conceptual plan and then you still have the legal framework within your regulation to then deny a final development plan based upon other criteria, in this case this state does not allow you to do that. In this case the state requires you to have pertinent facts before you in order for you to make a decision what you do not have before you right now.

Commissioner Asid stated she was just taking issue.

Attorney Zullo stated, Again the statute 8 - 30 G allows for affordable housing in any zone in town. But if you do the zone don't change and they abandon the project and someone wants to build single-family home they will not be able to.

Commissioner Limoncelli asked Attorney Pellegrino

Attorney Pellegrino asked if he could please answer Attorney Zullo's comments. The zone can always be changed back it does not mean that the zone is changed in perpetuity.

Mr. Soto stated you cannot change it back only the property owner can.

Commissioner Limoncelli dated some things get lost in the minutiae, he believes there is no statute or law that requires a text change to allow affordable housing. He also believes that our current regulations are sufficient to decide whether affordable housing fits into an area. What would you say about that.

Attorney Pellegrino there is no statute that requires a developer under the statute to ask for a text change. If one is submitted for an affordable housing development under 8 - 30 G then you have to review that application and then you have the burden of approving it or denying it based on the statutory standard. And the second part of your question my answer is no your zoning regulations Section 37 does not outweigh or overrule the state statute. So you have an affordable housing regulation that says many things. That does not mean a developer cannot come to town and propose a project that does not meet your regulations and the court upon review is not looking whether project met your regulations but whether your denial outweighs the need for affordable housing in light of some substantial public health and safety. Notwithstanding your regulation in
his opinion your regulation means very little when we get to court. The determination is the project versus the state law and the state statute having nothing to do with your regulations.

Commissioner Limoncelli stated that is the second time I heard a veiled threat of a lawsuit. Spot zoning has never been good for the community it's only good for the developer. Therefore, I find it difficult to accept your explanation as to why you need a text change.

Attorney Zullo stated while Attorney Pellegrino is correct what to what your burden will be upon the denial of a full project, that's not before you. He is correct towns' affordable housing can be used to deny a developer's project, but that is not what is before you today. What our regulation does, allows for a project in any zone in town without the need to change it. It allows you to have all the information in front of you so that you can meet your burden of the statue. The way that this application is brought to you is going to limit your ability down the road when the full application comes in.

Chairman DeMayo entertained a motion to close the public hearing. Commissioner DiSilvestro moved to close the public hearing. Commissioner Asid second the motion. Voice Vote-All in favor. None opposed. No abstentions. Motion carried.

Public Hearing #3

Amendments to Zoning Regulation Changes (adoption of entire zoning regulations.)

Mr. Soto indicated that we are under no time constraints and we can take any comments in writing. This hearing may be continued until the January 2020 meeting. Any comments may be submitted in writing to the zoning office or emailed for discussion at the January meeting. Commissioner Asid moved continue the public hearing until January 2020 meeting. Commission DiMartino second the motion. Voice Vote-All in favor. None opposed. No abstentions. Motion Carried

Public Hearing #4

Text Change: Zoning Regulations proposed text amendment to section 26 of the East Haven zoning regulations.

Chairman DeMayo recognized Attorney James Segaloff, 59 Elm Street New Haven CT stated He is here for a text change within a whole different framework of what you previously heard. He represents AG&L this is not related to a specific project. In order to get to a certain project we are asking for a text change. If you look at section 26.2 this is the section that deals with a PDD which is a Planned Development District. What they're asking for is in that section of the regulations allows for PDD only if you're dealing with 2 Acres or more. what we are asking for to allow for PDD can possibly be granted on a parcel less than 2 Acres for 55 and older 20 units or less. In your plan of conservation and development the need to provide housing in this community for people
who are elderly and who want to stay in town. In the future his client would like to submit a proposed PDD for less than 20 units and 55 and older.

Commissioner Limoncelli asked if this is for any PDD less than 20 units.

Attorney Segaloff indicated to the Commissioner that PDD's are only allowed in the Shoreline Development Area. You can only do a PDD in the shoreline area.

Attorney Zullo indicated that what he is saying for the limited area less than 2 Acres he is looking for a limited amount of units age-restricted.

Mr. Soto stated because the text change is in the Shoreline Development Area it was forward to the DEEP and he has the comments, which he will interpret. He believes their comments to be what you have right now is not sufficient to determine any impact because it's not discernible from the text. This can happen anywhere along the shoreline area what the Commission does have a safeguard with all the regulations through all the submission required. What DEEP does is make sure that all Coastal Area Management regulations are being followed and recommend to the Commission if density is an issue. The DEEP also suggested they look into a variance if possible, because by state statute a hardship is required. Any application done under this text change would require approval by DEEP and all the other pertinent agencies.

Attorney Segaloff dated with all due respect to the author of that letter from DEEP, it is totally irrelevant to the process we're going through right now because we don't have a project. When we have a project we will come before this board and this board has a lot of power and authority. When we do come before this board nothing can be done on a site without your approval.

Mr. Soto stated that was the conundrum of this text change because it would affect what's in their land areas in their jurisdiction. there is nothing tangible for them to say but their letter does reflect that, we can't give you a determination because we truly don't know what's going on if they have a project in mind maybe they should apply for a variance.

Mr. Brancati stated with this text change the decision making power remains with the board. Everything will come before this board for approval with plans and specifications can't do anything without this board.

Commissioner Limoncelli stated this sounds just like the first public hearing for spot zoning.

Mr. Soto stated in this case the board would retain all of its legislative power under a PDD.

Commissioner Limoncelli stated we would retain our authority with the first public hear too.

Mr. Soto indicate no, what you don't lose in this application is your ability to lose your legislative authority. The state said when you consider text changes or zone changes you have a broad authority, which amounts to we don't like this and we're not going to approve it under 8 - 30 G applications that power is taken away from you and the state severely restricts it. That's the
difference between these two applications. All this text change does is to allow for a PDD on a site where it otherwise would have been ineligible for an application of a PDD.

Mr. Brancati stated that there is quite a bit of a neighborhood support for this, the councilman in this area have provided a letter supporting the text change. There are numerous letters from neighbors and associations in support of the text change.

Attorney Segaloff stated that the concept is very appealing to the community but we cannot get there without doing the text change. A PDD gives this Commission a lot of authority.

Commissioner Asid stated that we would have the ability to deny or accept the project that comes before us without any interference from the state.

Chairman DeMayo said this preliminary step.

Niki Whitehead, 9 Hilton Avenue, East Haven stated that this is very interesting to her the way this is being proposed to the Commission as being a very narrow situation. Although she agrees with Mr. Soto getting of PDD approved would go back in front of this board. She thinks what is lacking here is a fair understanding of what a planned development district is, what a dangerous concept in the first place from a zoning perspective. It is difficult for this board to weigh its legislative authority. Maybe one should understand why there is a regulation that limits the size of the site and maybe one should not go below that. It is disturbing to me that we are going to put evidence in the record from local people who may or may not understand the plan development districts are, just as I believe this board does not understand all that one needs to know and neither does she. You will give some type of approval to this and Town Council Members as well. Last month a public hearing date was set and Mr. Soto made it perfectly clear that you could not think of this as a certain proposal without all the facts in front of you. Mr. Brancati after the meeting was adjourned and a quorum remained, he brought out the information along with a rendering of a project that relates to this text change. This is not a planning enterprise, this somewhat to prejudice the Commission with having looked at that, they know full well it is connected with a project. She is very concerned about a procedure in front of a quorum of a Commission, that procedural slip-up in full view of the general public is very concerning to her. I'm speaking against this and will comment in writing if this is held open accordingly. Everyone knows what this project is, this went into the minutes appropriately Mr. Brancati explained there was a project that could not occur without the text change.

Mr. Brancati made a comment, first of all it was just a rendering it wasn't a site plan there were no specifics just a preliminary rendering. You need a concept of what you're doing the text change for and that's all it amounts to. It was nothing more, no specifics were discussed because there is no development as of yet. The comments that were made last month we're just preliminary discussions on what might get built.

Niki Whitehead stated, it was preliminary discussions and it should have happened during the meeting and during the public hearing, as opposed to having a quorum present after the meeting has been adjourned.

Chairman DeMayo indicated that the Commission will have a discussion on the matter.
Mr. Soto advised the chairman that if they are going to leave the public hearing open, then we will have to ask the applicant to grant an extension of at least 35 days. The next meeting isn't until January and that would surpass the 35 days to close the public hearing.

Attorney Segaloff does not agree that it should be kept open. He is not aware of what Mr. Brancati did or didn't do all he knows is that his client wants to put in a PDD and he will need a text change to do so. Application for a PDD is a very thorough process as to what has to be done for a Commission who will be granting a PDD. We don't even know what we're going to do specifically.

Chairman DeMayo asked Attorney Segaloff if he was opposed to granting the 35 day extension. Attorney Segaloff indicated he was not opposed to it but he doesn't see the purpose of it, his clients want to start planning as to what they want to put on their site.

Chairman DeMayo asked if anyone else would like to speak from the public.

Niki Whitehead wanted to preface what she was saying then I have comments and it has nothing to do with Mr. Brancati as to whether he shared or didn't share information. It came up in the course of this hearing that Mr. Brancati was going to convey information that was specific to a project he's made it part of his conversation, otherwise I would not have said anything. Hot on the heels of the zoning conversation that we have been having any zoning construct in your regulations is problematic with respect to not having standards and being applicable in any way you choose to plank it down. It's a Planned Development District it's designed specifically to allow you if you cannot accomplish what you want through normal zoning you can request a Planned Development District and typically it combines some things that normally would not be combined. A PDD is typically restricted to the Shoreline but with this change how would you know what might happen. You all asked how many properties this would affect and the answer came back 3, with this change it would be every single one of them because it opens up the possibility. The Shoreline District extends from Silver Sands Beach Club to the Farm River Estuary as far as Mansfield Landing which is a PDD. You will be opening up this very loose zoning with no standards, what you show me in your plans will now be your zoning regulations.

Chairman DeMayo said why would they come before us if that's the case they still have to come before us for our approvals.

Ms. Whitehead indicated that yes it's a PDD there are no standards, no one can have any expectations in the (inaudible).

Chairman DeMayo stated we have standards we have a town engineer we have a zoning official, etc.

Mr. Soto explained what Niki is trying to say is that there are both standards for all the zones we have. Under a PDD the applicant is applying to create their own set of standards.

Chairman DeMayo said we can either accept it or deny it.
Ms. Whitehead stated she does not disagree with you there will be considerable latitude that the board perhaps could exercise. In order to approve or not approve something that you've never heard of before, no one has ever anticipated before. It is put together for a particular circumstance. There is also a concern that it is also not constitutional, she is not going to take that point too far but when you can't anticipate what is allowed in a particular area of town then it can become a constitutional question no one has anything to rely on at all. There are no standings, the only thing we have with these zone changes, and they typically come in with large projects like condominiums. The difficulty here is that we are now taking something large and putting it on a small area, a PDD can allow for this to happen. This as a whole equates to 40 units per acre and you were concerned with Sperry Lane which is 10 units per acre. This is designed to allow for a large project on a small piece of property. Any project that is this dense needs to be rethought or it needs to use conventional zoning.

Commissioner DiSilvestro said the commission has the latitude to approve or disapprove it.

Ms. Whitehead is saying put the latitude with the commission in a situation where there are no standards predetermined based on planning concepts.
Chairman DeMayo stated points well taken.

Donna Richo stated she doesn't think you should make a zoning change, if there is a hardship then that is the process the applicant take.

Councilman Santino and Deko of the 2nd District informed the commission they went through the neighborhood asking the opinions of the residents there who are tired of looking at this eyesore. We either have to get it cleaned up, it looks like a good project something has to take place on this site. They both sent their letter based on the opinions of the residents in that area.

Councilman Deko stated that they were apprised of the plans so the notion that no one what knows what is going to take place at the site is not true and their letter to the commission was based on those plans, which he is in favor of. Something needs to be done at this site.

Commissioner Limoncelli asked if Mr. Soto read in his letter that this approval would open up PDD's in the rest of the town.

Mr. Soto indicated no, a PDD can only be requested in the Shoreline District, which as Ms. Whitehead pointed out there is no defined district. It is kind of bound where the current PDD exist along the shore.

Mr. Soto stated from his perspective his office has not received any plans for a specific PDD. They may have spoken to some folks about a project and I am aware that someone spoke to the residence in that area about a project but our office has not received an application for a development project.

Attorney Segaloff stated he did not know what the project was, he came in with a text change in order to proceed forward.
The Clerk read into the record the letter from Councilman Santino and Councilman Deko. The letter is part of the zoning record.

Donna Dowd, 64 Coe Avenue lives directly across the street and is tired of looking at the mess, anything is an improvement.

Commissioner Asid was asking if the only way to go forward with a project is through the text change.
Chairman DeMayo stated this is the means to create a project.

Commissioner Asid moved to close the public hearing.
Commissioner DiSilvestro second the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Public Hearing adjourned at 10:10 p.m.

Respectfully submitted,

[Signature]

Roberta A. DeLuca
Commission Clerk
The East Haven Planning and Zoning Commission held its regularly scheduled meeting on Wednesday, 6, 2019, immediately following certain public hearings which commenced at 7:00 p.m. at the East Haven Community Center, 91 Taylor Avenue East Haven Connecticut in order to transact the following:

1a) Accept and approve minutes of October 2, 2019, meeting.
Commissioner DiSilvestro moved to accept and approve the minutes of October 2, 2019.
Commissioner DiMartino second the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Approved

1b) Accept the 2020 Planning and Zoning meeting scheduled.
Commissioner DiSilvestro move to accept the meeting schedule for 2020.
Commissioner Asid second the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Approved

2a) Text Change: Zoning Regulations text change to ad section 37a, to the East Haven Zoning Regulations.
Chairman DeMayo indicated he feels he is being used by the applicant to attain what do you want I'm not sight. It is not a project that is wanted, we have to think about the people's lives that live around there and he does not want to be part of that.

Commissioner DiMartino stated that he will have to agree with the Police Chief and Fire Chief their numbers are just estimates and he is not comfortable with those numbers.

Commissioner Asid stated that a text change as this one being proposed to a location without a plan limits are path going forward. It limits our ability to control the project we would have no recourse. Her concern is mainly with Health and Public Safety

Chairman DeMayo said it was not demonstrated to him that they have taken into account the public's health, safety, and welfare. We are only getting bits and pieces of this project, we have suggested previously traffic lights and we were told no. That is a major safety concern, saying that the speed limit there is between 46 and 48 miles per hour, I've driven through there numerous times and it exceeds those speeds. That road is ridiculous on the weekends. I think we need to have a better understanding of this entire project and I believe that our affordable housing regulations are sufficient.

Commissioner Limoncelli stated he does not have a personal opinion about this but what he does have is the ability to rely on the professional staff in the zoning department and the input from the community. Based on those two issues he doesn't feel this is something he is willing to approve.
Commissioner DiSilvestro further stated that he has to agree with what the Fire and Police Chiefs are stating in their letters and that all relates to public health safety and welfare. The fact that we are already strained in those departments or close to it is a concern it creates an additional burden on those departments. As Attorney Zullo stated a text change is not needed in order to create or submit an application for affordable housing as it relates to case law. As a commission, we are not informed enough to make a decision without having an application before us and its impact with regard to Public Safety. He also disagrees with Attorney Pellegrino that our regulations are insufficient they are sufficient the way they are written.

Commissioner Asid moved to approve the text change.
Commissioner DiSilvestro second the motion.
Roll Call Vote: Those in favor-none. 5 opposed. No abstentions.
Denied

2b) 100 Sperry Lane, 31 Sperry Lane, in 161 Foxon Road: Application for a zone change:
Section 37a, Affordable Housing Development District.

Commissioner Asid Stated in addition to all the public comment and all the official documentation from our staff and the police chief and fire chief. Again, regarding Public Safety and the water issue is a big concern of hers. The addition of a thousand more people in that vicinity is also a concern and we'll put a great strain on the town as a whole. In addition, the traffic situation requires a traffic light not a stop sign along with an additional turning lane. Something else to think about is if we're going to have more children how will the buses be managed on Foxon Road and the entrance to the site. One of the biggest safety concerns is that buses stopping on Route 80 and children exiting.

Commissioner DiSilvestro stated since we voted no on the text change all those reasons will be reiterated for the zone change. The zone change in his opinion is mute.

Chairman DeMayo stated his comments are the same as they were for the text change. He has concerns for public health and safety, and believes that quality of life in that vicinity will change drastically. It's not what you purchased and living in this area will change drastically. This is a person's biggest investment and this will not enhance the lives of those neighbors. This also does not fall within the criteria of our Plan of Development and Conservation.

Commissioner Limoncelli this concept has been presented to us in some vague terms and he cannot vote on vague terms. He can vote on what is there now a beautiful piece of land next to our high school the concept does not fit within that neighborhood. Again he relies on the staff but that project does not fit where they are proposing.

Commissioner Asid moved to approve the zone change.
Commissioner DiSilvestro second the motion.
Roll Call Vote: Those in favor-none. 5 opposed. No abstentions.
Denied

2c) Text Change: Zoning Regulations proposed text amendment to Section 26, of the East Haven Zoning Regulations.
Mr. Soto explained, he does not want to minimize the text but if he had 1.9 acres of land he would not be allowed. I cannot propose a PDD on it for any amount of units for any amount of coverage at any ratio because our regulations say that you can only have a PDD on 2 Acres or more. So with this text change you can have a PDD on less than 2 acres with the construction that would be only 20 units or less and elderly. It leaves it open to the size of the parcel and number of units however number of units, size of the parcel, drainage etc. will have to come before this Commission for approval and the DEEP for their considerations. Unlike the other applications we discussed you do not lose your ability to approve or disapprove without restrictions.

Attorney Zullo stated you are restricted to the scope so you would have to have other reasons to deny. You would have your regulatory authority other than capacity with this change.

Mr. Soto also said the commission could look at this and say it is not harmonious with the neighborhood.

Chairman DeMayo asked who wrote the text.

Attorney Segaloff

Attorney Zullo stated it is not site specific and this is the dilemma your board is facing. You have a neighborhood that wants to see something done on the site and you have a text change that is not site specific.

Commissioner Asid stated those are her concerns especially that it is not site specific for that area and it would open up the area for a lot of proposals.

Mr. Soto indicated that is what Ms. Whitehead was pointing out.

Commissioner Limoncelli asked if they could proceed with a project without this text change.

Mr. Soto No.

Mr. Brancati pointed out with the letter you received and those who spoke are favorable for the site to be development. You counted on the public comments for denial on one text change prior and you should listen to the comments in favor of a project and text change.

Chairman DeMayo is concerned that they are zeroing in on that piece of property because it is an eyesore. Do they understand that their next door neighbor could come in for a PDD and it could snowball around the block.

Mr. Brancati asked why are we making the assumption that a PDD is a bad thing.

Commissioner Asid stated is does open the door for a lot of other proposals.

Chairman DeMayo stated it is a good proposal for where it is. But what are the ramifications are we opening up something that we might regret, unless of course there is a responsible commission.

Commissioner Asid asked if there is another means to get this approved.

Attorney Zullo stated Zoning Board of Appeals but they would have to show a hardship.

Commissioner DiMartino asked if the text change could be changed back if the project didn't work out.
Attorney Zullo and Mr. Soto both agreed that it could be changed back.

Commissioner Limoncelli stated we all know where the site is and what it is and we someone before us to change this site.

Mr. Soto the petition before is not for a project to create a PDD on less than 2 acres up to 20 units. The conversation of the site and plan happen outside of the purview of the public hearing and testimony. Although we may all be aware of it, it has nothing to do with the text change, it should not be part of the decision making factor.

Commissioner DiSilvestro commented on the fact the commission has the ability to deny or approve the application is a safeguard.
Mr. Soto indicated that he has sent full details to DEEP for their referral.

Commissioner Asid moved to approve the text change.
Commissioner DiSilvestro second the motion.
Roll Call Vote: All in favor. None opposed. No abstentions.
Motion Carried/Approved

2d) 125 Cosey Beach Avenue/142 Bradford Avenue: Application for a Zone Change (Zoning Regulations, Zone Change from S1 to RA-2.)

Mr. Soto stated this has been referred to the DEEP for comment and we set the public hearing for January 2020 meeting and the applicant must request the extension of 35 days.
Mr. Mangione requested a 35 day extension.
Commissioner Asid moved to approve the extension and set a public hearing for January 8, 2020.
Commissioner DiSilvestro second the motion.
Roll Call Vote-All in Favor. None opposed. No abstentions.
Approved

3a) 240 Commerce Street: Application for a Modified Site Plan: Schedule A, line #25, Public Utility Stations-Ballasted, Ground Mounted Solar Array.

Mr. Brancati explained the DEEP had to approved their comments prior to approval of 990 kilowatt solar array.
Commissioner Asid moved to approve the Modified Site Plan.
Commissioner DiMartino second the motion.
Roll Call Vote- All in Favor. None opposed. No abstentions.
Approved

3b) 17 Commerce Street: Application for a Modified Site Plan: Schedule A, Line #50, Warehousing and wholesale business. Warehousing of condensing units.

Mr. Brancati indicated that this was the former Ultra-Optix and is no longer in business since the owners passing. Chris Morley has a wholesale business where he sells air-conditioning condensers and his current building is too small.
Chairman DeMayo recognized the applicant Mr. Morley who was asked if he was renting or buying, how many employees, and if he was moving his entire business to 17 Commerce Street.
Mr. Morley stated he was purchasing the building and moving his entire business there along with 6 employees and does not need to fit out the building he will be using it as is.
Commissioner Asid moved to approve.
Commissioner DiMartino second the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Approved

Commissioner Asid moved to adjourn.
Commissioner DiSilvestro second the motion.
Voice Vote-All in favor. None opposed. No abstentions.
Meeting adjourned at 10:35 p.m.

Respectfully submitted,

[Signature]

Roberta A. DeLuca
Commission Clerk
TOWN OF EAST HAVEN PLANNING & ZONING DEPARTMENT
ADVISORY REPORT

Sperry Lane, 31 Sperry Lane, 161 Foxon Rd: AHDD Zone Change Application

ADVICE: Withdrawal by Applicant or Denial without Prejudice

PRINCIPAL APPLICABLE REGULATIONS:
- East Haven Zoning Regulations
- Connecticut General Statutes Ch. 124
- Connecticut General Statutes Sec. 8-30g

BACKGROUND:
The application is a zone change request to establish what would become an Affordable Housing Development District. The application would allow for the creation of 504 dwelling units, with a 30% set aside as “affordable housing units. This application should be considered as an affordable housing application as per C.G.S. 8-30g(2). As such the commission is severely restricted in its consideration of the application. It may deny an application only as outlined in 8-30g(g).

To date, the Town of East Haven does not meet the criteria set out in C.G.S. 8-30g(k) or 8-30g(1)(1), which set out the criteria under which an 8-30g appeal is available to a developer. These sections outline the commonly referred to 10% rule, and the rules under which a municipality may be granted a moratorium. As such the Town of East Haven is subject to the 8-30g appeals process.

ZONING CONSIDERATIONS

The state statute outlines much of what is required in terms of application and commission actions under the 8-30g appeals process. The Statute (8-30g) does not explicitly state that an affordable housing development does not need to meet all “bulk standards” as set out in zoning regulations. However, it does not allow a commission to deny an application based on density, location, and size considerations (bulk standards) alone.

The statute requires that an Affordability Plan must be included with the application [8-30g(b)]. The affordability plan must include several components. These are (a) a designation of who will be responsible for monitoring compliance with the affordability plan, (b) a fair housing marketing plan, (c) simple calculations of sale/rental prices of affordable units, (d) description of the projected sequence of when the affordable units will be built and offered, and the location of the units within the development, draft zoning regulations, conditions, deeds, restrictive covenants or lease provisions that will govern the affordable units.

For 8-30g(g) the burden is shifted to the commission to prove, based upon the evidence in the record it’s decision for denial. A decision to deny must be to protect substantial public interest in health, safety, or other matters which the commission may legally consider; and these interests must outweigh the need for affordable housing; and these interests cannot be protected by a reasonable change to the application. Other factors are also reasons for denial, however those are not issues in this application.
FINDINGS AND ADVICE:

Given that:
I. This application should be considered an affordable housing application.
II. The Commission has the burden of having proof for its decision in the record.
III. The Commission is severely restricted in its ability to deny an application to issues solely based on the basis to “protect substantial public interest in health, safety, or other matters which the commission may legally consider”
IV. The South Central Connecticut Regional Water Authority has recommended that the development be served only by municipal sewers and that a stormwater management plan be required (see SCCRWA letter dated 9-23-19).
V. The SCRCOG Regional Planning Commission has stated (in their review of the 37A Amendment) that there might be a potential inter-municipal impact caused by drainage and traffic.
VI. A portion of the property contains a watercourse and wetlands which would require an application before the IWWC

The application as it stands today is only a concept for a zone and subsequent development. As submitted the East Haven Planning & Zoning Commission cannot determine several relevant factors, nor does it have a sufficient evidence to make a determination. A detailed submission should be made to the Commission.

As such, the Commission should not proceed with this application until it has received a detailed traffic study, a detailed storm water management report, detailed soil and erosion controls plan, a detailed development plan including phases of development, grading, architectural plans, utility, lighting and all other plans as normally required during the approval of a site plan application.

Given that the Commission should received a substantial amount of information, and the possibility that an application to IWWC must also be made. The Commission should ask the applicant to withdraw the application, and resubmit the application with all the requested details. This would allow for the IWWC submission as well.

If the applicant does not wish to withdraw, the Commission should table the matter. If possible not open the public hearing until all items are received (this would require an extension), and IWWC verifies that an application is not needed.

Upon receipt of a detailed development plan, the Commission should consider a 3rd party engineering firm to assist in the evaluation of the application.

SUBMITTED FOR THE PLANNING & ZONING DEPARTMENT

Christopher Soto, Planning & Zoning Administrator
RE: Text Change Application: To ADD Section 37A

ADVICE: Withdrawal by Applicant or Denial without Prejudice

PRINCIPAL APPLICABLE REGULATIONS:
- East Haven Zoning Regulations
- Connecticut General Statutes Ch. 124
- Connecticut General Statutes Sec. 8-30g

BACKGROUND:
The application seeks to amend The East Haven Zoning Regulations, Section 37: Affordable Housing. The amendment would allow for the creation of an Affordable Housing Development District (AHDD), primarily along route 80. Under the proposed regulations, once the district is established, and application for an Affordable Housing Development must be made. This AHD application will be treated in the same manner as a site plan.

To date, the Town of East Haven does not meet the criteria set out in C.G.S. 8-30g(k) or 8-30g(1)(1), which set out the criteria under which an 8-30g appeal is available to a developer. These sections outline the commonly referred to 10% rule, and the rules under which a municipality may be granted a moratorium. As, such the Town of East Haven is subject to the 8-30g appeals process.

ZONING CONSIDERATIONS

The state statute outlines much of what is required in terms of application and commission actions under the 8-30g appeals process. Much of the amendment is a restatement of C.G.S. 8-30g in terms of the definitions and some of the constrictions that it imposes on the Planning and Zoning Commission.

The Statute (8-30g) does not explicitly state that an affordable housing development does not need to meet all “bulk standards” as set out in zoning regulations. However, it does not allow a commission to deny an application based on density, location, and size considerations (bulk standards) alone.

The Statute does not require the commission to amend its regulations. The statute outlines how the commission must handle an “affordable housing application”. In this requirement, 8-30g(2), “any application” made that is in connection with an affordable housing development is an affordable housing application. However, such application must be accompanied by an “affordability plan as outlined in 8-30g(b)(1).

Per 8-30g, the only location for which the affordable appeals process is not available would be for real property located in an Industrial Zone. Otherwise, the statute permits for a zone change application, or a development application to be submitted to the Commission regardless of the zone and the allowed uses and bulk standards in the zone.
RE: 100 Sperry Lane, 31 Sperry Lane, 161 Foxon Rd: AHDD Zone Change Application

ADVICE: Withdrawal by Applicant or Denial without Prejudice

PRINCIPAL APPLICABLE REGULATIONS:
- East Haven Zoning Regulations
- Connecticut General Statutes Ch. 124
- Connecticut General Statutes Sec. 8-30g

BACKGROUND:
The application is a zone change request to establish what would become an Affordable Housing Development District. The application would allow for the creation of 504 dwelling units, with a 30% set aside as "affordable housing units. This application should be considered as an affordable housing application as per C.G.S. 8-30g(2). As such the commission is severely restricted in it’s consideration of the application. It may deny an application only as outlined in 8-30g(g).

To date, the Town of East Haven does not meet the criteria set out in C.G.S. 8-30g(k) or 8-30g(1)(1), which set out the criteria under which an 8-30g appeal is available to a developer. These sections outline the commonly referred to 10% rule, and the rules under which a municipality may be granted a moratorium. As, such the Town of East Haven is subject to the 8-30g appeals process.

ZONING CONSIDERATIONS

The state statute outlines much of what is required in terms of application and commission actions under the 8-30g appeals process. The Statute (8-30g) does not explicitly state that an affordable housing development does not need to meet all "bulk standards" as set out in zoning regulations. However, it does not allow a commission to deny an application based on density, location, and size considerations (bulk standards) alone.

The statute requires that an Affordability Plan must be included with the application [8-30g(b)]. The affordability plan must include several components. These are (a) a designation of who will be responsible for monitoring compliance with the affordability plan, (b) a fair housing marketing plan, (c) sample calculations of sale/rental prices of affordable units, (d) description of the projected sequence of when the affordable units will be built and offered, and the location of the units within the development, (e) draft zoning regulations, conditions, deeds, restrictive covenants or lease provisions that will govern the affordable units.

Per 8-30g(g) the burden is shifted to the commission to prove, based upon the evidence in the record it’s reason for denial. A decision to deny must be to protect substantial public interest in health, safety, or other matters which the commission may legally consider; and these interests must outweigh the need for affordable housing; and these interests cannot be protected by a reasonable change to the application. Other factors are also reasons for denial, however those are not issues in this application.
FINDINGS AND ADVICE:

Given that:
I. This application should be considered an affordable housing application.
II. The Commission has the burden of having proof for its decision in the record.
III. The Commission is severely restricted in its ability to deny an application to issues solely based on the basis to “protect substantial public interest in health, safety, or other matters which the commission may legally consider”
IV. The South Central Connecticut Regional Water Authority has recommended that the development be served only by municipal sewers and that a stormwater management plan be required (see SCCRWA letter dated 9-23-19).
V. The SCRCOG Regional Planning Commission has stated (in their review of the 37A Amendment) that there might be a potential inter-municipal impact caused by drainage and traffic.
VI. A portion of the property contains a watercourse and wetlands which would require an application before the IWWC

The application as it stands today is only a concept for a zone and subsequent development. As submitted the East Haven Planning & Zoning Commission cannot determine several relevant factors, nor does it have a sufficient evidence to make a determination. A detailed submission should be made to the Commission.

As such, the Commission should not proceed with this application until it has received a detailed traffic study, a detailed storm water management report, detailed soil and erosion controls plan, a detailed development plan including phases of development, grading, architectural plans, utility, lighting and all other plans as normally required during the approval of a site plan application.

Given that the Commission should received a substantial amount of information, and the possibility that an application to IWWC must also be made. The Commission should ask the applicant to withdraw the application, and resubmit the application with all the requested details. This would allow for the IWWC submission as well.

If the applicant does not wish to withdraw, the Commission should table the matter. If possible not open the public hearing until all items are received (this would require an extension), and IWWC verifies that an application is not needed.

Upon receipt of a detailed development plan, the Commission should consider a 3rd party engineering firm to assist in the evaluation of the application.

SUBMITTED FOR THE PLANNING & ZONING DEPARTMENT

Christopher Soto, Planning & Zoning Administrator
The applicant has filed a request for text change to amend the Town’s Affordable Housing Regulation, Section 37 of our Zoning Regulations by adding a 37a. The Town’s Affordable Housing Regulation is presently very broad, and allows an Affordable Housing Application under 8-30g to be brought in any area of town. In fact, Connecticut General Statute Section 8-30g and the cases interpreting it have specifically held that an 8-30g Affordable Housing Application can be brought in any zone in a municipality.

This particular amendment creates an affordable housing district on a very location specific site, specifically the Sperry Lane property that has already been the subject of two high density development applications. It is simply too site specific, and inconsistent with our current regulation as well as with Connecticut State Law.

The proposed text change simply adds the same statutory definitions of set aside development, market rate, dwelling unit, etc., all of which items are codified under existing laws and regulations.

There is no requirement either by statute or case law that a town adopt a text change to allow an application to be submitted under 8-30g for a specific site. Our current high school is 100% affordable and no text change was necessary when they came before this board.

You have heard the recommendations of the police department, fire department, town engineer and zoning enforcement officer relative to the creation of a spot zone of this size, and you simply do not have the information in front of you to determine the full effects on public health and safety.
Our current regulation sets forth standards that include the following:

a. Recognize and encourage affordable housing for families and individuals who cannot afford market rate housing.

b. Encourage and protect stable residential development of long term quality and a favorable range of housing value.

c. Encourage the clustering of new housing units in appropriate locations and quantity to preserve and create valuable open space, in a manner that would enhance the neighborhood.

d. Housing development that revitalizes and strengthens the neighborhood of the town should be encouraged.

e. High density housing should be located in a favorable location such as town centers, along transit arteries and in proximity to services and town centers.

f. High density housing should not be built in locations not conducive to sound residential neighborhoods.

h. Our affordable housing plan further suggests that such projects should be encouraged in areas which fit in with current zoning and neighborhoods and not in the R4 and R5 neighborhoods as is in the application brought today.

In light of the fact that you do not have a full project in front of you, and that neither the statute or case law requires a text change for an applicant to bring an 8-30g application, I would recommend that the application be denied without prejudice to the developer to come back in with a full application for the entire development rather than an application for a text change and zone change with a conceptual drawing.
Respectfully submitted,

[Signature]

Alfred J. Zullo
Assistant Town Attorney
SECTION 37: AFFORDABLE HOUSING (Adopted August 2013)

PART 1 - Introduction

East Haven is a small shoreline town in New Haven County with a population of just under 30 thousand people and about 12 square miles in size. For the most part, East Haven is a relatively built out community to its urban fringes (Map 1) with some vacant land for development in the North end of town. East Haven boarders four (4) other municipalities (New Haven, North Haven, North Branford, and Branford). There are 11,898 housing units currently in East Haven and the median price for a single family home in the town is just over 200 thousand dollars on average.

MAP 1: South Central Regional Council of Governments, SCRCOG, Regional Built Out Analysis, 2010
The map above (Map 1) shows just how built out East Haven has become over the years, with 2,369 people per square mile, which makes East Haven by definition an urban community. The northern area of town has by far the lesser population density throughout the town, whereas the center and beach areas are where most of East Haven’s density is concentrated. Route 80, which is one the top ten (10) busiest roads in the state, and one of East Haven’s main commerce areas, separates the north and south areas of East Haven. North of Route 80 towards North Haven and North Branford are where the rural parts of the town are located.

The north end of town is where most of the vacant buildable land is located and in an attempt to control urban sprawl the town’s future planning and the Planning and Zoning Commission must be careful about future residential development. Urban sprawl is haphazard growth or outward extension from a core city, in this case New Haven which ends up resulting in uncontrolled and poorly managed automobile dependent development. Sprawling development, which the North end of town is ripe for is what the Planning Department and Commission want to be able have complete land use control of so that the mistakes of the past are not repeated.

The rural area (North end) of East Haven is all zoned R3, R4 or R5, which call for larger lot sizes and the reason those areas are zoned that way was to control density and sprawl. Population density isn’t always a bad idea, depending on the location and circumstance. If the current zoning warrants larger lots then rezoning an area to squeeze in single family housing that is nonconforming to the general area is always going to be controversial with the surrounding neighborhoods and in theory and practice, creating urban sprawl is just poor land use planning practices.

In order to control density, the Planning & Zoning Commission needs to weigh many factors in their decision making in the North area of town. Some of those factors are the effects and impact that the East Haven School system will have to absorb in additional students and additional funding. Traffic is another impact that always needs to be considered. Even though a street such as Strong Street for example would be considered a collector street or even a local street by definition, there would still be an impact on the volume of traffic. Another factor that must always be considered is the environmental impact on any high density housing project. Environmental issues are so crucial to development, especially when the community is built out to its fringes. Urban sprawl has already taken up much of the buildable land in East Haven and the northern area of East Haven is where most of the open space in town is left. (See Map 2)

East Haven is in the same situation as many other communities, in that controlling urban sprawl is a continuous problem. Sprawling development threatens the state’s and East Haven’s natural resources and farmland, for instance the amount of land in urban and suburban uses increased more than eight (8) times faster than the population did between 1970 and 1990. That increase percentage is something that East Haven would like to avoid, especially in the northern area of town where the land there is zoned for larger lots. Any new development in the northern area must conform with today’s zoning regulations and already built environment that currently exists there. Also any new development in the northern area of town must conform with the Town’s Plan of Conservation and
Development which does promote affordable housing, however when looking at Map 2 (next page), one will see that most of the open space left in town is in the North.

For any community attempting to curb urban sprawl it is a challenge, however it is a challenge that most, if not all municipalities in Connecticut have to face. This plan is two fold in nature, first is the beginning of East Haven’s attempt to curb urban sprawl and ensure that future generations have open space to enjoy and keep the character of East Haven’s neighborhoods in conformity with our current POCD. Second, and most importantly this plan is going to put land use controls on any and all affordable housing proposals that are brought before the commission.

On page 41 of East Haven’s POCD it states as an Open Space Goal, that the town, “Preserve the remaining significant open space resources of East Haven in order to maintain the quality of life of the community, preserve residential neighborhoods, protect the natural environment, prevent environmentally detrimental development, and to preserve the natural resources of the Town.”

MISSION STATEMENT

The Town of East Haven’s Affordable Housing Plan is a document that intends to develop a course of action that calls for logical, reasonable strategy to create affordable housing in East Haven. The plan will address two (2) main goals which are to develop affordable housing in areas where it conforms to the already built environment and also to provide East Haven with the planning/land use controls over the proposal of any affordable housing development plan that may come before the Planning and Zoning Commission.

POLICY STATEMENT

The Town of East Haven is committed to increasing its affordable housing stock, which currently stands at 7.2% (10% is required by State Statute 8-30g). So in reality East Haven is better off than most towns in Connecticut, considering only 33 of the 169 municipalities meet the 10% requirement.

It shall be the policy of East Haven in regards to Affordable Housing to promote the growth and development of affordable housing, while also controlling the land use planning of any plan that may come before the Planning & Zoning Commission that pertains to affordable housing. Also the town will allow, under the right circumstances affordable housing in all residential zones as long as the land use controls set forth in this plan are met.

(continued on next page...)

Town of East Haven Zoning Regulations - Effective January 10, 2001 unless otherwise noted.
### Demographics

**East Haven, Connecticut**

**CERC Town Profile 2012**

Town Hall  
250 Main Street  
East Haven, CT 06512  
(203) 468-5204

**Race/Ethnicity (2011)**

<table>
<thead>
<tr>
<th>Town</th>
<th>County</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>26,789</td>
<td>651,497</td>
</tr>
<tr>
<td>Black</td>
<td>848</td>
<td>110,522</td>
</tr>
<tr>
<td>Asian Pacific</td>
<td>975</td>
<td>30,800</td>
</tr>
<tr>
<td>Native American</td>
<td>50</td>
<td>2,521</td>
</tr>
<tr>
<td>Other/Multi-Race</td>
<td>1,513</td>
<td>75,318</td>
</tr>
<tr>
<td>Hispanic (Any race)</td>
<td>3,228</td>
<td>139,381</td>
</tr>
</tbody>
</table>

**Economic Status (2010)**

- Poverty Rate: 8.5%  
- Educational Attainment (2011):
  - Persons 25 or Older  
    - High School Graduate: 85.9%  
    - Some College: 4,567 25%  - 594,269 32%  
    - Bachelor or More: 4,666 24%  - 883,438 36%

**Age Distribution (2011)**

<table>
<thead>
<tr>
<th>0-4</th>
<th>5-17</th>
<th>18-24</th>
<th>25-49</th>
<th>50-64</th>
<th>65+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>759</td>
<td>3%</td>
<td>2,588</td>
<td>9%</td>
<td>1,583</td>
<td>5%</td>
</tr>
<tr>
<td>Female</td>
<td>979</td>
<td>3%</td>
<td>2,407</td>
<td>8%</td>
<td>1,468</td>
<td>5%</td>
</tr>
<tr>
<td>County Total</td>
<td>53,213</td>
<td>6%</td>
<td>145,329</td>
<td>17%</td>
<td>84,217</td>
<td>10%</td>
</tr>
<tr>
<td>State Total</td>
<td>217,641</td>
<td>6%</td>
<td>611,933</td>
<td>17%</td>
<td>343,598</td>
<td>10%</td>
</tr>
</tbody>
</table>

**Business Profile (2005)**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Establishments</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>2.9%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Const. and Mining</td>
<td>14.4%</td>
<td>8.1%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>6.0%</td>
<td>9.7%</td>
</tr>
<tr>
<td>Trans. and Utilities</td>
<td>4.1%</td>
<td>4.7%</td>
</tr>
<tr>
<td>Trade</td>
<td>25.3%</td>
<td>31.9%</td>
</tr>
<tr>
<td>Finance, Ins. and Real Estate</td>
<td>7.1%</td>
<td>6.6%</td>
</tr>
<tr>
<td>Services</td>
<td>36.2%</td>
<td>32.4%</td>
</tr>
<tr>
<td>Government</td>
<td>5.5%</td>
<td>5.7%</td>
</tr>
</tbody>
</table>

**Top Five Grand List (2009)**

- McGhie Properties: $32,692,910 1.0%
- Smithville Properties: $14,655,420 0.7%
- Benchmark GPT: $13,619,566 0.6%
- Schofer Properties: $15,243,958 0.6%
- HP Stow Brook Village: $12,559,020 0.4%

**Top Five Major Employers (2006)**

- Super Stop & Shop  
- Terrestrial Corp.  
- Village at Milford Point  
- Town  
- State  

**Retail Sales (2007)**

- $295,338,827  
- $136,958,194,243

**Education**

- 2009-2010 School Year
  - Total Town School Enrollment: 3,810  
  - State: 552,782

- Most public school students in East Haven attend East Haven School District, which has 5,530 students.

- Students per Computer
  - Elementary: 4.9  
  - Middle: 3.4  
  - Secondary: 2.2

- Average Class Size
  - Grade K: 16.1  
  - Grade 1: 16.4  
  - Grade 2: 16.4  
  - Grade 3: 17.7  
  - Grade 4: 16.0  
  - Grade 5: 17.4  
  - Grade 6: 16.0  
  - Grade 7: 17.4

- Average M/F Ratio
  - Town State: 454 508

---

**Town Profiles**  
July, 2012  
www.cerc.com

No representation or warranty, expressed or implied, are given regarding the accuracy of this information.

---

Town of East Haven Zoning Regulations - Effective January 10, 2001 unless otherwise noted.
## Government

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Revenue (2010)</th>
<th>Total Expenditures (2010)</th>
<th>Annual Debt Service (2010)</th>
<th>As % of Expenditures</th>
<th>As % of State Average</th>
<th>As % of Expenditures</th>
<th>As % of State Average</th>
<th>As % of Expenditures</th>
<th>As % of State Average</th>
<th>As % of Expenditures</th>
<th>As % of State Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Form: Mayor-Council</td>
<td>$76,949,959</td>
<td>$78,561,834</td>
<td>$7,635,801</td>
<td>9.7%</td>
<td>71.7%</td>
<td>69.1%</td>
<td>64.8%</td>
<td>87.2%</td>
<td>81.5%</td>
<td>67.2%</td>
<td>79.7%</td>
</tr>
<tr>
<td>Tax Revenue</td>
<td>$51,611,706</td>
<td>$44,137,267</td>
<td>$2,968,044,077</td>
<td>9.7%</td>
<td>71.7%</td>
<td>69.1%</td>
<td>64.8%</td>
<td>87.2%</td>
<td>81.5%</td>
<td>67.2%</td>
<td>79.7%</td>
</tr>
<tr>
<td>Non-tax Revenue</td>
<td>$23,923,233</td>
<td>$34,425,567</td>
<td>$100,520</td>
<td>9.7%</td>
<td>71.7%</td>
<td>69.1%</td>
<td>64.8%</td>
<td>87.2%</td>
<td>81.5%</td>
<td>67.2%</td>
<td>79.7%</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>$2,884,200</td>
<td>$52,789,047</td>
<td>Date of Last Revaluation (2009)</td>
<td>2006</td>
<td>71.7%</td>
<td>69.1%</td>
<td>64.8%</td>
<td>87.2%</td>
<td>81.5%</td>
<td>67.2%</td>
<td>79.7%</td>
</tr>
<tr>
<td>Per Capita Tax (2010)</td>
<td>$1,776</td>
<td>$1,816</td>
<td>Moody's Bond Rating (2009)</td>
<td>Baa</td>
<td>71.7%</td>
<td>69.1%</td>
<td>64.8%</td>
<td>87.2%</td>
<td>81.5%</td>
<td>67.2%</td>
<td>79.7%</td>
</tr>
<tr>
<td>As % of State Average</td>
<td>71.7%</td>
<td>69.1%</td>
<td>Actual Mill Rate (2010)</td>
<td>22.85</td>
<td>71.7%</td>
<td>69.1%</td>
<td>64.8%</td>
<td>87.2%</td>
<td>81.5%</td>
<td>67.2%</td>
<td>79.7%</td>
</tr>
</tbody>
</table>

## Housing/Real Estate

<table>
<thead>
<tr>
<th>Housing Stock (2009)</th>
<th>Town</th>
<th>County</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,589</td>
<td>552,042</td>
<td>1,452,007</td>
<td></td>
</tr>
<tr>
<td>% Single Unit</td>
<td>69.1%</td>
<td>59.3%</td>
<td>64.8%</td>
</tr>
<tr>
<td>New Permit Auth (2009)</td>
<td>13</td>
<td>309</td>
<td>7,796</td>
</tr>
<tr>
<td>As % Existing Units</td>
<td>0.11%</td>
<td>0.14%</td>
<td>0.28%</td>
</tr>
<tr>
<td>Demolitions (2009)</td>
<td>212</td>
<td>1,219</td>
<td></td>
</tr>
<tr>
<td>Home Sales (2009)</td>
<td>156</td>
<td>3,533</td>
<td>14,696</td>
</tr>
<tr>
<td>Median Price</td>
<td>$211,500</td>
<td>$246,000</td>
<td>$265,000</td>
</tr>
<tr>
<td>Builh Per 1950 Census (2000)</td>
<td>26.3%</td>
<td>33.2%</td>
<td>31.5%</td>
</tr>
</tbody>
</table>

## Labor Force

<table>
<thead>
<tr>
<th>Place of Residence (2011)</th>
<th>Town</th>
<th>County</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor Force</td>
<td>16,751</td>
<td>457,670</td>
<td>1,918,145</td>
</tr>
<tr>
<td>Employed</td>
<td>15,135</td>
<td>413,076</td>
<td>1,749,489</td>
</tr>
<tr>
<td>Unemployed</td>
<td>1,623</td>
<td>44,504</td>
<td>170,737</td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>9.7%</td>
<td>7.7%</td>
<td>8.9%</td>
</tr>
<tr>
<td>Place of Work (2011)</td>
<td>527</td>
<td>325</td>
<td>103,381</td>
</tr>
<tr>
<td>Total Employment</td>
<td>6,200</td>
<td>500,474</td>
<td>1,612,373</td>
</tr>
<tr>
<td>2000-11 Growth AAGR</td>
<td>-1.0%</td>
<td>-1.8%</td>
<td>-1.0%</td>
</tr>
</tbody>
</table>

## Other Information

<table>
<thead>
<tr>
<th>Town</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banks (2007)</td>
<td>7</td>
</tr>
<tr>
<td>Crime Rate (2009)</td>
<td>124</td>
</tr>
<tr>
<td>Per 100,000 Residents</td>
<td>124</td>
</tr>
<tr>
<td>Library (2010)</td>
<td>Town</td>
</tr>
<tr>
<td>Total Volumes</td>
<td>82,290</td>
</tr>
<tr>
<td>Circulation Per Capita</td>
<td>5.3</td>
</tr>
<tr>
<td>Residential Utilities</td>
<td></td>
</tr>
<tr>
<td>Electric Provider</td>
<td>The United Illuminating Co.</td>
</tr>
<tr>
<td>Gas Provider</td>
<td>Southern Connecticut Gas Company</td>
</tr>
<tr>
<td>Water Provider</td>
<td>South Central CT Regional Water Auth.</td>
</tr>
<tr>
<td>Cable Provider</td>
<td>COMCAST/BRANFORD</td>
</tr>
</tbody>
</table>

No representation or warranties, expressed or implied, are given regarding the accuracy of this information.
PART 2 - Affordable Housing

Connecticut like many other states in America has adopted what is called an "Affordable Housing Law", which when defined by the statutes Chapter 128, §8-39a states, "Affordable Housing means housing for which persons and families pay thirty (30%) percent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Dept. of Housing and Urban Development."

Connecticut requires all 169 municipalities to have 10% of their housing stock deemed affordable by state statute Chapter 126a, §8-30g, which was originally adopted by the state legislator in 1989. Municipalities have the ability to appeal the 10% rule. Changes were made to 8-30g following a Blue Ribbon Commission on affordable housing in 1999, and changes were made to the law in 2000.

Connecticut has one of the largest disparities between the have and the have-nots. The affordability gap in Connecticut between salaries and the price of housing is dramatic, and the end result is usually vacant or foreclosed homes within the respective municipality.

**FIGURE 1-1**
OWNERS AND RENTERS FACE SEVERE AFFORDABILITY PROBLEMS

<table>
<thead>
<tr>
<th>Percentage of Households</th>
<th>Owners</th>
<th>Raters</th>
</tr>
</thead>
<tbody>
<tr>
<td>100%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Owner not burdened, MODerately burdened, Severely burdened*

ELI = Extremely Low Income
VL = Very Low Income
LI = Low Income
MI = Moderate Income
HI = High Income

Source: Millennial Housing Commission, 2003. 15
STATE OF AFFORDABLE HOUSING IN CONNECTICUT

Connecticut loses more population between the ages of 24-35 every year, which is more than any other state in America. Granted some of that has to do with geographic location between Boston and New York, however that age group leaves Connecticut not simply because of the lack of employment in Connecticut, housing prices play a large part. Housing prices in Connecticut have gone up over 50% in the last ten years and salaries have gone up only 31%, so when looking at those numbers it is easy to see the affordability gap in Connecticut. Also it shows that more affordable housing is needed throughout the state. The high cost of housing is often cited as one of the primary factors why Connecticut has lost a large percentage of its young adult population over the past twenty years.

MAP 3: Residential build out potential of New Haven County

When looking at the above map (3) it is easy to see that the potential for development within New Haven County is there, however certain municipalities such as East Haven, New Haven, West Haven, where affordable housing is needed most are already built out to their urban fringes. Other communities such as Cheshire or Woodbridge greatly discourage affordable housing due to their demographic populations. The State of Connecticut’s Conservation & Development Policies, which
was recently adopted, has six growth management principles and number two addresses housing, and it states that, "Demographic trends indicate that Connecticut's population, along with most of the nation is aging. The sheer magnitude of the number of members in the 'baby boom' generation, combined with increased life expectancy, will have profound effects on our communities and society in general well into the future."

The American Planning Association (APA) states in their Policy Guide on Housing, that "Affordability problems affect both renters and home-owners. Even among people with relatively better paying jobs, higher housing costs precipitate a significant decline in real, spendable income. For both renters and homeowners, housing and transportation costs consume a large share of the household budget. The widespread problem has a profound impact on the quality of life for families, especially children, and on the overall well-being of neighborhoods and communities."

As stated before East Haven is in good shape with affordable housing, having roughly 7.2% of its housing stock deemed affordable. Also when looking at East Haven as a whole and the average price of a single family home being around 200 hundred thousand dollars, in the range of what would be deemed affordable.

(continued on next page...)

Town of East Haven Zoning Regulations - Effective January 10, 2001 unless otherwise noted.
Part 3 – Land Use Controls

Map 4 Land use map of East Haven, POCO

Town of East Haven Zoning Regulations - Effective January 10, 2001 unless otherwise noted.
The following standards will apply to all affordable housing plans that are proposed in East Haven. Connecticut Statute 8-30g (see appendix) is the statute that governs Affordable Housing Development in the state, and the Town of East Haven will adhere to all the rules and regulations of the statute as long as proposals for affordable housing meet the following criteria.

ZONE: Depending on which zone a proposal comes in as (R1, R2, R3, etc...) the commission has the right to change said zone to what would be called an Affordable Housing District (AHD). For a zone to be changed to AHD, there must be a minimum of no less than 7 acres of buildable land. In Zones above R3 (R4 & R5), the schedule ‘B’ General Bulk Standards would apply regarding square footage, all setbacks, lot cover-age (etc...). For instance, in an R5 zone the applicant would need 40 thousand square feet per lot and would have to meet all setbacks that are already in the current zoning regulations.

INFRASTRUCTURE:

Every plan proposed will have the following:

1) Sidewalks on both sides of the street (no exceptions)
2) Street width will be a minimum of 30 feet
3) Detention basins/ponds will be shown on the plan along with an licensed engineering report for drainage
4) Traffic Study by a licensed engineer
5) Street lighting will be shown and adequate for the plan
6) Depending upon the size of the project; traffic calming techniques may be placed on the plan by the town planner or P & Z commission as additional conditions
7) A minimum of 30% open space will be incorporated into the plan
8) All sidewalks and curbing will be concrete
9) Contractor will be responsible for infrastructure: (gas, sewers, catch basins, etc...)
   *Catch basins will be a minimum of 300 feet apart, no exceptions.

NOTE: The Town’s Engineer, Town Planner, Town Attorney, and members of the commission have the right to add to any of these infrastructure requirements as they see fit for said proposal of any plans that may come before the commission. The Town’s subdivision regulations may be used as criteria for any proposal as the commission or Town Engineer see fit.

SETBACKS:

The following setbacks will be required in any proposed affordable housing project in East Haven and they are not subject to debate or change at any time.

1) Lot Size- 7200 square feet (minimum)
2) Frontage- 60 feet

Town of East Haven Zoning Regulations - Effective January 10, 2001 unless otherwise noted.
3) Side Yard Setback- minimum of 15 ft
4) Front Yard Setback- 20 feet
5) Rear Yard Setback- 20 feet
6) Setback from any permanent structures- 25 feet
7) Height- 30 feet (no exceptions)
8) Lot Coverage- 25%
9) Setback from Street line- 20 feet

- **FLOOD PLAIN AREA**- If proposed plan is in a flood plan, then the applicant will follow the subdivision regulations 2.2.11 which clearly states that the plan will include Base Flood Elevation Data from a licensed surveyor, certified by the State of CT and in A2 format.

- **PUBLIC HEARING**- Applicant will be entitled to a public hearing and the commission will have 65 days to make its decision and the commission has a right to extend that time for any additional information it may need to render a decision.

- **DESIGN**- Any proposal that comes before the Planning and Zoning Commission will conform to the abutting neighborhoods and will adhere to the Plan of Conservation and Development, which does on page 27 promote Affordable Housing stating that, “Since the housing stock in East Haven is relatively affordable at the current time, the emphasis should be on retaining existing units as affordable.”

- The commission holds the right to refer to the Town’s subdivision regulations for any other land use controls that it feels may pertain to said affordable housing proposal, such as setting pricing on bonds, soil testing, etc...

**Part 4- Analysis of Affordable Housing in East Haven**

Currently in 2013, East Haven is the one town in New Haven County in which its current housing stock is below market rate. The prices on homes in East Haven are affordable and will continue to be affordable. With an average price for a home under or around 200 thousand dollars and today’s low interest rates, East Haven is by far the best buy for one’s dollar in all of New Haven County.

**RECOMMENDATIONS:**

- Allow for affordable housing proposals in appropriate areas of town as long as they meet the Affordable Housing’s Plan

- Preserve the integrity and character of our neighborhoods
• Use the Block Grant and other funding sources to fix up existing neighborhoods

• The zoning regulations should reflect the current pattern of development in town

• Recognize and encourage affordable housing for families and individuals who can’t currently afford market rate housing

• Maintain existing units in a safe, sanitary, and sound structural conditions

• Encourage and protect stable residential development of long term quality and a favorable range of housing values.

• Encourage the clustering of new housing units, in appropriate locations and quantity, to preserve and create valuable open space, in a manner that would enhance the neighborhood.

• Housing development that revitalizes and strengthens the neighborhood fabric of the town should be encouraged

• High density housing should be located in favorable locations such as town centers, along transit arteries, and in proximity to services and town centers

• High density housing should not be built in locations not conducive to sound residential neighborhoods

Conclusion

East Haven should preserve the north area of town and not allow for high density development. Affordable housing, which although encouraged by the town should be proposed in areas where it fits in with the current zoning and neighborhoods. Allowing high density housing projects in zones such as R4 or R5 simply doesn’t make sense and doesn’t conform to the Town’s POCD.

As previously stated the commission needs to protect our open space and ensure that the town doesn’t become an example of urban sprawl. Open space and protecting our already built out areas is extremely important to the future of East Haven. This document is the first step in hopefully changing the way the town develops for the better and to allow future generations to not repeat the wrongs in development that we are currently trying to make right.
References:

Town Profiles: Connecticut Economic Resource Center: CERC, 2013; East Haven

2 According to American Planning Association, the definition of Urban is that, “All of population & territory within the boundaries of urbanized areas and the urban portions of places outside urbanized area that have a decennial census population of 2,500 persons or more.” APA Dictionary, 2001 page 432

3 NOTE: According the State of Connecticut’s Dept. of Transportation (DOT) Route 80 is the seventh (7th) busiest arterial road in Connecticut.

4 Connecticut Metropatterns: Regional Agenda for Community and Prosperity in Connecticut; Ameregis; Metropolitan Area Research Corporation; March 2003, page 1

5 Plan of Conservation & Development; Town of East Haven, September 2007, page 41

6 NOTE: That population lose is over 75% of college graduates.


8 IBID: page 11

9 Policy Guide on Housing: American Planning Association; 2006; page 2

10 Plan of Conservation & Development: Town of East Haven, 2007; page 27

11 NOTE: Some of the recommendations were taken from the Housing section of the POCD
STAFF REPORT
RE: ZONE CHANGE
BY THE BLUFF'S, LLC

Many of my comments for the zone change application will be the same as my comments for the text change application. Our current affordable housing regulation allows affordable housing projects in all zones. In addition, both the Connecticut General Statutes and existing case law do not require a zone change as part of an affordable housing application. The courts have specifically held that an affordable housing project can be built in any zone in the town. Our high school project is 100% affordable units and no application for zone change was necessary when they came before this board.

Your job under that statute would be to determine if a proposed application poses a danger to public health and safety that would out weigh the town’s need for affordable housing. Section 8-30g was enacted to force towns to meet a threshold that leaves 10% of their housing units available as affordable housing.

Affordable housing units have price restrictions that allow them to be affordable for households earning no more than 80% or 60% as applicable of the area medium household income as calculated by the US Department of Housing and Urban Development. As in my comments relative to the text change, we have specific standards in our affordable housing regulations for the board’s consideration when reviewing any such projects. Furthermore, those projects located in an R4 and R5 zone
are to be viewed with even closer scrutiny in light of the town's plan of conservation and development.

The board has already entertained two applications for high density development one of which was withdrawn and the second which was denied. The conceptual drawing that is being submitted with this zone change request is simply insufficient to provide this board with the information to determine if the project that is being considered by the developer will have impacts on public health and safety.

Connecticut General Statutes 8-30g (8) (b) (1) provides that Any person filing an affordable housing application with a commission shall submit, as part of the application, an affordability plan which shall include at least the following:

(A) Designation of the person, entity or agency that will be responsible for the duration of any affordability restrictions for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price or rental restrictions of this chapter;

(B) An affirmative fair housing marketing plan governing the sale or rental of all Dwelling units:

(C) A sample calculation of the maximum sales prices or rents of the intended affordable dwelling units;

(D) A description of the projected sequent in which, within a set-aside development, the affordable dwelling units will be build and offered for occupancy and the general location of such units within the proposed development; and

(E) Draft zoning regulations, conditions of approvals, deeds, restrictive covenants or lease provisions that will govern the affordable units.

The Connecticut Regulations of State Agents Sec. 8-30g-7 sets forth the minimum requirements to be contained in each affordability plan and conceptual site plan, a copy of which is attached.

8-30g-9 contains a model deed restriction for set aside developments, a copy of which is attached.

8-30g-8 provides the calculation process to determine maximum housing prices in set aside developments, a copy of which is attached.
None of this information is before you tonight.

Furthermore, you have the letters from the police chief and fire chief relative to their concerns relative to the public health and safety concerns of a development as large as proposed in the conceptual drawing as well as the comments from our town engineer and our Zoning Enforcement Officer. You have no technical information nor do you have any other detailed information for you to make your decisions relative to the suitability of a project on this site and any concerns that you may have for public health and safety.

As I indicated with the text change application, there is no requirement under 8-30g that a zone change application be granted as part of a affordable housing application under 8-30g. I recommend that the application be denied without prejudice to the developer to bring in its full application for the development of this site.

Respectfully submitted,

Alfred J. Zullo
Assistant Town Attorney
Sec. 8-30g-7. Affordability plans and conceptual site plans

(a) An affordability plan shall include at least the elements set forth in section 8-30g(b)(1) of the Connecticut General Statutes and shall at a minimum contain or comply with the following:

(1) The designation of the person who will be qualified and responsible for administration of the affordability plan shall include identifying responsibility for:

(A) Ensuring that households applying for affordable units qualify within applicable maximum income limits;
(B) Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees and financing institutions;
(C) Maintaining minimum percentages in a set-aside development;
(D) Reporting compliance to the municipality; and
(E) Executing the affirmative fair housing marketing plan.

(2) A proposed procedure by which sellers, purchasers, lenders or title insurers may, upon request and in a timely manner, obtain written certification of compliance with applicable set aside, household income, sale, or resale price limitations or requirements.

(3) With respect to an affirmative fair housing marketing plan filed in accordance with an affordable housing development application, the provisions of sections 8-37ee-1 et seq. of the Regulations of Connecticut State Agencies, and particularly sections 8-37ee-301 and 302, shall serve as the basis for such plan, provided that such regulations, including the procedures therein, shall be guidelines, not requirements. Collection and dissemination of information about available price restricted and market rate dwelling units shall include, at a minimum:

(A) Analyzing census and other data to identify racial and ethnic groups least represented in the population;
(B) Announcements/advertisements in publications and other media that will reach minority populations;
(C) Announcements to social service agencies and other community contacts serving low-income minority families in the region (including churches, civil rights organizations, housing authorities, and legal services organizations);
(D) Assistance to minority applicants in processing applications;
(E) Marketing efforts in geographic area of high minority concentrations within the housing market area;
(F) Beginning marketing efforts prior to general marketing of units, and repeating again during initial marketing, at fifty percent (50%) completion, and thereafter at reasonable period intervals with respect to resales or re-rentals; and
(G) Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.

(4) In an affordability plan or affirmative fair housing marketing plan for an affordable housing development, preferences in application procedures or occupancy for existing residents of the subject municipality shall not be utilized unless members of racial and ethnic groups identified as least likely to apply receive equally-weighted preferences.

(5) The maximum sale price, resale price, or rent for any affordable unit in a set-aside development shall be determined as set forth in section 8-30g-8 of the Regulations of
Connecticut State Agencies.

(6) In an affordability plan for a set-aside development, a description of the projected sequence in which price-restricted dwelling units will be built and offered for occupancy shall consist of a narrative and schematic plan describing the construction sequence of the proposed site development plan, the location of price-restricted and market-rate dwelling units within that sequence, and a demonstration that such sequence will result in compliance with the set-aside requirements of section 8-30g of the Connecticut General Statutes and sections 8-30g-1 through 8-30g-11, inclusive, of the Regulations of Connecticut State Agencies.

(7) A commission, by regulation, may require that an affordable housing application that petitions for a rezoning of the property that is the subject of the application shall be accompanied by a conceptual site plan. Any such regulation, however, shall not require the submission of the type of plans, studies, calculations or similar detailed information that will otherwise be required in connection with site development, subdivision or resubdivision plans which, when approved, will serve as the basis for issuance of a building permit.

(Adopted effective April 29, 2002; Amended May 3, 2005)
Sec. 8-30g-9. Model deed restriction for a set aside development

(a) On or after the effective date of this subsection, a covenant or restriction imposed upon or otherwise made applicable to a set aside development or dwelling units within a set aside development as defined in subsection 8-30g-1(14) of the Regulations of Connecticut State Agencies shall satisfy sections 8-30g-1, 8-30g-7 and 8-30g-8, if the covenant or restriction has a term of at least forty years and contains substantially the following language:

(1) For a set aside development consisting of dwelling units to be rented:

"This development is a set aside development as defined in section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect on the date of the original application for initial local approval [insert appropriate date], containing affordable housing dwelling units, and is therefore subject to limitations on the maximum annual income of the household that may rent the designated affordable housing dwelling units, and on the maximum rental that may be charged for such affordable housing dwelling units. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of [the municipality] against the record owner of the development or the person identified in the affordability plan as responsible for the administration of these limitations.

For the duration of this covenant or restriction, no less than fifteen percent (15%) of the dwelling units in this development shall be rented to persons and families whose annual income is less than or equal to eighty percent (80%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and such units may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount stated in section 8-30g-8(d) of the Regulations of Connecticut State Agencies. In addition, no less than fifteen percent (15%) of the dwelling units shall be rented to persons and families whose annual income is less than or equal to 60 percent (60%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and such units may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount stated in section 8-30g-8(e) of the Regulations of Connecticut State Agencies."

(2) For a dwelling unit within a set aside development in which individual, designated units are sold or resold as affordable housing dwelling units:

"This dwelling unit is an affordable housing dwelling unit within a set aside development as defined in section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect on the date of the original application for initial local approval [insert appropriate date], and is therefore subject to a limitation, at the date of purchase, on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. these limitations shall be strictly enforced, and may be enforced by the person identified in the affordability plan as responsible for the administration of these limitations or the zoning enforcement authority of [the municipality].

For the duration of this covenant or restriction, this dwelling unit may be sold only to persons and families whose annual income does not exceed ___% (insert 60% or 80% as applicable) percent of 'median income' as defined in subsection 8-30g-1(10) of the
Regulations of Connecticut State Agencies

Regulations of Connecticut State Agencies, applicable to this unit as specified in an affordability plan as on file with the [municipality]. In addition, this unit may be sold or resold only at a price equal to or less than the price determined using the formula stated in section 8-30g-8(a), or the formula stated in section 8-30G-8(B), as applicable, of the Regulations of Connecticut State Agencies.

(b) In order to assist in any determination that the sale or resale price of an affordable housing dwelling unit complies with applicable limitations, any owner, seller, purchaser or prospective purchaser of such dwelling unit may be required by the administrator of the affordability plan to provide documentation of the annual income of the person or family who will occupy the dwelling unit and of compliance with applicable sale price or resale price limitations, which documentation shall be available upon request to the zoning enforcement authority of [the municipality].

(Adopted effective May 3, 2005)
Sec. 8-30g-8. Maximum housing payment calculations in set-aside developments

(a) The maximum price for any affordable unit that is sold or resold within a set-aside development, for the period of affordability restrictions, to a household earning eighty percent of the median income or less, shall be determined as follows:

(1) Step 1. Determine area median income and the statewide median as published by the U.S. Department of Housing and Urban Development for the subject municipality, and use the lesser of these figures.

(2) Step 2. Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be made with reference to the following percentages:

<table>
<thead>
<tr>
<th>NUMBER OF PERSONS IN FAMILY</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERCENTAGE ADJUSTMENT</td>
<td>70%</td>
<td>80%</td>
<td>90%</td>
<td>100%</td>
<td>108%</td>
<td>116%</td>
<td>124%</td>
<td>132%</td>
</tr>
<tr>
<td>(BASE)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5 person household is 104 percent.

(3) Step 3. Calculate eighty percent (80%) of Step 2.

(4) Step 4. Calculate thirty percent (30%) of Step 3, representing that portion of household income deemed to be used for housing costs.

(5) Step 5. Divide step 4 by twelve (12) months to determine the maximum monthly housing payment.

(6) Step 6. Determine by reasonable estimate monthly housing expenses, including real property taxes; real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.

(7) Step 7. Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.

(8) Step 8. Using the amount resulting from Step 7, apply a mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, in order to determine the financable amount.

(9) Step 9. Calculate down payment, which shall comply with subsection (c) of this section.

(10) Step 10. Add Steps 8 and 9 to determine the maximum sale or resale price.

(b) For a unit required to be sold or resold to a household earning sixty percent (60%) or less of the median income, the formula stated above shall be used, except that in Step 3, sixty percent (60%) shall be used instead of eighty percent (80%).

(c) The maximum allowable down payment used in calculating the maximum sale or resale price of an affordable unit that is sold shall be the lesser of twenty percent (20%) of the total sale price or twenty percent (20%) of the Connecticut Housing Finance Authority
(d) The maximum monthly payment for a rental unit in a set-aside development, for the period of affordability restrictions, for a household earning eighty percent of the median income or less, shall be determined as follows:

(1) Step 1. Determine area median income and the statewide median as published by the U.S. Department of Housing and Urban Development for the subject municipality, and use the lesser of these figures.

(2) Step 2. Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be made with reference to the following percentages:

<table>
<thead>
<tr>
<th>NUMBER OF PERSONS IN FAMILY</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERCENTAGE</td>
<td>70%</td>
<td>80%</td>
<td>90%</td>
<td>100%</td>
<td>108%</td>
<td>116%</td>
<td>124%</td>
<td>132%</td>
</tr>
<tr>
<td>ADJUSTMENT (BASE)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5 person household is 104 percent.

(3) Step 3. Calculate eighty percent (80%) of Step 2.

(4) Step 4. Calculate thirty percent (30%) of Step 3, representing that portion of household income deemed to be used for housing costs.

(5) Step 5. Divide Step 4 by twelve (12) months to determine the maximum monthly housing payment.

(6) Step 6. Determine the fair market rent for a unit with the same number of bedrooms in the subject municipality as published by the U.S. Department of Housing and Urban Development.

(7) Step 7. Multiply the U.S. Department of Housing and Urban Development fair market rent as determined in Step 6 by one hundred twenty percent (120%).

(8) Step 8. The maximum monthly housing payment for occupants of the subject rental unit shall be the lesser of the calculations in Steps 5 and 7.

(9) Step 9. Determine by reasonable estimate monthly expenses for heat and utility costs for which the tenant is directly responsible, excluding television, telecommunications, and information technology services, but including any other periodic fees for which the tenant is directly responsible, such as common charges in the case of a common interest ownership community.

(10) Step 10. Deduct the estimate of tenant-paid utilities and fees determined in Step 9 from the maximum monthly housing payment in Step 8, which will result in the maximum amount that the developer/owner may charge for this rental unit as the monthly contract rent.

(e) For a unit required to be rented to a household earning sixty percent (60%) or less of
the median income, the formula stated above shall be used, except that in Step 3, sixty percent (60%) shall be used instead of eighty percent (80%), and in Step 7, the U.S. Department of Housing and Urban Development fair market rent shall be used instead of one hundred twenty percent (120%) of the U.S. Department of Housing and Urban Development fair market rent.

(f) The elements of annual household income, and documentation of such income, used for the purposes of determining whether a household's annual income qualifies it for occupancy of a price-restricted unit, shall be conducted using the guidelines published by the U.S. Department of Housing 24 CFR 5.609.

(Adopted effective April 29, 2002; Amended May 3, 2005)
October 31, 2019

Attorney Al Zullo
Zullo, Zullo and Jacks, LLC
83 Main Street
East Haven, CT 06512

Sent Via Email

RE: “The Bluffs” Sperry Lane Development Project (Revised)

Dear Attorney Zullo,

This is the second letter regarding the development of the former girl scout camp on Sperry Lane to be known as “The Bluffs.” The department has not received an updated proposal for the zone change or how that will impact our operations and public safety. After a review of the proposal, the fire department continues to have legitimate health and safety concerns regarding the delivery of fire protection and emergency medical services to this area due to the lack of infrastructure to support such a project. The following highlights concerns the fire department has regarding this project:

**Fire Protection:**
When last reviewed the site plan indicates no public water supply for fire protection in place. The area is remote; although there is a forty-eight-inch water main on Route 80, the elevation would likely mean that a pump station would have to be located at the base of the entrance in order to make up for back pressure created by gravity. This pump station would need to supply public water but also fire protection to the area through fire hydrants and be able to supply enough water to sustain a fire department operation. Based on the Insurance Services Office Public Fire Protection Classification, each building if fully involved in fire would require 3500 gallons per minute of water for sustained fire operations, this is allowed under the Connecticut Fire Safety Code to be reduced by 75% if fully sprinklered. Even considering sprinklers, our current apparatus serving an area this complex has a maximum pumping capacity of 1500 gallons per minute and the first due fire engine to that area carries only 300 gallons of water on board. The size and type of construction proposed for these buildings requires that they be equipped with fire protection sprinklers and standpipes for fire department operations. These are massive buildings that from a fire department perspective are free standing lumber yards that will likely use lightweight construction which could easily overwhelm the firefighting capabilities serving that area.
Emergency Medical Services:
Much like most fire departments in the country, this department has seen an increasing demand for emergency medical services. Annually the department sees an increase of 100 calls per year. The East Haven Fire Department responded to 5479 calls for service during the 2019 fiscal year, 4198 of those calls were for emergency medical services representing 76% of calls for service. Of the total medical calls the fire department responded to, the paramedic unit assigned to fire station 3 responded to 1749 calls nearly 100 more calls than the previous year. There is no question that 504 additional living units will have an operational impact on the department, increasing its call volume, depleting resources of equipment and personnel, and increasing wear and tear on equipment.

Operational Impact:
NFPA 1710, 2010 Edition establishes a national benchmark for career fire departments providing services should have a basic response within 4 minutes 90% of the time. Considering a minimum response within this timeframe and the already busy call volume, the fire department will not be able to meet this benchmark with existing resources. There will be calls for service that the fire department will not be able to respond to or delayed responses where career units from fire headquarters will need to cover in on from more than 13 minutes away to what would likely be considered one of the remote areas of town with the exception being Colonial Heights which is substantially less populated. In the 2010 edition of NFPA 1710, the following is stated regarding travel time: “The travel times for units responding on the first alarm were clarified to indicate the first unit must arrive within 4 minutes travel time and all units must arrive within 8 minutes travel time.”

To put the impact in perspective an equivalent amount of living units was compared using the following locations, 500-510 Main Street, 32 Old Foxon Road and 55-65 Messina Drive which totaled 504 living units and accounted for 278 responses for the East Haven Fire Department during 2019 or 5% of our total call volume.

The current staffing model at the Foxon fire station relies on 2 firefighters assigned to a combination engine ladder apparatus (quint) that carries 300 gallons of water and 2 firefighters and a quick attack light duty rescue with 100 gallons of water staffed with 2 firefighters, which also serves as a paramedic unit. These units are supplemented by volunteers from the Foxon Volunteer Fire Company who have seen a decline in membership and have difficulty mustering a crew during the daytime in particular. Secondary fire companies respond from fire headquarters which is approximately 13 minutes away under ideal conditions, again substantially exceeding the recommended response and travel times. Additionally, there were a total of 846 occurrences during 2019 where at least one paramedic unit was out of town transporting on-board an ambulance. During these times, the on-duty staff may be reduced by as many as 6 personnel compounding the impact on the departments ability to effectively and safely respond to other incidents in town.
particularly in the event of a daytime structure fire where volunteers are scarce, the department would be running with as few as 5 firefighters whereas national standards call for a minimum of 15 firefighters on a first alarm assignment to a structure fire.

Conclusion:
The addition of 504 more residential units will place a substantial burden on fire protection and emergency medical services and will likely result in increased response times or even calls that we cannot respond to either because our units are handling emergencies at “The Bluffs” or unable to respond because units are already handling emergencies elsewhere in town. From a fire service and EMS perspective, without an increase to the departments already taxed staffing do to increased workload, continued expansion will result in a profound risk to the health and safety of the people of the Town of East Haven.

Sincerely,

Matthew J. Marcarelli
Fire Chief
November 1, 2019

Attorney Alfred J. Zullo
Zullo, Zullo, and Jacks, LLC.
83 Main Street
East Haven, CT 06512

RE: Updated Letter “The Bluffs” Sperry Lane Construction Project

Dear Attorney Zullo,

Please accept this letter on behalf of the East Haven Police Department (EHPD) regarding our review of the updated proposal for “The Bluffs” construction project located on Sperry Lane, East Haven, CT. The EHPD’s review of this proposal is specific to two (2) matters within the purview of the EHPD with an anticipated significant impact: 1) additional calls for service and/or police response increases due to the proposal of 504 additional residential units; and 2) traffic along the Foxon Road (Route 80) corridor in the area of the proposed development.

Impact of Increased Calls for Service

The impact of increased calls for service with the addition of 504 residential units in the east Foxon area of Town will have an immediate effect on our patrol response operations and capabilities. At a minimum, this will increase our residential population by 504+ residents based upon single/double/multi-occupancy. It would be reasonable to expect that an increase in this many residential units could increase the population size of the Town by 1,000 or more residents.

The EHPD conducted a review of responses for large residential housing units in Town. All other multi-family residential units are approximately half the size or smaller than the proposed project. The comparison analysis of three complexes as a predictor are as follows:

<table>
<thead>
<tr>
<th>Calls for Service</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Approximate # of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Farm Village (55/65 Messina Drive)</td>
<td>262</td>
<td>183</td>
<td>262</td>
<td>240</td>
</tr>
<tr>
<td>500-520 Main Street</td>
<td>117</td>
<td>176</td>
<td>180</td>
<td>204</td>
</tr>
<tr>
<td>32 Old Foxon Road</td>
<td>96</td>
<td>95</td>
<td>138</td>
<td>60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>475</strong></td>
<td><strong>454</strong></td>
<td><strong>580</strong></td>
<td><strong>504</strong></td>
</tr>
</tbody>
</table>

Due to the fact that none of the other comparison housing units have solely as many residential units as the proposed project, it is difficult to predict how many additional calls for service will actually occur. Additionally, the
nature of policing does not dictate an exact science to predicting increases to calls for service based upon population increases/decreases. For simple comparison, combining the total calls for service between East Farm Village, 500-520 Main Street, and 32 Old Foxon Road yields a total of approximately 504 residential units, matching the amount as the proposed project for “The Bluffs.” The combined total calls for service for year 2016 was 475, for year 2017 was 454, and year 2018 was 580 with a three-year average of 503 calls for service per year. Based on 504 residential units as proposed with “The Bluffs,” it would be reasonable to expect a minimum increase of 500 calls for service per year at that location.

Impact to Traffic Along the Foxon Road (Route 80) Corridor

The EHPD has reviewed the traffic study submitted with this proposal. We do not dispute the average daily traffic flow in the area of Foxon Road. We do caution however, Foxon Road becomes very congested with frequent backups and traffic at any time; regardless of time of day whenever Interstate 95 is closed or obstructed due to motor vehicle crashes, construction, etc. It is not uncommon, especially in the warmer months, to find eastbound traffic in the afternoon backed up from Totoket Road in North Branford all the way to Wheelbarrow Lane in East Haven. This proposed project with its access driveway/road, falls within that travel path.

The most significant concern the EHPD has is that the proposed entrance/exit is to be controlled only by a stop sign for vehicles entering Foxon Road from the access driveway/road. This specific area commonly sees estimated vehicle 85th percentile speeds between 46-48 MPH. The posted speed limit is 45 MPH. In addition, the westbound approach also involves a curve in which the EHPD has investigated two fatal vehicle crashes. With the estimated number of units proposed, along with experience dealing with traffic in this area, the EHPD believes a stop sign is insufficient for this intersection. The EHPD expects that the use of only a stop sign, will lead to additional motor vehicle crashes from the significant increase of vehicles entering and/or exiting Foxon Road from the access driveway/road. It is believed that a three-way traffic control signal light synchronized with the traffic light at Wheelbarrow Lane (to avoid additional traffic congestion) would alleviate this concern and reduce the likelihood of increased motor vehicle crashes at the proposed intersection. A left turn lane for eastbound traffic would also prevent large amounts of congestion during high peak travel times.

Conclusion

Based upon the review of the current proposal, the EHPD expects that “The Bluffs” will have an impact creating an increase of calls for service not only due to the increase in the number of residents/residential units, but also due to additional motor vehicle crashes as the project is currently proposed. With a population increase as proposed, our current staffing and patrol area response maps, would be stretched very thin leading to a delay and/or lack of our ability to effectively respond to calls for service for the entire Town in a timely manner. According to the Bureau of Justice Statistics, most police agencies employ between 1.7-2.1 officers per 1,000 residents1. The increase in population and calls for service created by this project will necessitate our need to request additional Department personnel levels to adequately ensure that we are able to provide sufficient policing services to all residents throughout the Town.

Sincerely,

Edward R. Lennon Jr.
Chief of Police

Digitally signed by Chief Edward R. Lennon, Jr.
Date: 2019.11.01 13:32:22 -04'00'

---

1 https://www.bjs.gov/content/pub/pdf/ipsd13ppp.pdf

---

EAST HAVEN POLICE DEPARTMENT
October 27, 2019

East Haven Planning and Zoning Commission
Town Hall
250 Main Street
East Haven, CT 06512

PLEASE READ AT NOVEMBER 6, 2019 MEETING AND ENTER INTO MINUTES:

Dear Chairman DeMayo, Commissioner Asid, Commissioner Corso, Commissioner DeMartino, and Commissioner Marroteti:

You are challenged with a momentous decision regarding both the Text Change to Zoning and the Zone Change requests for the site that was once Camp Murray. You have listened patiently to the concerns of the towns people, and I won’t reiterate what has already been said. I don’t envy your position, but by virtue of your commission and dedication to serve the Town of East Haven, this is where you find yourselves.

Please carefully consider not only the present proposals before you but how this affects the future proposals to your Commission. Don’t let the fear of a lawsuit prevent you from making the right decision to vote no to the text change proposal and the zone change proposal. Quite frankly, I am surprised that any more information was needed at the last meeting to prevent a unanimous vote of no at that time.

As a commissioner, I hope that the wishes of the people you serve are utmost in your priorities. Hopefully you are asking yourselves, how does this proposal benefit the taxpayers of East Haven? How does this fit with the vision of this Commission for the future of East Haven? What is our vision for the future of East Haven? How will the cost associated with the end game of this proposal affect taxes for the entire town, not just those of us in the North End?

The wishes of the town were witnessed at the October 3, 2019 meeting. No one spoke in favor of these proposals however over a thousand residents have expressed their opposition to this zone change. No one will benefit from anything other than a vote of No from each of you. Your legacy as a Commission depends on this very important vote. Vote no at the November 6, 2019 hearing. Please listen to the voices of East Haven.

Respectfully submitted,

Jonathan McGuire

[Received stamp]
October 28, 2019

Attention: Chairman of Planning and Zoning, East Haven

I am writing this letter because I will not be able to attend the meeting in person on November 6.

I am very familiar with the property on Sperry Lane, formerly known as Camp Murray. I worked there several summers and have also camped there many times with my Girl Scout Troop. I do not want the text change from R5 to R3-this property should remain zoned for single family homes.

This property is not suitable for dense development like apartments, or even condos. This is a 52-acre site (some of it is wetlands); even 50 new homes would be a strain upon the resources of the town (schools, fire department, police department). I also can’t imagine the impact of hundreds of cars accessing the property; not only is the existing road not wide enough for two full lanes, but most of the property is very steep. Sperry Lane itself is dangerous to exit onto Route 80, especially during commuting hours. Significant blasting could damage not only the existing residences but could also have long lasting repercussions on soil erosion and negatively impact the Farm River.

This town does not need another 500 units of affordable housing. Perhaps the town should have looked into getting a grant (or bonding) when the Girl Scout Council was selling the property, to be able to keep it as a green space/park for residents to enjoy. It does border the East Haven High School Campus, which could offer another access point if it were town property. But it is not, and the developer KNEW when they bought the property what it was zoned for.

It is hard to imagine such a beautiful green space destroyed; but a project of this magnitude will destroy more than trees and wildlife. The long-lasting effects on our town budget to provide funding for the extra services required for this many new residents, will devastate the budgets of the hard-working families of this town. Our house values will go down, and our taxes will go up...all because of a developer’s greed?

This past year zoning has already approved several new units on Thompson St and Foxon Hill Road that will have negative consequences on my neighborhood. Please don’t let it happen again.

Sincerely,

Rita M Croll

38 Batt Lane East Haven
April 15, 2019

William DeMaio  
Chairman EH Planning and Zoning  
CC: Honorable Commissioners of EH Planning and Zoning

Joseph E. Deko  
Nick Palladino  
Joseph Santino  
EH Town Council Members- District 2

Dear Chairman DeMaio and Honorable Commissioners:

We are writing this letter to inform you of our opinion regarding the property located at #49 and #57 Coe Ave. As you know this is in our district, and a proposed condo complex is coming in front of you for a decision. We were approached by the developers to hold a community meeting in which they could make a presentation on the project, and have a question and answer forum. The meeting was held, great conversation was exchanged and after reviewing all of the materials, and personally speaking to the neighbors, we are in 100% support of this condominium development. A&G Contractors are East Haven people, they care about their reputation, and in our opinion will uphold their stellar reputation with this project. The proposed development will certainly be an upgrade to the property as it sits, and we look forward to this increasing the aesthetics of the neighborhood. Thank you for your consideration on this matter, if you have any questions regarding this, please feel free to contact us.

Respectfully,

[Signatures]

Joseph E. Deko  
Nick Palladino  
Joseph Santino