

**TOWN OF EAST HAVEN
PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
HELD ON AUGUST 4, 2021 AT 7:00 PM
AT EAST HAVEN SENIOR CENTER, 91 TAYLOR AVENUE**

Chairman William DeMayo called the regular meeting to order at 7:13 p.m.

The Pledge of Allegiance.

I. Roll Call

The clerk called the roll for the Commission as follows:

Al Shaul - Present
John Tarducci - Present
Marlene Asid - Present
William DeMayo - Present
Robert Cubellotti - Present
Louis Fusco - Alternate - Present

There was a quorum.

The following were also in attendance:

Joseph Budrow – Planning and Zoning Administrator and Zoning Enforcement Officer
Jennifer Coppola - Counsel to the Commission
Sotonye Otunba-Payne - Clerk

Mr. DeMayo introduced the members of the Commission and the staff to the public.

Mr. DeMayo called the next agenda item, the approval of minutes. He indicated the Commission needed a month to read the minutes as they were lengthy. Ms. Asid indicated that the May 25, 2021 minutes had previously been approved.

II. Review and Action on Prior Meeting Minutes

1. Minutes of the May 3, 2021 Special Meeting
2. Minutes of the May 5, 2021 Regular Meeting
3. Minutes of the May 10, 2021 Special Meeting
4. Minutes of the May 19, 2021 Special Meeting
5. Minutes of the May 25, 2021 Special Meeting
6. Minutes of the June 2, 2021 Regular Meeting
7. Minutes of the July 7, 2021 Regular Meeting

Ms. Asid made a Motion to Approve the May 3, 2021 Special Meeting Minutes. Said motion was seconded by Mr. Cubellotti. The motion passed unanimously (5-0).

Ms. Asid made a Motion to Approve the May 5, 2021 Regular Meeting Minutes. Said motion was seconded by Mr. Shaul. The motion passed unanimously (5-0).

Ms. Asid made a Motion to Approve the May 10, 2021 Special Meeting Minutes. Said motion was seconded by Mr. Tarducci. The motion passed unanimously (5-0).

Ms. Asid made a Motion to Approve the May 19, 2021 Special Meeting Minutes. Said motion was seconded by Mr. Cubellotti. The motion passed unanimously (5-0).

Mr. DeMayo indicated that the May 25, 2021 minutes had previously been approved.

Ms. Asid made a Motion to Approve the June 2, 2021 Regular Meeting Minutes. Said motion was seconded by Mr. Tarducci. The motion passed unanimously (5-0).

Ms. Asid made a Motion to Approve the July 7, 2021 Regular Meeting Minutes. Said motion was seconded by Mr. Shaul. The motion passed unanimously.

Ms. Asid thanked Ms. Otunba-Payne for the detailed minutes. Attorney Coppola thanked Ms. Otunba-Payne for attending five meetings in less than a month. Mr. DeMayo indicated that the minutes were thorough.

III. Public Hearings

1. **Application No. 21-07 - Autumn View LLC, Applicant.** An application for text amendments to the Zoning Regulations to amend Sections 21 (Districts) and 23 (Purpose of Districts) and to add a permitted use to Schedule A, Section 30A.

Attorney Coppola indicated that there was a request to continue the continuation of the public hearing (which had already been opened) for this application to the September regular meeting. There was sufficient time to continue this matter.

Attorney Coppola indicated she and Mr. Budrow did receive an e-mail from the applicant's counsel, Tim Hollister, earlier that evening indicating that they would like to continue the continuation of the public hearing.

Ms. Asid motioned to continue the continuation of the public hearing for Application No. 21-07, Autumn View, LLC, Applicant, until the Commission's September regular meeting. Said motion was seconded by Mr. Cubellotti. Motion passed unanimously (5-0).

2. Amendments to Zoning Regulations Changes - (Adoption of entire Zoning Regulations) - Continuation of the Public Hearing with further discussion of the proposed Amendments.

Mr. Budrow indicated that this was put together by Mr. Soto and Mr. Miller, the consultant at the time. What he would say tonight would be in written form as a staff report to the Commission later on. There are some good things in there. There may be some section renumbering.

Sections 1, 2 and 3 had no proposed changes. The first proposed change is in Section 4 of the Zoning Regulations, Definitions. He will be requesting 20 to 30 terms to be added to this section. There were some requested proposed definitions. He believes district and site plan, livestock, poultry, nurseries, day nursery, daycare, adult-oriented business for entertainment establishments, goods, etc., should be defined. This is coming from the use table. He saw Bridgeport's definitions. They give examples for all their uses so that there are no grey areas. The Commission will get a printout of that.

Attorney Coppola indicated that one of the things the Commission has to think of in making changes is that it has to think more generally on some things. A few of the questions that the Commission might ask are: Do you want to leave some things to interpretation? Do you want to be more specific in certain areas based upon situations that had occurred? There are members here that have served for some time. So, the Commission has historical information on what has occurred in the past. This is an important part of the Commission's analyses and thinking. The Commission will have guidance from Mr. Budrow on that as he has a wealth of experience from other communities regarding a number of issues that some towns are facing in modern times.

Ms. Budrow said easement, buildable and set back should be defined.

Mr. Budrow indicated that there were no proposed changes to Sections 21, 22 and 23. The Section 24 table was in need of some shuffling in order to keep everything in the same area.

Attorney Coppola went on to say that there were some other things in the Regulations that under current law would need to be revised because they are not appropriate. That is a whole separate list.

Attorney Coppola said some towns have a separate use section for the types of districts and then the uses that are permitted within the district. It is not shown in this table. The way it is now is very cumbersome. Mr. Budrow said this will have to be done, if accepted, for 25 districts.

Ms. DeMayo asked about nonconformities. Mr. Budrow indicated that there was a section for that. Mr. DeMayo asked if that could be refined more. Mr. Budrow indicated he would come up with a sample of what it would look like based on the districts.

Attorney Coppola indicated that it had to be clear what homeowners could do with their properties, the useability of the properties.

Mr. Budrow spoke about the proposed banning of unregistered vehicles on residential lots. There were discussions on how to enforce this.

Mr. Budrow spoke about the proposed enterprise district. There are no references to it anywhere. He was unsure of where it should be.

Mr. Budrow indicated that there were no proposed changes to Sections 26, 27, 28 and 29. There were proposals to Section 30, Economic Development District. There will be more about this in the future. Section 31, Sand and Gravel, may be relocated. There are no proposed changes to Section 32, 33, 34, 35 and 36.

Section 37, Affordable Housing. There is a new affordable housing section with regard to wording. Attorney Coppola indicated that the legislation regarding this has to be discussed separately. She had indicated previously that they would go through this section thoroughly.

Mr. Budrow indicated that Section 38, the anti-blight section, did not change that much at all.

Attorney Coppola indicated that she and Mr. Budrow had had many discussions regarding Section 38. They may end up making some recommendations to do quite a bit of revision to this section just so that it is clearer as far as enforcement and the way the enforcement procedures run. There are some aspects of maintenance too that there are questions about as to whether they are appropriately included with an eye on whether it is making it difficult to enforce. Clarity is needed for the public and the Zoning Enforcement Officer so all understand what is required. Mr. Budrow has done a good job of hitting the ground running. Mr. Budrow has done a lot of inspections. He needed to get his bearing as to how much blight the Town has.

Mr. DeMayo asked how detailed it would be regarding enforcement. Mr. Budrow responded by saying there would be a citation and process. Mr. DeMayo asked about the extent the Town could go to deal with issues such as these.

Attorney Coppola indicated she would not advise that a town foreclose on a property for blight. Going to cut grass is different than going in to do something much more significant. It is a policy decision. There are a lot of considerations.

Mr. DeMayo asked when does it become the Town's responsibility for the health and safety of the neighborhood that the Town can access a building. Attorney Coppola indicated that when talking about enforcement, it is not just about blight. Often times when talking about health and safety, typically what you are talking about is your health department or district, if you have a health code or follow the state health code and Building Code enforcement. If it is multi-family, the Fire Code could be involved. She went on to explain that it is best if multiple departments worked together on severe issues.

Mr. DeMayo indicated he was concerned about the liability of the Town.

Attorney Coppola indicated that private property owners have rights/due process rights. Expectations should be conveyed to the owners once they have citations for blight. These property owners should be given milestones so that they are successful in the end.

Mr. Budrow indicated that there are some proposed changes in Section 42, on-premises parking. There are some proposed changes in the sign section. Section 57 has some added proposed language regarding review. So, if an engineer is needed, the applicant can be charged for the review fees.

This was just an overview. He suggested that when it came time for public hearings regarding these proposed changes, perhaps it was best to do them four at a time.

Mr. DeMayo indicated that this had been in the works for a year and half. The Commission would like public hearings on these proposed changes. The Commission anticipates it would get some good ideas from the general public. Mr. DeMayo asked about the possible timeline for these hearings.

Mr. Budrow responded by saying that it is best to schedule these hearings two months in advance. Attorney Coppola added that there was still a lot of work to be done before the public hearings.

The Commission agreed that the Regulations needed to be more organized.

Attorney Coppola went over the Connecticut Chapter of the American Planning Association's 2021 Guide to Legislation Impacting Development and Land Use Procedures. It highlights some of the important legislation that was passed in the last legislative session.

Accessory Dwelling Units (ADUs) are allowed by default with the ability to opt-out. The opt-out has to happen by January 1, 2023.

Multifamily housing section wherein it says that municipalities have to adopt their Affordable Housing Plans by the deadline, June 1, 2022. She will continue to provide updates on this as there is a lot to this.

The next section is Outdoor Dining. It extends the protocols regarding outdoor dining placed previously under Executive Order 7MM through March 31, 2022.

Attorney Coppola spoke about the section dealing with Traffic and Parking. The goal is to promote developments which are less dependent on private vehicles. There is an opt-out provision in this section as well which has to do with parking. She read as follows "*Public Act 21-29 requires that zoning must not require parking in excess of 1 space per studio or 1-bedroom unit, or 2 spaces for larger housing units ...*" - two or more units, no requirement of more than two parking spaces. -- "*... unless a municipality opts out of this requirement through a two-step process ...*" which is the two-thirds of the Planning and Zoning Commission and then the legislative body – the Town Council in this case.

Attorney Coppola went on to mention the section to do with Additional Zoning Requirements. There is a section on Meeting Procedures (including Remote). There is a new GIS office within the OPM. The land use commissions' members have to go through an initial training and then, thereafter, additional training every two years.

Attorney Coppola went on to speak about certification of zoning enforcement officers. It is now a requirement.

Attorney Coppola indicated she would set another day for the section regarding cannabis for an in-depth discussion via a special meeting. A special meeting was selected of August 16th, 2021.

IV. Site Plan Review

V. New Application

V1. Deliberation Session

VII. Executive Session

- A. Discuss the status of the pending litigation of Autumn View LLC, et al v. East Haven Planning and Zoning Commission (Docket No. NNH-CV16-6061972-S), and possible action relating to same.
- B. Consider whether to convene in executive session to discuss the status of the pending litigation of Autumn View LLC, et al v. East Haven Planning and Zoning Commission (Docket No. NNH-CV16-6061972-S).

Ms. Asid motioned to enter Executive Session. Said Motion was seconded by Mr. Cubellotti. The motion passed unanimously (5-0).

The Commission entered into Executive Session at 9:09 p.m.

Ms. Asid motioned to exit Executive Session. Said Motion was seconded by Mr. Cubellotti. The motion passed unanimously (5-0).

The Commission exited Executive Session at 9:38 p.m.

VIII. Adjournment

Ms. Asid motioned to adjourn. Said motion was seconded by Mr. Tarducci. The motion passed unanimously (5-0).

The next scheduled special meeting is on August 16, 2021.

The Commission adjourned at 9:38 p. m.

Respectfully Submitted,

Sotonye Otunba-Payne