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Town of East Haven

## Planning and Zoning Commission

Regular Meeting Minutes – March 6, 2024  
East Haven Senior Center, 91 Taylor Avenue

### I. Roll Call and Pledge of Allegiance

Present for the meeting were Marlene Asid, Chairperson, John Tarducci, Lou Fusco and Bob Cubellotti.

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

Commission Chairperson, Marlene Asid started the meeting at 7:07pm and led the Pledge of Allegiance. She then introduced the Commission.

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

**MOTION:** Mr. Tarducci made a motion to accept the minutes of the January 24 special meeting. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

**MOTION:** Mr. Fusco made a motion to postpone the approval of the minutes of the February 7, 2024 meeting. Mr. Tarducci seconded the motion. All were in favor. **Motion carried, 4-0.**

### III. Public Hearings

1. **Application No. 22-07 – on behalf of the East Haven Planning and Zoning Commission.**

Mr. Budrow updated the Commission that the Town Engineer made several comments about the Flood Plain Regulations. Mr. Budrow made the necessary updates to the draft Regulations.

**MOTION:** Mr. Fusco made a motion to continue the public hearing for **Application No. 22-07** to the next meeting on April 3. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

2. **Application No. 24-05** – on behalf of **W. J. Dornfeld Co., Inc., 78 Saltonstall Parkway**. A petition for a Change to the Zoning Map to add a property known as 78 Saltonstall Parkway to the CA-2 Zoning District.

Attorney Timothy Lee, of Fasano, Ippolito, Lee and Florentine, presented. W.J. Dornfeld has owned the property since the early 1970s. Their HVAC company has merged with a company from Guilford. The Dornfelds are interested in liquidating the property. The property is in an R-1 district and has been used commercially since the 1950s. The current use is a legal nonconforming use. They are interested in changing the zone to a CA-2 zone. He described nearby properties that are zoned CA-2. He said that what is being proposed is consistent with the area. He said by changing the zone, it opens the property to other uses like law offices.

Ms. Asid asked Mr. Budrow for a comment. He apologized for not having a staff report for the Commission. He said that prior to the meeting he looked at what uses were allowed in a CA-2 zoning district. He said many uses were of a quiet nature but told the Commission that Adult-Oriented Businesses are allowed in the CA-2 district, the only zoning district they are allowed in. Attorney Lee said that use is allowed by Special Exception. He said his clients don't intend to sell to such a use. Ms. Asid asked if the Commission could say that such a business is not allowed there. Attorney Lee said they would not be opposed to such a condition.

There were no questions from the Commission.

Charles Moon, of 25 Deborah Lane. He asked where spot zoning is allowed for this parcel. He asked if there was a previous Variance granted. He asked if this proposal was brought to the Inland Wetlands Agency. He asked if it conforms to the Farm River Overlay District. He said this was a tidal zone which has its own zoning regulations. He asked if the Farm River Association was notified. He asked what the lot bulk requirements were. He said the Commission was to follow the Plan of Conservation and Development. They were to protect the properties from adverse impact. He said he is the living consequence of poor zoning governance. He said that nearby site work at a rest home affected his property. He asked what is quiet about dumpsters being slammed at four in the morning. He said if the Commission feels that the surrounding properties are affected, the Commission must deny the application.

Curt Sandberg, of 1 Judith Lane. He feels this change will affect the value and serenity of his property. He would not want a potential restaurant there. He said more people would be here at the hearing if there weren't so many rentals.

Victor Nuzzo, 17 Deborah Lane. He referred to a neighboring property flooding his property. He said East Haven is changing. He said the town is starting to look like crap. He is for progress but it is being destroyed.

Attorney Lee responded. He said this is not spot zoning. He gave an example of what spot zoning is. He said this lot abuts other CA-2 properties. It is not spot zoning. He said this property has been used commercially since the 1950s. The current use is legally nonconforming and exempt from the zoning regulations. He said the proposal does not need to go to the Wetlands Commission and no referral was needed to the Flood Commission. He said the lot may continue to be commercial and changing the zone could open the door to a less intensive use. Attorney Lee continued, saying the Commission's role is to feel if the zone change is appropriate. A CA-2 zone change makes sense. He said no expert is needed to testify. Regarding parking, a future applicant will have to conform to bulk standards.

Mr. Budrow added that a Wetlands Commission reviews applications when there is an earth disturbance within 50 feet of wetlands, or when a change of use requires outside changes.

Ms. Asid asked if a restaurant could go there. Mr. Budrow answered that a restaurant is allowed within a CA-2 zone.

Charles Moon returned. He said the property near Transylvania is State-owned property. He said it is R-1. He said he wants to see a map. A woman in the audience said Transylvania is the last CA-2 property on Route 1. From there down Saltonstall, it is R-1. Mr. Moon said a change of use needs to go to the Wetlands Commission. A woman in the audience said a Site Plan doesn't need a public hearing. Attorney Coppola asked Mr. Moon to stop as he was being interrupted by someone in the audience. He said it was his time. Attorney Coppola stated this is a public hearing and she asked the woman in the audience to come up and speak.

Sherry Moon, of 22 Judith Lane. She repeated that all of Saltonstall is R-1. She said once you change from CA-2 to R-1 you can't go back. Mr. Budrow was looking at the GIS map on a laptop. He said the zoning map has issues and it shows what Mrs. Moon is saying is true, but when the Farm River parcel is clicked it appears as CA-2. Mrs. Moon said they want to keep it residential. She wonders why someone from the Farm River isn't here to talk about this. Mr. Moon started to talk from the audience. He was urged to come forward again. He told Attorney Coppola not to be adversarial, they were East Haveners. He wondered why others weren't coming up to speak.

Anna Malkowski, of 11 Carlson Place. She said she agrees with the neighbors here and what their opinion on what the Commission is doing to the town.

Mr. Moon said, from the audience, the maps need to be correct. Attorney Coppola told him he needs to speak from the microphone. Mr. Moon said if the town doesn't have the proper maps, the zone can't be changed. He asked if there are inconsistencies with the

maps. Mr. Budrow said there are inconsistencies between the map and the data. Mr. Moon repeated his question if the current business got a Variance. He said now that it is on the record, it needs to be addressed. He hopes the Commission does the prudent thing for them.

Tricia Locke, 86 Saltonstall Parkway. She said Dornfeld has been a wonderful neighbor. They only have two or three cars at any time. She is nervous about a change there.

Niki Whitehead, 9 Hilton Avenue. She said the Assessor field cards are not always reliable. She understands what Mr. Budrow is saying. She referred to an old zoning map in the former zoning office that was covered in white-out. She said changing the zone and causing a nonconformity needs to be thought about and said Attorney Lee should comment. She said the CA-2 zone being a more intensive zone is problematic with respect to coverage when the lot is next to the River. She urged the hearing be left open so that research can be done.

Attorney Coppola asked the Commission if there is anything they would like staff to research.

Attorney Lee said the Commission has the right to continue the hearing and he'll defer. There is no specific application before the Commission. There is no application that needs to go to the Wetland Commission.

Ms. Asid asked a question about the lot size being too small if the zone is changed. Attorney Lee answered that they have a nonconforming use. A future use will need to conform with the Zoning Regulations and any nonconformities. Attorney Coppola directed the Commission to the nonconformity Section of the Zoning Regulations. Attorney Lee restated the commercial timeline of the property. Attorney Coppola talked about the zoning map. Research can be done to verify the current zoning map on the GIS.

**MOTION:** Mr. Fusco made a motion to continue the public hearing for **Application No. 24-05** to the April 3 meeting. A staff report detailing the situation with the zoning map is expected. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

3. **Application No. 23-27** – on behalf of the Planning and Zoning Commission. A Petition for a text amendment to the East Haven Zoning Regulations to allow accessory dwelling units on residential properties.

Mr. Budrow introduced the application and referred to the Public Act that initiated the Commission to discuss a new Accessory Dwelling Unit Regulation. Attorney Coppola said there is a lot of history on this and the Regulation can be amended. She said based on comments they receive they can go back to the drawing board if desired. Mr. Budrow said the draft has been in the town Clerk's Office, and has been on the website since last

week. Attorney Coppola said she will review the final draft. She said the Commission is at the beginning of the process as the public has not had the opportunity to comment yet.

Ms. Asid said the Commission is looking for public comment.

Cindy Sparago, of 42 Caroline Road. She would like to talk about the proposed Section 48.7.2, the Section that regulates ADUs being restricted to family members. She shared a story about an East Haven friend who lost his wife and was left alone in a large house. His son moved in with him along with his family. An office was converted into an ADU. A couple of years later his son was transferred to another State. She said if the current Regulation is in place, he would have to sell the house. She said there are so many options to rent in a safe way and these rules take all that away. She thinks there will be an enforcement issue. She thinks the resale of homes with ADUs is aimed for a small market. She also thinks the ADUs will not help the housing crunch. She asked the Commission to reconsider the above-noted Section.

Joseph Ranciato, of 20 Legend Lane and Alexandria “Sandy” Carter, of 15 Cherry Hill Road, Branford. Ms. Carter spoke and said if this Regulation was around five years ago, she would have moved in with her son. She had a couple of questions. She referred to Section 48.6.1, a Regulation about the sizes shown as 500 to 800 square feet and the 33% of the total floor area. She wondered if a porch or sunroom would be added to the floor area. She also stated the Regulation allows for one bedroom yet allows up to two adults and one child and requiring more than one bedroom. She asked that the Commission look at the Regulation again.

Judy Mison, 12 Hilton Avenue. She agreed with what Ms. Sparago said and she is in favor of ADUs. She is not in favor of restricting ADUs to family members.

Mr. Budrow shared that he was late in getting a referral to the South Central Regional Council of Governments and as they await a comment, there should not be a decision tonight.

Mr. Fusco mentioned there was Commission discussion regarding the family-only factor. Attorney Coppola reminded the Commission that there was discussion related to affordable housing and the possibilities for parents or children moving back home. Regulating family-only was a first step in addressing these housing needs. She asked what the Commission’s inclination is here. Ms. Asid said they decided not to add an affordable component to this Regulation. Mr. Fusco added that owner/occupied was discussed and important to have. Mr. Tarducci said that parents or other relatives needed a housing opportunity like this if they couldn’t afford to buy a house at this time. Ms. Asid shared that the house would be limited to single meters and one address. The Commission was directed to comment on Ms. Alexander’s comment on the 33% number related to overall floor coverage. Ms. Alexander was asked restate her comment about the 33%. She felt that adding the word “or” would make it clearer. Mr. Budrow brought up

the comment about two adults and a child, but a maximum of one bedroom. The Commission answered that one bedroom was what they wanted.

**MOTION:** Mr. Tarducci made a motion to continue the public hearing for **Application No. 23-27** to the April 3 meeting. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

4. **Application No. 24-03** – on behalf of **13 Carlson Place, LLC., 13 Carlson Place and 360 Thompson Avenue**. An Application for a Site Plan Review to construct 7 multiple dwelling buildings, under Connecticut General Statute 8-30g, with 20 total dwelling units.

Attorney Steven Studer, of Berchem Moses, LLP, presented. The application is for 20 dwelling units under Connecticut General Statute 8-30g. He introduced the other professionals who will present. Six of the units will be rented as affordable.

He described the proposal. The affordable units will be deed-restricted for forty years and recorded on the land records. He will work with Attorney Coppola on the details. He stated that the average median income for East Haven is \$111,900 and for the State it is \$119,500. He prepared an affordability plan as required by Statute. He described its contents. He will work with Attorney Coppola on the plan. He stated that the affordable homes will be constructed exactly like the market-rate homes. They will be evenly distributed throughout the site. He alluded to the Town's Affordability Plan. He said that 3,800 households in East Haven pay more than 30% of their income on housing, as noted on page 11 of the Affordability Plan.

He told Ms. Asid that he would like to make the adopted Housing Plan an exhibit in these proceedings. He stated that the Agency may not deny or modify a proposed site plan except to protect a substantial public interest in health, safety or other matter which the Commission may legally consider and which clearly outweighs the need for affordable housing. He said, further, if the Commission can protect a substantial public interest by reason of a reasonable change to the proposal, it must do so rather than to deny the application. He added that the burden of proof also shifts from the applicant to the Commission and must be based on substantial evidence in the record. He added that Courts have upheld that density or impact on public schools are not valid public interests that outweigh the need for affordable housing.

Attorney Studer described the history of the properties. He mentioned there is commercial activity and apartments. He referred to two letters from previous Zoning Officer, George Mingione. He referred to Mr. Budrow's staff report that described the property. Attorney Studer stated that the current buildings will be replaced by a more compatible development. He says Thompson Commons conforms to the Town Plan of

Conservation and Development and the Housing Plan. He further described the development and the neighborhood.

Attorney Studer added the development does not have to comply to zoning, but to the Statute. He referred to the R-1 zoning district. He said that Thompson Gardens is a mixed income development and the 6 affordable units are not for those on welfare or government assistance. He mentioned people who possibly would live in the affordable units are paramedics, dental hygienists, mechanics, store managers and entry-level professionals.

Attorney Studer noted that letters were sent to the property abutters. He also mentioned that he was asked a question by Mr. Budrow asking if he (Attorney Studer) thought that Connecticut State Statute 4b-77 applied to this development. Attorney Studer didn't feel that the law applied. He added that the development will comply anyway as each garage will be fitted with the infrastructure for an electric vehicle charger.

Jeff Gordon of Codespodi and Associates presented. He said the current owner has owned the property for several months. He mentioned that all the units are the same. The units designated as affordable may change if a resident has success at work they may not be counted as an affordable unit. Then the next affordable unit becomes the new affordable unit. He said each unit had a garage and there will be no dumpster. Each resident will have their own receptacles. Each unit will have a garage and secondary parking space. He said the development offers 2.85 parking spaces per unit.

Mr. Gordon mentioned there will be a gang mailbox area. Also, there will be a central area for a barbeque area with benches. This will ensure that there will be no grilling in people's garages. He added that backyards and sheds are adjacent to the proposed buildings. He mentioned the access way off Carlson Place and a possible Knox box location.

Mr. Gordon described the landscape plan. He then described the development lighting plan. The light poles have cutoff capability. Shields could be used, if needed. He referred to the fencing that exists. He does not favor putting fencing up against fencing. He referred to a request for a sidewalk. He said the development is more like a cul-de-sac plan that was submitted to the record.

Mr. Robert Wheway, project engineer with Codespodi and Associates, presented. He said the proposal will have over 30,000 square feet of impervious surface. He talked about stormwater runoff. He said the topography is generally flat, as is the area. He talked about the soils and soil testing. He said the property is in Flood Zone X, thus outside the known flood plain district. He then described the stormwater runoff and treatment on site. The low flows will go to a gallery system. Galleries will handle more. He said the drainage

report was submitted to the Town Engineer. He then referred to the erosion and sediment control plan. He said the site is flat and he sees no threat of soils leaving the site.

Mr. Milton Gregory Grew, licensed architect, presented. He showed the site plan and the arrangement of the buildings. He described the floor areas of the dwelling units with the lower level that has a garage and mechanical area. He showed the second floor as having a dining room and living area. There is a half bath and closet. He showed the third floor with two bedrooms and a full bath. He showed the front façade of a building, the side and the rear of the buildings. The roof will have shingles.

Ms. Asid asked if that ended the presentation. She mentioned that the Commission awaited comments from the Town Engineer. She also asked if DEEP required any information on soil contamination. Attorney Studer said the Town Engineer has seen the plans and submitted comments. Attorney Studer then answered that there was no indication of soil contamination and if there is, attention to it will be addressed at a later time. Mr. Wheway said there were test holes drilled to 12 feet and there were no visual evidence of concern, or odors of petroleum.

Ms. Asid asked how the trash will be collected. Attorney Studer said people will take their receptacles out and a truck will collect them. Ms. Asid asked about a lighting plan. Mr. Budrow said that the Town Engineer had no comments on lighting. Ms. Asid asked if there will be additional parking beyond the 2.85 spaces. Mr. Gordon said there are 20 garage spaces and 37 outdoor spaces. Ms. Asid said she noticed that on some of the plans she saw 8.5 feet between a building and the property line. Mr. Gordon said there is no setback for an 8-30g but there is a building code requirement. Mr. Grew mentioned some distances that some proposed buildings show as proposed. He said the building code requires a fire rating when a building is less than ten feet from another. Ms. Asid asked what the height is to the buildings. Mr. Grew said the height to roof peak is close to forty feet. Ms. Asid asked how height is the master bedroom window. He answered 20 to 24 feet.

Mr. Cubelotti asked if there was a fire hydrant was on site. Mr. Gordon pointed to an area on site where a hydrant was proposed. Mr. Cubelotti verified that chargers will be in the garages. Mr. Gordon responded that they will be wired for 40-amp units. He asked when the site is knocked down, how will they control the rodents. Mr. Gordon said there will be an asbestos review, lead review and a rodent assessment before anything happens.

Mr. Tarducci asked Mr. Budrow if the Fire Marshal had any comments. He said seven comments came in earlier and they were shared with Attorney Studer.

Ms. Asid asked if the utilities will be underground. The answer was that all will be underground.

Mr. Budrow shared the Fire Marshal's memo. Two security gates are required along the access road off Carlson Place. A Knox box is required.

Ms. Asid said she had a comment about the density even though she knows it can't be a reason to deny. She feels seven buildings is an aggressive plan on a single acre. She hopes the plan can be modified to one that is amenable. Mr. Cubelotti said he is not a big fan of the height of the buildings. The neighbors have backyards and privacy. Mr. Gordon responded that the underlying district allows for forty feet. Mr. Cubelotti said he is trying to protect that neighborhood.

The public was invited to comment.

Mr. Robert Napolitano, of 22 Iver Avenue. He said the height of the buildings will look into their back yards. He thinks this proposal should be somewhere else.

Jennifer Higham, of Thompson Avenue. She feels the tranquility is threatened. The traffic will increase. She feels the airport already impacts the area. She feels parking will overflow onto the streets. She also fears fire spreading to neighboring homes. She feels forty feet will easily see into other yards. She feels there is a security and privacy issue. She doesn't feel a proposal like this should come at their expense. She submitted a petition with many names.

Anna Malkowski, of 11 Carlson Place. She said 15 Carlson Place has been a mess. They have had issues with the previous owner. She hopes there will be no aggravation from the new people. She hopes there can be a solution.

Dorothy Popolowski, of 39 Iver Avenue. She bought her house from her mother. She is concerned that the sewer pipes can't handle the new units. She feels the driveways are too narrow. She added that she has asthma. Tweed bothers her. She feels new pollution will come into her house.

Susan Lowe, of 36 Iver Avenue. She commented that the existing rear yards are small. She said that EV chargers and EV cars are a concern. When these cars are on fire, they don't go out. That is a safety issue. She is bothered by the 40-foot height. She said she was told in the zoning office that the garages are underneath because of a nearby flood plain. She hears tonight that the flood plain is not a factor. She feels properties will be devalued.

Ms. Asid verified that the maximum height in East Haven is forty feet. Mr. Budrow said in the R-1 zoning district the maximum height is forty feet and that he looked at his plan set and the buildings appear to be at 38 to 40 feet. Ms. Asid said she asked about the rear window height to highlight their height is at 24 feet.

Elaine Carlson, of 12 Carlson Place. She has safety concerns. She wonders if there will be a pet policy and wonders if dogs will wander the neighborhood. She shares the previously-stated concerns.

Kristen Lund, of 22 Iver Avenue. She moved to East Haven six years ago and looked for affordable housing. She understands the need for affordable housing but this isn't the best choice. This is in the middle of where people already live.

Carolyn Jackson, of 355 Thompson Avenue. She said Thompson Avenue is now I-95. She said most families have 3 cars and feels there is no room for more cars. She feels people from neighboring towns going to Tweed go down Thompson Avenue. People go through the stop signs. She says 20 units in that area is insanity. She said the traffic is dangerous. She added that rats are an issue.

Jennifer Higham asked if these would be rentals or owned? Attorney Coppola said they will answer the question.

Catherine Bennett, of 463 Thompson Avenue. She feels this property is way too small for this project. She feels rigorous soil testing should be done due to the past activity. She said the development will attract more fuel trucks.

Cindy Sparago, 22 Caroline Road. She shared that there are additional setbacks for buildings over 30 feet.

Maureen Shea, of 16 Carlson Place. Her biggest concern is the density and the potential for fires. She is also concerned with people looking at her.

Elise Sparo, 34 Deerfield Street. She agrees about area developments adding rats and traffic to the area. She said the project is lovely but it is too much. She said the schools are overcrowded.

Michelle Parlato, 475 Thompson Avenue. Her biggest concern is the traffic. She sees cars going through stop signs. She said the homes look very nice but density is a concern.

Steve Doughty, of 469 Thompson Avenue. He asked if this is a HUD-like deal.

Elaine Carlson asked who will check the salaries of the residents. Attorney Coppola said that the Housing Plan should be posted on the website. She said all of the submissions can be posted. She said the affordability plan lays out the details of the incomes of the residents.

Susan Lowe. She verified that only six of the units are affordable. Attorney Coppola answered the question. Ms. Lowe asked if the Town was near the 10% threshold.

Attorney Coppola said the Town is at 8.33%. She said that the only thing a Town controls is deed-restricted units. The six units here are deed-restricted. The Town does not have control over government-assisted residents or those with certain mortgages. Ms. Lowe asked if there are other projects like this in town. Attorney Coppola said there were other projects with affordable units in them.

Roger Hankins, of 463 Thompson Avenue. He said his property abuts Tuttle School. He says the development has a 40-foot height and the neighboring homes are single-story. He compared the development to Tuttle School. He says they will force out the neighbors and build a larger complex. He says they want to drive down the value of the neighboring properties and gobble them up.

Attorney Studer said he'll save his comments for the next meeting. Mr. Tarducci asked if a traffic study is being done. Attorney Studer said one is not required. He said the traffic is a Town issue. He said the streets can handle the traffic.

#### **IV. Other Business**

1. **Zoning Regulation Section 51.8.4 Referral** – Discussion on a proposed conversion of a single-family residence to a two-family residence in a zoning district where two-family residences are not allowed.

Mr. Joel Cepeda introduced himself. He explained that he wanted to convert a single-family dwelling to a two-family home. It had been a two-family years ago. He wants his mom to move in. Mr. Budrow said that the ZBA received old Assessor records that showed the property was a two-family in the 1960s and 1950s. The property is big enough for two dwelling units. Attorney Coppola read Zoning Regulation 51.8.2.4 to the Commission.

Mr. Tarducci asked if the improvements will be inside or outside. Mr. Cepeda said he didn't do any upgrades. Mr. Fusco asked if there were separate electrical services. Mr. Cepeda answered "yes." He added that they are applying for a program for his mother. The house needs to be a two-family.

Mr. Budrow stated that a reason to give a favorable comment is that the property used to be a two-family home and nearby zoning districts allow such uses. Ms. Asid agreed.

**MOTION:** Mr. Fusco made a motion that the Commission give a favorable recommendation to the ZBA. Mr. Cubelotti seconded the motion. All were in favor.  
**Motion carried, 4-0.**

## V. New Applications

1. **Application No. 24-04** – on behalf of Steve Streeter, 44 Brown Road. An Application for a Site Plan Modification to make expanded improvements at a restaurant located at 44 Brown Road.

**MOTION:** Mr. Tarducci made a motion to schedule a public hearing for the April 3 regular meeting. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

2. **Application No. 24-12** – on behalf of Tiana Alvarado, 452 Main Street. A Site Plan Review to locate a nail salon within an existing commercial space.

Ms. Tiana Alvarado presented. She wants to open an appointment-only salon and will have one other employee. Mr. Tarducci asked her some questions. Ms. Asid asked her about parking. Ms. Alvarado said there are two spaces in back and clients will need to park on street. Mr. Fusco asked if she had a licensed. Shae answered “yes.”

**MOTION:** Mr. Fusco made a motion to approve **Application No. 24-12**. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

3. **Application No. 24-06** – on behalf of Robert Deko and Susan Deko, 97 Caroline Road. An Application for a Coastal Area Management Site Plan Review to construct a new house within a coastal flood hazard area and near beach and dunes, and tidal wetlands.

Mr. Budrow gave an explanation of the application. He said he and the Town Engineer have agreed that the submission needs to add more. The applicant will be working with their builder to get better house plans in. He said these applications are typically not a public hearing. He said he has not heard anything from anyone in the public about this application until this morning. He said Mr. Patrick Rowland asked for a copy of the application. Another resident didn't understand why this application was allowed after a past Court decision. Attorney Coppola reminded the Commission that they must decide on whether to have a public hearing. They can wait until April 3 if they want to. She stated that the property, in the past, went for a Variance and a decision was made. The decision was appealed and a Court upheld that appeal. A CAM also was approved but it has expired. She said any preclusion issue is one to be decided by a court. Ms. Asid said she would like to see the added materials before deciding on a public hearing. Mr. Cubelotti asked what information they were looking for. Mr. Budrow answered that the house design was needed.

**MOTION:** Mr. Tarducci made a motion to continue Application No. 24-06 to the April 3 regular meeting. Mr. Fusco seconded the motion. All were in favor. **Motion carried, 4-0.**

4. Application No. 24-07 – on behalf of Hilaris Martinez, 75 Frontage Road. – An Application for a Site Plan Modification to expand an existing restaurant known as Fiesta Grill.

Ms. Hilaris Martinez presented. She was accompanied by her architect, J.P. Barca. He said her business has been successful so far. He said there have been no issues with the police. Mr. Barca described the proposal. The 4,134 square foot space will be expanded to 6,356 square feet. There is no change of use. A second bar is to be added and the stage is to be moved. Thirty-five seats will be added to the existing 128 seats. The proposed standing room capacity is for 908 people. Also, the bathrooms will be enlarged.

Ms. Asid asked if they currently have entertainment there. Mr. Barca answered, “yes”, and that during the day it is a restaurant and, in the evening, it is a bar. Tables are moved around. Ms. Asid asked what the hours were. Ms. Martinez said they were open until 1am and 2am on Friday and Saturday.

Mr. Budrow told the Commission that the application came in the week prior but was paid for just recently. The acting Fire Marshal did a review and has some issues that she needs to discuss with Ms. Martinez. The 908 standing threshold triggers some security requirements. He said Mr. Barca avoided the word “nightclub.” This application will be referred to the Police Department.

Mr. Barca said sometimes a band will be brought in. He said that Ms. Martinez has reached out to the local police for security. Ms. Martinez said there has not been a need to call the police due to fighting. Mr. Barca said the parking lot is very large and the nearby businesses are busy.

Mr. Tarducci asked Ms. Martinez for a security plan.

Mr. Barca added that they propose an added ADA door.

There was discussion about the neighboring tenant and the construction schedule for getting the expansion done.

**MOTION:** Mr. Tarducci made a motion to continue Application No. 24-07 to the April 3 regular meeting. Mr. Fusco seconded the motion. All were in favor. **Motion carried, 4-0.**

5. Application No. 24-08 – on behalf of the Planning and Zoning Commission. A Petition for a Text Amendment to the East Haven Zoning Regulations to require all proposals for ten or more dwelling units to set-aside a percentage of the units as below market rate.

Mr. Budrow apologized that the application and attachments did not make it into the mailing packet. He said the items were in their folders.

**MOTION:** Mr. Tarducci made a motion to continue Application No. 24-08 to the April 3 regular meeting. Mr. Fusco seconded the motion. All were in favor. **Motion carried, 4-0.**

6. Application No. 24-09 – on behalf of CPDE East Haven, LLC., 990 Foxon Road. An Application for a Site Plan Modification to expand the size of a previously-approved self-storage building.

Mr. Kevin Hixson, of BL Companies, presented. He stated the recent history of 990 Foxon Road being approved by the ZBA, Planning and Zoning Commission and the City of New Haven.

The proposal is to increase the self-storage building to over 55,000 square feet. The applicant is in the process of buying the State parcels along Foxon Road and the Old Foxon Road. The property owner is going to buy the Roca property at 141 Old Foxon Road.

Mr. John Mancini, of BL Companies, talked about the gross floor area of the storage building. He talked about the Rocas previously having concerns and that the Rocas offered their property at fair market value. He said the conditions related to the Roca property go away. Mr. Tarducci asked if the height of the new area of the storage building was going to increase. Mr. Mancini said the roof line will not exceed the previously-approved roof height. Ms. Asid asked if Mr. Bodwell had any comments. Mr. Budrow said he had not seen comments. Mr. Mancini said there could be a condition that the proposal must adhere to the Town engineer's requirements. Mr. Cubelotti asked if the tenants were still in place. Mr. Mancini answered that they were. The property owner is working with the fire department on demoing the building after some training exercises.

**MOTION:** Mr. Fusco made a motion to approve Application No. 24-09. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

7. **Application No. 24-10** – on behalf of James A. Esposito (Country House Realty, LLC.) An Application for a Resubdivision of property to create four new properties.

Mr. Mancini gave a brief overview. He showed the former Roca property. He then pointed out that one of the lots had to be adjusted since a staff meeting because all lots in East Haven need a minimum of 20,000 square feet. An adjustment was made to increase one of the front lots on Foxon Road. He said all lots now conform to the Zoning Regulations. Mr. Budrow asked if there needs to be parking agreements in place if the property is being parceled off with shared parking spaces throughout the site.

**MOTION:** Mr. Fusco made a motion to schedule a public hearing for the April 3 regular meeting. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

8. **Application No. 24-11** – on behalf of CARdrive Auto Group 5 LLC. d/b/a CARdrive East Haven, 10 and 14 Frontage Road, and 111 Kimberley Avenue. An Application for a Site Plan Review to locate a used car dealership at 10 and 14 Frontage Road, and 111 Kimberly Avenue.

Attorney Lee Tiernan, of Cohen and Acampora, Attorneys at Law, presented. The proposed use is like the one that was previously on the properties and applicable to the area. The property is zoned CB-1. Mr. Budrow said that there has been a dealership there before. He said the Zoning Regulations allow for the Planning and Zoning Administrator to administratively sign off on certain Site Plan Modifications. He said he couldn't find a Regulation that allows him to do so for new uses, only for modifications to previously-approved site plans. He added that Zoning Officers now are given the power to approve locations of dealerships. Mr. Budrow showed an aerial photo from the 2019 GIS map of the property. He was concerned about too many cars all over the site. Attorney Tiernan showed a 2019 aerial from Google Maps. Attorney Tiernan said the property can be lined for parking and cars will not be in any buffers. Mr. Budrow stated that the submitted site plan shows approximately 50 cars. Mr. Bashar Mobarak, the applicant and owner of the proposed business, said 50 cars is fine. He listed the other dealerships he owns. Attorney Coppola said a dealer's license covers some repairs.

Mr. Budrow verified that the business model is that they buy cars from auctions, they're repaired at another location and sold here? Mr. Mobarak said some work needs to be done like brake work. This location will see some repairs to make the cars fit for sale. Mr. Mobarak said there will be no auto body work done.

Attorney Coppola stated that CAR Drive, LLC is not incorporated with the State and asked if this will be happening. Mr. Mobarak said the approval for this operation is contingent on that. A K7 application must be approved. Ms. Asid asked what the hours of the operation will be. He answered that weekdays, 9 to 6 and 8 to 6 on Saturdays. Mr.

Tarducci added that he would like the property to stay as shown on the plan. He wants an organized lot since this property is a gateway to Town. The owner shared that the previous dealership parked cars in an unorganized way.

Ms. Asid asked about possible conditions. Mr. Budrow shared that he thought of three possible conditions. No more than 50 cars shall be displayed at any given time. The lots shall be striped as shown on the site plan. And, all signage shall conform to the Zoning Regulations. Attorney Tiernan stated that the employees shall be allowed parking spaces. There will be two employees.

Mr. Budrow asked if any of the cars will be repossessed vehicles. Mr. Mobarak said the auction will not announce that. He said he is not looking to buy cars that require 10% body work. Mr. Cubelotti asked what the average cost of a car would be. Mr. Mobarak answered, about \$10,000.

Mr. Budrow added a possible fourth condition about no dilapidated cars shall be outside. The Commission didn't feel that was needed. Mr. Budrow added another potential fourth condition. There is a round building on the site plan with no proposed use. Any future use shall require an approval. Mr. Mobarak agreed that there was no use proposed and understood to meet Mr. Budrow when a future use is proposed. He said there will be a future use there.

The Commission reiterated that there will be three conditions.

**MOTION:** Mr. Fusco made a motion to approve **Application No. 24-11** with three conditions. Only 50 car spaces shall be allowed for displayed vehicles at any one time, not to include spaces for employees. All signage shall conform to the Zoning Regulations. The lots shall be striped as shown on the site plan and consistent with the sign regulations. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**

## **VI. Deliberation Session**

There was no deliberation on any applications.

## **VII. Discussion**

There was no discussion.

## **VIII. Adjournment**

**MOTION:** Mr. Fusco made a motion to adjourn the meeting at 11:55. Mr. Cubelotti seconded the motion. All were in favor. **Motion carried, 4-0.**