

RECEIVED FOR FILING

East Haven

DATE 07/31/2023 TIME 9:21 AM

TOWN CLERK'S OFFICE

EAST HAVEN, CONN

*Lisa Balter*

TOWN CLERK

Town of East Haven  
**Planning and Zoning Commission**

Regular Meeting Minutes – July 5, 2023  
East Haven Senior Center, 91 Taylor Avenue

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

Commission chair, Marlene Asid started the meeting at 7:11pm and led the Pledge of Allegiance.

Present for the meeting were Marlene Asid (Chairperson), John Tarducci (vice-chair), Lou Fusco and Al Shaul.

Also in attendance were Planning and Zoning Administrator and Zoning Enforcement Officer, Joseph Budrow, and Assistant Town Attorney, Jennifer Coppola.

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

There were no meeting minutes ready for an approval.

**MOTION:** Mr. Tarducci made a motion to table the meeting minutes to the August meeting. Mr. Shaul seconded the motion. All were in favor. **Motion carried, 4-0.**

**III. Public Hearings**

**Application No. 23-05 – on behalf of Vigliotti Construction Co., 71 South Shore Drive. (Special Exception)**

Attorney Len Fasano presented. He said there was a meeting with neighbors. Mr. Budrow asked how many neighbors were there and the answer was two. Attorney Fasano showed a map showing neighboring properties. He said there was an easement already in place. He showed a triangular area where trees would not be cut. He passed out photos of trees. He then showed another map with colored renderings.

He continued, talking about the building, previous conditions offered by the Zoning Officer and the Town Engineer. He said the proposal is consistent with the Town's Comprehensive Plan.

Ms. Asid asked about a potential parking agreement with the business across the street. Attorney Fasano said there have been no discussions yet. If things didn't work out, they would have to eliminate amenities to fit parking. He felt it was premature to discuss an agreement. He said that the weekends and holidays were not their business hours.

Ms. Asid wanted to hear from the neighbors.

Ms. Denise Santa Barbara, of 106 Catherine Street, said she was at the meeting and met with Attorney Fasano and Mr. Vigliotti for a few hours. She said she is fine with the proposal as long as an easement is in writing, no existing trees are removed and there is a buffer.

Ms. Jessica Mikulski, of 98 Catherine Street, said she also was at the meeting and requested a large oak tree be removed due to it being a hazard.

Ms. Asid asked if there was anyone else in the public who wanted to speak either for or against the proposal.

Ms. Melissa Ranone said she knows that she is here at the 11<sup>th</sup> hour. She looked at the Plan of Conservation and Development. She asked what green amenities were part of this proposal. She wondered about the traffic study and when it was done. She was told a study was done in the late spring.

Mr. Ray Sullivan, architect for the proposal, stated that the thought was to design a building with youth-oriented amenities. There is a gym, a clubhouse, an office set-up, a roof-top deck, a terrace in the rear and the unit types are well-dispersed. He said the building's design was consistent with a shoreline with a contemporary shingle style and a stone-face first floor. He said the building construction plan was to minimize waste. He said that the units will have ductless wall splits.

Ms. Asid asked if there were any other questions from the audience.

At this time, Attorney Coppola arrived.

Mr. Budrow added that the retention basin was to have its berms cleared of vegetation and that an access path will be cleared to get to it.

Mr. Fusco asked if there were going to be provisions for electric vehicles. Attorney Fasano answered 'yes.'

Attorney Coppola said that she and the Town Engineer will review various items. She said she has forms related to the submitted Affordability Plan that will be used going forward. She said other municipalities are looking to be consistent in handling affordable housing and she will approve a final draft of this Affordability Plan.

Attorney Coppola asked if the conditions related to the retention pond were noted on the plans. Attorney Fasano answered that details related to the retention basin will be sent to the Town Engineer. He will also submit the easement language.

Mr. Budrow said that all of his comments that he has shared have been addressed.

**MOTION:** Mr. Tarducci made a motion to close the public hearing for **Application No. 23-05**. Mr. Fusco seconded the motion. All were in favor. **Motion carried, 4-0.**

**Application No. 23-06 – on behalf of Vigliotti Construction Co., 71 South Shore Drive. (Coastal Area Management Site Plan Review)**

Attorney Fasano said the Town Engineer said there were no issues. Attorney Coppola agreed.

There was no public comment.

**MOTION:** Mr. Fusco made a motion to close the public hearing for **Application No. 23-06**. Mr. Shaul seconded the motion. All were in favor. **Motion carried, 4-0.**

**MOTION:** Mr. Tarducci made a motion to amend the agenda and move Application No. 23-18 to item 3, and move Application 23-16 item 4. Mr. Shaul seconded the motion. All were in favor. **Motion carried, 4-0.**

**Application No. 23-18 – on behalf of Vicki Imperato and Statewide Construction, 180 Strong Street.**

Attorney Bernie Pellegrino presented. He said there were two public hearings in the past where the Commission agreed on a proposal to settle ongoing litigation for the development of this property. A court approved 98 units. The proposed was reduced to 69 units. He said tonight, the Commission will review a Site Plan.

Attorney Pellegrino said the 5-lot subdivision was previously-approved. The lots were carved out of a previous proposal. He said the map was never recorded. He said this proposal is exactly the same.

Jim Galligan, project engineer with Nafis and Young, described the layout of the lots and described the lots.

Ms. Asid asked if the applicant was building the homes or selling the lots. Attorney Pellegrino answered that he thinks the applicant was going to building the homes.

Mr. Budrow wanted to enter the meeting minutes from July and September, 2007, into the record. They reflect the approval of the subdivision and 5 conditions required by the Commission. He read the conditions and wanted them carried over to this potential approval. He added that there was a discussion of a fee in lieu of open space.

Attorney Pellegrino was agreeable to the conditions and the fee.

Attorney Coppola said that there was a requirement for open space per Sections 7-16 and 7-16 in the Subdivision Regulations and there was a calculation for what the fee will be. She said that Town Engineer Bodwell had comments and read them to the Commission.

There was no public comment.

**MOTION:** Mr. Fusco made a motion to close the public hearing for **Application No. 23-18**. Mr. Tarducci seconded the motion. All were in favor. **Motion carried, 4-0**

**Application No. 23-16 – on behalf of Vicki Imperato and Statewide Construction, 180 and 242 Strong Street.**

Attorney Bernie Pellegrino presented. He displayed a map of the site. He said there will be 69 units. This approval of a P.U.D. shall supersede all previous approvals by the court and the Commission.

He said there was a meeting with Mr. Bodwell and discussions took place. He said there was a review of comments from Staff today.

Jim Galligan, project engineer, described the site location and said the site has been active for 20 years. He showed a mailbox location and the loop design of the street layout. He said each unit will have a two-car garage with 2 spaces in front of them. Mr. Budrow asked for confirmation as the plans stated “one or two car garage.” Mr. Galligan answered that all units will have a 2-car garage. Mr. Galligan showed the drainage plan. The project design has a central drainage system that is compliant with the 2017 Green Infrastructure Act. The system is meant to encourage groundwater recharge. He showed the location of a second retention basin, also compliant to the 2017 Act. He then described signage, sidewalks and landscaping. He said that site materials will be repurposed on site.

Ms. Asid made a comment hoping there wouldn't be blasting. Mr. Galligan said there was a knob of rock on the site and couldn't say there would not be blasting.

Ms. Asid recollected there was a possible agreement with the Grannis Lake residents. She asked what happened there. Attorney Pellegrino said that has not happened. He said it was requested, The redesign of the stormwater system removes potential for stormwater getting to Grannis Lake and that an agreement was not warranted.

Attorney Coppola reminded the Commission that it was said that all stormwater will remain on site and the project engineer was here for any questions. She said that Town Engineer, Jonathan Bodwell, had discussions with Mr. Galligan.

Ms. Asid stated that Mr. Budrow had written a staff report that had potential conditions. Mr. Budrow read the staff report into the record.

Attorney Pellegrino responded saying that four of the conditions were related to landscaping and that a landscaping plan would be put together. Mr. Galligan stated that the large detention pond was similar to the one across from Doody's (a restaurant on Foxon Road in North Branford) and will be grassed and oversized.

Mr. Budrow asked if any of the previous plans for this property involved open space. Attorney Pellegrino said that there is an open space parcel in the area that related to a different subdivision.

During the public comment, Ms. Patricia Puglia reminded the Commission that it was previously agreed that deed language would be added where it was stated that Grannis Lake was private and that it could not be used by the residents of Autumn View. She also asked about the start date and the timeline. Attorney Pellegrino was looking at the Stipulation of Judgement. Attorney Coppola said that the deed language requirement will be a condition of approval. He added that it will be a 3-year build-out.

**MOTION:** Mr. Tarducci made a motion to close the public hearing for **Application No. 23-16**. Mr. Shaul seconded the motion. All were in favor. **Motion carried, 4-0.**

There was no discussion on **Application No. 23-07**.

**MOTION:** Mr. Fusco made a motion to continue the public hearing for **Application No. 23-07**. Mr. Shaul seconded the motion. All were in favor. **Motion carried, 4-0.**

There were no new applications to discuss.

#### **IV. Deliberation Session**

**Application No. 23-05 – on behalf of Vigliotti Construction Co., 71 South Shore Drive. (Special Exception)**

Mr. Fusco said he was impressed with the applicant working with the neighbors. Mr. Tarducci said the Commission has heard the whole story. Ms. Asid said she liked the application but wished the proposal was for three floors instead of four. She had concerns about density and parking, and, overall, the building won't interfere with the neighbors. It's a beautiful development.

Attorney Coppola reminded the Commission of the PDD language in the Zoning Regulations and read Section 26.1 (PURPOSE) and Section 26.2.4 (FINDINGS.)

Mr. Budrow said that the POCD highlighted this property for a multi-dwelling development and that a previous Statement of Use for a proposal on this property stated that the lot standards for the RA-2 zoning district were used here.

Attorney Coppola reminded the Commission that proposed conditions from staff and counsel were shared in the past. Drainage and the easement to the neighbors were included.

**MOTION:** Mr. Fusco made a motion to approve **Application No. 23-05** with the recommended conditions. Mr. Tarducci seconded the motion. A roll call vote was taken and all were in favor. **Motion carried, 4-0**

**Application No. 23-06 – on behalf of Vigliotti Construction Co., 71 South Shore Drive. (Coastal Area Management Site Plan Review)**

Mr. Budrow read Zoning Regulation Section 46.6 (COMMISSION ACTION).

Mr. Tarducci asked if Mr. Bodwell had any problems with this. Attorney Coppola answered that he wrote there was no basis to disagree.

**MOTION:** Mr. Fusco made a motion to approve **Application No. 23-06**. Mr. Tarducci seconded the motion. A roll call vote was taken and all were in favor. **Motion carried, 4-0**

**MOTION:** Mr. Tarducci made a motion to amend the agenda and move **Application No. 23-18** to item 3, and move **Application 23-16** to item 4. Mr. Shaul seconded the motion. All were in favor. **Motion carried, 4-0.**

**Application No. 23-18 – on behalf of Vicki Imperato and Statewide Construction, 180 Strong Street.**

Mr. Budrow said he had read five conditions and that there was a fee in lieu of open space. There also will be required approvals from the Greater New Haven Water Pollution Control Authority and the Regional Water Authority.

**MOTION:** Mr. Tarducci made a motion to approve **Application No. 23-18** subject to the seven conditions discussed. Mr. Shaul seconded the motion. A roll call vote was taken and all were in favor. **Motion carried, 4-0.**

**MOTION:** Mr. Fusco made a motion to approve **Application No. 23-16** with the nine conditions discussed. Mr. Budrow said he was removing Condition #5 from his staff report. The deed language was included as a condition. Mr. Shaul seconded the motion. A roll call vote was taken and all were in favor. **Motion carried, 4-0.**

**MOTION:** Mr. Fusco made a motion to adjourn the meeting at 8:42 PM. Mr. Tarducci seconded the motion. All were in favor. **Motion carried, 4-0.**

- Joseph Budrow  
Planning and Zoning Administrator