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**TOWN OF EAST HAVEN  
PLANNING AND ZONING COMMISSION**

**MINUTES OF THE REGULAR MEETING  
HELD WEDNESDAY, AUGUST 3, 2022  
IN PERSON AT EAST HAVEN SENIOR CENTER, 91 TAYLOR AVENUE**

Chairman William DeMayo called the regular meeting to order at 7:07 p.m.

**I. Roll Call and Pledge of Allegiance**

The Pledge of Allegiance.

The Commission members introduced themselves. Mr. DeMayo welcomed Mr. Bob Cubellotti on Zoom. Mr. John Tarducci had been excused from this meeting.

Sotonye Otunba-Payne, Clerk, called the roll for the Commission as follows:

Marlene Asid - Present  
William DeMayo - Present  
Louis Fusco - Present  
Robert Cubellotti (via videoconference) - Present

There was a quorum.

The following were in attendance:  
Joseph Budrow - Zoning Enforcement Officer  
Attorney Jennifer Coppola - Counsel to the Commission

**II. Review and Action on Prior Meeting Minutes**

1. Minutes of May 10, 2022 Special Meeting
2. Minutes of May 24, 2022 Special Meeting
3. Minutes of July 6, 2022 Regular Meeting

Mr. DeMayo indicated that the Commission members received these minutes and reviewed them.

**Ms. Asid motioned to accept the following: The Minutes of the May 10, 2022 Special Meeting; the Minutes of the May 23, 2022 Special Meeting;**

**and the Minutes of the July 6, 2022 Regular Meeting. Said motion was seconded by Mr. Fusco. The motion passed unanimously.**

### **III. Public Hearings**

No public hearings were scheduled.

### **IV. New Applications**

1. **Application No. 22-10 – Tesla, Inc., c/o Scott Austin, 75 Frontage Road.**  
An application of a Site Plan Modification to locate twelve Electronic Vehicle Tesla charging posts with accessory equipment at 75 Frontage Road.

Mr. Scott Austin, 56 Homewood Avenue in North Haven, appeared on behalf of Tesla. He is part of the charging team at Tesla. He works for the Northeast Team. He personally takes care of all design aspects of building super-charging stations in the northeast region. He is personally responsible for Connecticut, Massachusetts, New Hampshire, Vermont, Upstate New York and Maine.

He was appearing before the Commission for a Site Plan Modification along 75 Frontage Road. It would be for a 12 stall electrical vehicle charging station for Tesla vehicles. The site was chosen because it is right along the travel route and has great amenities for charging customers. The customers can go out and get some food and do some shopping while they charge their vehicles.

Mr. Austin went through the layout of the site. Tesla will be receiving power directly from UI as Tesla has its own utility transformer. There will be some lighting. The signage would just be a 12-inch by 18-inch charging sign, not illuminated, directing charge vehicles to park there. Tesla will not monitor other vehicles using the parking spaces.

Mr. DeMayo asked where the small sign would be. Mr. Austin replied by saying that it's just a parking sign. It is a Tesla general parking sign that would be 12 inches in height.

Mr. DeMayo asked if the stations would be limited to only Tesla vehicles. Mr. Austin replied that it would be limited only to Tesla cars.

Mr. Fusco added that Tesla has proprietary rights so it would be just Tesla vehicles that can use the station. Mr. Fusco asked if this may change in the future. Mr. Austin responded by saying it was such a great question. It is the number one question they get all the time. The intent would be to open the network at some point. Tesla has opened up in Europe and some other regions. Right now, these would be just for Tesla vehicles.

Mr. Fusco asked about the average time it takes a Tesla vehicle to charge. Mr. August replied that it would be about 25 to 30 minutes, from zero percent charge to 80 percent.

Mr. DeMayo asked if the equipment Tesla is using would be charged taxes by the town.

Attorney Coppola indicated she knew the answer to the question. She indicated that the equipment would be taxed as personal property. They are taxed.

Ms. Asid asked if the stations would be available 24/7. Mr. Austin replied in the affirmative.

Mr. DeMayo asked if the Tesla vehicle would indicate to the driver the nearest charging station. Mr. Austin replied by saying that the car monitors everything and would direct the driver to a charging station, if needed. All directions would be inside the car on display.

Mr. DeMayo asked how Tesla owners pay for the charging. Mr. Austin responded by saying that the drivers pay through their vehicles or the Tesla app on their phones. There is other payment processing available.

Mr. DeMayo asked about credit cards. Mr. Austin said their credit cards would be tied to their phones. This is how usage is paid for. Forty percent of the vehicles on the road today can charge at super chargers for free. It was part of the promotions when they launched the car.

Mr. DeMayo asked about conversion so that all hybrid or electric vehicles could charge off of Tesla's charging stations. He asked if this would create a parking problem, stacking problem.

Mr. Austin said this was a great question. He indicated that this site was being built due to a capacity issue in the region. There is a growth potential regarding charging stations. Tesla is looking to build more super charging stations in this area. The Tesla vehicles will direct drivers to the nearest one where wait times are limited. These wait times usually occur around holidays and weekends.

Ms. Asid asked about the queuing area. Mr. Austin replied by saying that Tesla was not anticipating a queue in this area. If a vehicle has to wait, the Tesla vehicle will indicate what the wait time would be.

Ms. Asid asked about access road to get to these other shops or places to eat, etc., from the proposed site. Mr. Austin indicated that there is a Wendy's, a

small business shopping area, Auto Zone and Home Depot. Users are expected to go to Wendy's and do some shopping in the area. The chargers are behind the curb.

Mr. DeMayo asked if there would be proper lighting, shrubbery to make the site attractive looking. Mr. Austin responded in the affirmative.

Ms. Asid asked about the town engineer's input. Mr. DeMayo said approval would be pending the engineer's input, with a plan of landscaping and lighting. This should be included in the record.

Mr. DeMayo asked how long the lease was for at the site. Mr. Austin replied that he did not know the specifics of this lease. Each lease could be different. The leases typically run for five to 15 years.

Mr. Fusco indicated no landscaping is required. Mr. Austin indicated that typically they place shrubbery in the area to fence some of the equipment.

Mr. Budrow asked if Mr. Austin anticipated putting signage that says these spaces are not just for Tesla car owners and are available to all patrons. Mr. Austin replied that they did not expect to put another sign up in the future.

Mr. Budrow said notification of some sort should be there to indicate that patrons could use the spaces and avoid limiting the number of parking spaces on the lot.

Mr. DeMayo indicated that such signage may cause a backup for those electric vehicle owners who want to charge their vehicles. He wouldn't want to encourage people parking there. Mr. Budrow indicated that it was just that those parking spaces are required for all businesses.

Mr. Austin said if the Commission wants something else, it could be discussed. The universal charging has no date presently. For now, these are only for Tesla vehicles.

Attorney Coppola spoke about incentivizing Tesla vehicle owners to travel farther to charge vehicles, if there is backup. Mr. Austin responded by saying that one of the ways to reduce congestion at a charging station is to change the pricing.

2. **Application No. 22-10 - Priyal Garala, 99 Commerce Street.** An application for a Site Plan Review to locate a bottle redemption business within an existing commercial building

Mr. Priyal Garala who resides in Connecticut indicated that they were looking to open up their fourth location in East Haven. They have three

locations in the Hartford area. It is a clean operation. There are automated counters. People come in and dump their bottles and cans and it gets counted real quick. It is a state-of-the-art operation.

Mr. DeMayo stated that he had never seen Mr. Garala's operation. He saw some of the pictures that were submitted. He asked what would happen if he came in with bottles and cans. Mr. Garala went on to explain that Mr. DeMayo would walk in and see a big automated belt. Mr. DeMayo would dump his plastic bottles or cans on one machine. Mr. DeMayo would get tickets which he would in turn take to a cashier to get paid.

Mr. Garala indicated that they work with a lot of Boys Scout groups and nonprofits for fundraising.

Mr. DeMayo asked about the number of employees the business would need. Mr. Garala replied that he was unsure, possibly two or three in the beginning.

Mr. DeMayo asked about the parking spaces.

Mr. Garala replied that he thought there were 20 parking spaces. The good thing is that people are in and out in a matter of minutes. Folks are usually not at the establishments for more than five minutes. Most people come in cars.

Ms. Asid asked if she could donate the money from the bottles. Mr. Garala replied that she could donate the funds to a nonprofit organization of her choice. The tickets could be redirected to the chosen nonprofit's account.

Ms. Asid asked why Mr. Garala chose to come to East Haven. Mr. Garala replied by saying that there are no such establishments in East Haven. Someone he knows is opening one in North Haven. He thought it would be good for the community.

Mr. DeMayo asked how the business advertises. Mr. Garala indicated that they have a Facebook presence. It is mostly done via social media and local marketing.

Mr. Fusco asked if there was a percentage of rejects. Mr. Garala replied by saying that if labels are torn off from bottles, they would be rejected.

Mr. Fusco wanted to know the percentage on average. Mr. Garala indicated he honestly did not know anything about percentage of rejects.

Ms. Asid asked what happens to the rejects. Mr. Garala indicated that they would be recycled. The business does not get paid.

Mr. Garala indicated that in 2024 the Connecticut Bottle Bill will be extended to include five cents for the Gatorade, Snapple, etc. So, there would be an uptick in the number of bottles being recycled. They expect to open within a month.

Mr. Cubellotti asked if Mr. Garala had a reason why he did not pick a location by Stop & Shop, etc., in town that would be more accessible to the public.

Mr. Garala indicated that the retail is more expensive as far as the rentals. They do more than a retail store can accommodate.

Mr. DeMayo asked how the rejects are removed. Mr. Garala indicated that they would have a boxed truck to take the bottles for sorting. There is a machine from Denmark that sorts the bottles by barcode.

Mr. DeMayo asked if there would be crushing at this facility. Mr. Garala replied by saying there would be no crushing and no heavy equipment. It would be just a bunch of big counters.

Mr. Budrow asked if Mr. Garala would have one truck a day going and coming. Mr. Garala replied by saying that one truck a day is too much. It would be filling up a half a truck a day. Mr. Budrow stated, so it would be about three trucks a week. Mr. Garala agreed.

Mr. Budrow asked about the number of cars Mr. Garala thought would be generated a day say three months from opening. Mr. Garala responded by saying 50 to 60 cars per day, it depends. He could not really predict it. However, the cars are in and out quickly. The busiest day of the week is Saturday.

Mr. DeMayo asked how long they had been in business. Mr. Garala replied by saying 10 or 11 years.

Attorney Coppola asked what they would do in terms of pest control. Mr. Garala replied by saying that once every couple of months they would have pest control come in and sanitize the place and whatnot. Typically, they clean their floors and so they have not had an issue with that.

Mr. Budrow said he would put it out there that there is some concern about traffic in the area of Commerce Street and Hemingway. He was not sure if there are any traffic concerns regarding this business as it is not a big-impact business. There is a use called Bottle Redemption Center which this town does not have. He had spoken to Mr. DeMayo and looked at the limited industrial area, there is manufacturing, processing assembly of goods. They

looked at processing goods and that is not being made on site. At one point, they will add Bottle Redemption Center. So, Mr. Garala would be under the processing of goods. It is conforming to the zone.

Mr. Budrow further stated that the site plan is a 1987 plan. It didn't have delineated parking spots. Mr. Budrow drew them on. It only took four minutes. There are 20 spaces which he felt, based on Mr. Garala's statements, is plenty of spaces. He asked Mr. Garala if he would work with the property owner to get a 2022 site plan for the town, he expressed being open to a situation whereby within 90 days Mr. Garala and the landlord would do a 2022 improvement survey with existing conditions.

## V. **Deliberation Session.**

1. Discussion and possible decision on **Application No. 22-10 - Tesla, Inc. , c/o Scott Austin, 74 Frontage Road.**

Mr. DeMayo indicated he was happy Tesla had chosen East Haven to put the chargers. Mr. Austin has been amenable to anything asked of him.

It is a good addition to the town. He would recommend that the Engineering Department, if it is approved, approve any landscaping and lighting plan just to make sure that it's all within the acceptable range of the Commission and the Engineering Department.

Mr. Budrow said the condition would be that adequate landscaping will be installed and lighting. In addition, universal charging stations are coming down the road so that people who are not Tesla drivers have options. The 99 Hemingway one will be before the Commission next month hopefully.

Mr. Budrow added another condition that for as long as these Tesla chargers and the transformer are on site, the structures shall conform to all local, state, and federal guidelines that are in place.

Attorney Coppola added particularly with regard to any applicable health and safety standards because we can have the expectation that certainly there will be some additional laws with regard to that in the future.

**Ms. Asid motioned to approve Application No. 22-10, Tesla, Inc., c/o Scott Austin, 75 Frontage Road for the 12 vehicle charging posts for Tesla with the conditions as was discussed relative to lighting, landscaping and on site transformer and chargers to conform to state, federal, and local guidelines and the industry health and safety standards. Said motion was seconded by Mr. Cubellotti. The motion passed unanimously.**

2. Discussion and possible decision on **Application No. 22-11 - Priyal Garala, 99 Commerce Street.**

Mr. DeMayo indicated that Mr. Garala had covered all bases there. This is going to be a developing situation down the line. He thought the town should get going with this. They now know about this business by the questions asked.

Mr. Fusco added that he thought it was positive for the town and that area.

Ms. Asid concurred. She asked what other conditions would be added.

Mr. Budrow indicated that after discussions with Mr. Garala, the only condition would be that within 90 days a 2022 as built-survey shall be submitted to the Planning and Zoning office.

**Ms. Asid motioned to approve Application No. 22-11, Priyal Garala, 99 Commerce Street for a redemption center with the condition that Mr. Budrow had just outlined regarding submitting an updated 2022 survey within 90 days. Said motion was seconded by Mr. Fusco. The motion passed unanimously.**

## VI. Other Business

1. **Zoning Regulations Section 51.8.4 Referral** - Discussion on three proposed use variances to be heard by the Zoning Board of Appeals on August 25, 2022. Request is to allow a business office, a graphic design business, and a food service shop within a commercial building at 836 Foxon Road.

Emma Perez of North Branford indicated that they moved to 836 Foxon Road in 2020. She opened her business in 2019 at 744 Foxon Road. At the beginning of her business it was a like a small office for tax preparations. She moved because her business started growing a little bit and her husband opened a graphic design business so they can be in the same location. They moved to 836 Foxon Road because it has a bigger space.

She applied for her permit when she moved to 744 Foxon Road. When she moved to 836 Foxon Road, she did not know she needed new permits as she did not know about the town. She apologized to the Commission. At this time she wants to open a new business selling salad and fresh fruit juice and stuff like that. She applied for the permit and came to the realization that she had not complied with the regulations when she moved into the bigger space.

Mr. DeMayo asked her if the landlord informed her about permits. Ms. Perez replied by saying that the landlord asked her if she had any permits and she told the landlord that she did because she applied for the permits when she originally opened her business.

Mr. Fusco asked if the food business would be next to where she was. Ms. Perez replied in the affirmative.

Mr. DeMayo asked what the zone was in the area. Mr. Budrow responded by saying it was residential zone, R-2 zone.

Ms. Budrow stated that he first met Ms. Perez when she inquired about the fruit shop. He went to the location to look at it. He knew before visiting the location that there were no permits for office space which is a multi-service office helping people with taxes and other paperwork items. In the back is located a graphic design for tee shirts and other things. After visiting, he said he would get back to her.

They had the site plan for when the gym went in. The parking layout didn't match the site plan when he looked at the aerial. So, Jerry, the owner, did take a few weeks to get a brand new site plan that matched everything. So, now we have a site plan for Ms. Perez to potentially be able to get permitting for everything. All that is needed are floor plans.

He also learned that since it is residentially zoned, barely any commercial uses are allowed within that building that are changing uses. You can't go in without use variances which historically have been given.

Ms. Perez is applying for two use variances to the ZBA for the August meeting. One application is to allow her existing two uses. The second application is for the food shop. He spoke with the chairman of the commission a few weeks ago. There is an issue up there.

Based on his calculations, a fitness center, a barber shop and a tattoo parlor, when added all the parking spaces required, that property is far under what the town would require. However, when you look at the property at any time, it's never half full. So, they are allowing Ms. Perez to move forward with her applications. Her businesses will not cause overflow.

Mr. Fusco indicated that the tax business and graphic business are moot as they had already been there for a while.

Ms. Perez indicated that parking would not be a problem as most of her tax business customers are addressed over the phone. The graphic design business requires her husband to be at the job sites.

Mr. DeMayo asked about noncompliance at the location

Mr. Budrow indicated that the barber shop had no history of zoning approval. The gym, when it came in as Manhattan Fitness, came in for a site plan review and got approved. Now, it is Planet Fitness which only required

a zoning permit, no fee, just a paper trail. The tattoo parlor did get a use variance. The gym did come before P & Z. Now, Ms. Perez is before the Commission. Perhaps, some day in the future the zoning could be changed to residential and commercial, a mixed zone.

Mr. DeMayo added that until that time when zoning changes, the others should be in compliance.

Mr. Fusco asked Ms. Perez if she had contacted the health department. Ms. Perez answered by saying that she had been in touch with the health department but was told that after she got the approval from this Commission, she should then contact them.

Attorney Coppola reminded the Commission what the considerations were. She read Section 51.8.4 of the Regulations into the record.

**Ms. Asid motioned to give a favorable opinion or approval to the Zoning Board of Appeals per Zoning Regulation 51.8.4, the referral for 836 Foxon Road. Said motion was seconded by Mr. Cubellotti.**

**Mr. Budrow indicated that the uses shall conform to all zoning, building, and health department regulations. He further stated that Ms. Asid had indicated that future zoning will be a topic of discussion in the future.**

**Mr. DeMayo added that the Commission would like to get everyone in conformity with what they should have done years back which was not properly done.**

**The motion passed unanimously.**

2. **Application No. 22-07 – East Haven Planning and Zoning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations to complete the draft revision from 2019 and adding new proposals. (Public Hearing postponed to September 7, 2022.)

Mr. Budrow indicated that they were on schedule to open public hearings on September 7, 2022. He would e-mail the Commission and Attorney Coppola with a proposed schedule of what to present. It would be a three-month schedule of presenting including a list of everything that has been given to the Commission since April or May. The goal is to begin by going through the 2019 book first.

3. Discussion of Public Act No. 21-1”An act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” (codified at Connecticut General Statutes Section 21a-420, *et seq.*) and as subsequently amended.

Attorney Coppola indicated that the reason why the next three discussion items are on the agenda are principally to just update the Commission and the public about where the Commission would be going next regarding these topics. With regard to No. 3, as the Commission is aware, they are going to conduct a special meeting on Wednesday, August 17<sup>th</sup>, 2022 at 7:00 p.m. at the Bradford Manor Firehouse.

Attorney Coppola further indicated she had received inquiries regarding adult-use cannabis. She has provided updates to anyone interested in this matter.

Mr. DeMayo asked this was the scheduled meeting that the Chief of the East Haven Police Department would attend. Attorney Coppola replied that he would be attending.

4. Discussion of provisions of Public Act No. 21-29 “An Act Concerning the Zoning Enabling Act, Accessory Apartment, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and A Commission on Connecticut’s Development and Future” (codified at Connecticut General Statutes Section 8-2o) pertaining to accessory apartments or accessory dwelling units.
5. Discussion of provisions of Public Act No. 21-29 “An Act Concerning the Zoning Enabling Act, Accessory Apartment, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and A Commission on Connecticut’s Development and Future” (codified at Connecticut General Statutes Section 8-2(d)(9) and 8-2p) pertaining to dwelling units parking limitations.

Attorney Coppola spoke about Items Nos. 4 and 5. They are drafting new laws regarding these.

## **VII. Adjournment**

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

The next special meeting is on August 17, 2022.  
The next regular meeting is on September 7, 2022.  
The Commission adjourned at 8:14 p.m.

Respectfully submitted,

Sotonye Otunba-Payne