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**TOWN OF EAST HAVEN  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE SPECIAL MEETING**

**JUNE 7, 2023  
IN PERSON AND  
VIA VIDEOCONFERENCING AND CONFERENCE CALL**

Acting Chair, Ms. Marlene Asid, called the regular meeting to order at 7:15 p.m.

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

Ms. Asid introduced the members of the Commission and the staff.

Ms. Asid stated the following were present:

Robert Cubelotti  
Louis Fusco  
Marlene Asid - (via videoconference)  
John Tarducci  
Al Shaul

There was a quorum.

Ms. Asid stated the following were in attendance:

Joseph Budrow - Zoning Enforcement Officer  
Attorney Jennifer Coppola - Counsel to the Board  
Sotonye Otunba-Payne - Clerk

The Pledge of Allegiance.

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

1. Minutes of the February 15, 2023 Special Meeting
2. Minutes of the April 5, 2023 Special Meeting
3. Minutes of the May 3, 2023 Special Meeting

Ms. Otunba-Payne read these items into the record.

Ms. Asid indicated that she had received the minutes for the April 5, 2023 Special Meeting. She had not seen the February 12, 2023 and May 3, 2023 minutes. Mr. Tarducci concurred with Ms. Asid.

**Mr. Tarducci motioned to accept the Minutes from the April 5<sup>th</sup>, 2023 Special Meeting of the Town of East Haven Planning and Zoning Commission. Said motion was seconded Mr. Shaul. The motion passed unanimously.**

Mr. Budrow requested that Commission consider amending the agenda by a motion for Application 23-17 be moved up ahead of the Public Hearings.

**Mr. Fusco motioned to Amend the Agenda to move Application No. 23-17 in front of the line before the Public Hearings. Mr. Cubelotti seconded. The motion passed unanimously.**

2. **Application No. 22-17 - on behalf of Kevin Gutierrez, 529 Main Street.**  
An Application for a Site Plan Review to locate a new food service shop at 539 Main Street.

Ms. Otunba-Payne read this application into the record.

Mr. Gutierrez presented. He planned on opening a gelato shop and a café. He would like to renovate the location which is currently a bit of an eyesore.

Mr. Fusco asked if he would be baking. Mr. Gutierrez responded by saying that it would only be minor baking. His parents own a bakery close-by. Some of the baking would be done at that location.

Mr. Fusco asked if it included the second floor. Mr. Gutierrez indicated the second floor was a residential space and would remain as is unless the fire department requires some renovations upstairs to bring it up to code.

Mr. Shaul asked if there was a tenant currently there. Mr. Gutierrez indicated that there was a tenant.

Mr. Budrow asked about the number of employees. They plan on starting with three employees. They will employ as necessary as time progresses.

Mr. Fusco asked about parking to which Mr. Gutierrez replied that they had a survey done. He believed there were 10 spaces and that it was up to code.

Mr. Budrow commented that a previous survey done for the location the bowling alley is now does not jive with this survey. There was a disconnect with GIS but he goes on the side of the surveys. When Mr. Gutierrez supplied his survey, he was happy to see the parking on the premises. The 10 spaces does conform to the regulations.

**Mr. Fusco motioned that Application 23-17 on behalf of Mr. Gutierrez, that the Commission approve his plans and wish him good luck. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.**

### **III. Public Hearings**

1. **Application No. 22-07 - on behalf of the 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, proposing some changes, and proposing a new format.

Ms. Otunba-Payne read this application into the record.

Mr. Budrow indicated that the Commission should be very excited to attend the July meeting when they will be discussing and approving the regulations. There is a property in town that's on the market. Someone came in the other day with a very intriguing proposal, something that's not allowed in that zone. They may need to change to the zone to CB-2, an indoor recreational facility. When he told the inquirer that they should wait because that zone may have such a use, after much research he found that something was off. He asked that the Commission allow him to go one time through the use table to ensure that all the proposed language is consistent throughout. He requested a week to do that. They would be ready in July.

Attorney Coppola called for public comments. She indicated the red-line copy would be updated and then a final copy would be posted by the end of the following week.

Attorney Coppola asked if the Commission still wanted to hold the meeting on July 5, 2023 given that it would be a day after the Fourth of July. All members of the Commission indicated that they would be around.

**Mr. Tarducci motioned to continue Application No. 22-07 to the Planning and Zoning Commission's July 5<sup>th</sup>, 2023 Regular Meeting. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

2. **Application No. 23-05 - On behalf of Vigliotti Construction Co., 71 South Shore Drive.** An application for a Special Exception to construct a 4-story apartment a building containing 72 apartments and site improvements.

Ms. Otunba-Payne read this application into the record.

Attorney Len Fasano represented the applicant. There were comments from the public and the Commissions as well as questions the last time they appeared before the Commission. They had provided response to those questions. The plan now shows that they have two spaces per unit. They have also put in a fence with the shrubs because the neighbors prefer to have a fence. They will extend the fence so a neighbor can have an easement to use in that area as they had an easement from the previous owner. They will give the neighbors back what they have been using for a while.

They have done an updated traffic study and sent it to the town.  
The affordable housing plan requested by the town has been sent to the town.

Mr. Olinski with SLR presented regarding the traffic reports.

Ms. Asid called for public comments for or against this application.

Mr. Shaul asked if the easement had to be on record.

Attorney Fasano said this is reason he is asking for a continuance. This will afford him the opportunity to look at it, get some survey stakes in there with an understanding of that to be in the record. There is no way to describe it right now.

Attorney Coppola added that Mr. Shaul's instincts were correct. Any easement that will be required to achieve a development would be an additional approval. The staff would look to receive that easement and have it recorded. The town engineer typically would take a look at any easement regardless of who it is just to make sure the bounds are right, etc., and in accordance with the approval.

Mr. Budrow indicated that this application came in in February of 2023 and had to be replaced. It then came in as a new application. It was opened in April. It went to May. Thirty-five days is tonight. So the applicant has 30 days to remain if they sign the extension form that he will fill out tonight. So this can be continued to July 5, 2023. Attorney Coppola confirmed what Mr. Budrow stated regarding there being enough time for this application.

Ms. Asid called for public comments for or against the application.

Ms. Denise Santabarbara, 106 Catherine Street, indicated that she and her husband had an opportunity to speak with the applicant. They want to make sure the extension goes through so that the applicant could walk the property with them in order to deal with some of their concerns. They hope to get the easements they need to protect themselves.

Ms. Karen Martin, 15 Oak Grove Road, indicated she was not present at the other meetings during which the traffic study was discussed. The residents would be using Silver Sands Road the most. She had doubts about traffic in the area.

Mr. Patrick Rowland, 2 Minor Road, stated that the town has problems with density. He implored the Commission to consider every piece and every step they take so they do not wind up in the same morass they have been in with respect not only Strong Street, etc. Mr. Rowland had suggested any approval have the condition of approval by the airport authority.

Ms. Cindy Sperago, 43 Caroline Road, indicated that one of her comments the last time was not very clear. She indicated that this is being presented as luxury apartments. She did not understand how this could be considered luxury apartments when the building will not have the amenities that the nearby luxury apartment complexes have such as pools, movie theaters, pet care, clubhouses with bars. She wondered if the parking could be put underground.

Mr. Fasano responded to some of the comments. They will meet with the neighbors. They will try to do it this week, if not, early the following week.

Attorney Coppola indicated that Mr. Rowland had suggested any approval have a condition of approval by the airport authority. She asked if Attorney Fasano objected to that.

Mr. Fasano replied by saying no Planning and Zoning Commission can take a position based upon from the something outside. Attorney Coppola indicated that Attorney Fasano was correct. There is a body of case law regarding these types of issues.

Attorney Coppola indicated that Regulation 26.3 was brought up, she thought, the first night of public hearing. This is a new application.

Mr. Budrow indicated that the Regulation 26.3. He read it wrong that night. The Commissions is deemed the authority on its own to revert a property back to the underlying zone before it became PDD.

Attorney Coppola advised the Commission about the parameters they are to decide this application and what the issues were.

Ms. Asid indicated she looked forward to hearing the outcome of the meeting with the neighbors as well.

Ms. Asid called for comments from the commissioner or the public. There were none.

**Mr. Fusco motioned that the application and its public hearing regarding Application No. 23-05 be continued to July5, 2023. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

3. **Application No. 23-06 - On behalf of Vigliotti Construction Co., 71 South Shore Drive.** An application for a Coastal Area Management Site Plan Review to construct a 4-story apartment building containing 72 apartments and site improvements on a property within the Coastal Area.

Mr. Fasano indicated that the only reason why CAM is indicated is because the property is within 1,000 feet. It has nothing to do with CAM issues. They are here on a technicality and not a practical one.

Mr. Budrow stated that there are no impact on coastal resources.

Ms. Asid and Mr. Budrow asked for public comments. There were none.

**Mr. Tarducci motioned to extend the public hearing on Application No 23-06 on**

**behalf of Vigliotti Construction Company to the Commission's July 5<sup>th</sup>, 2023 Regular Meeting. Said motion was seconded by Mr. Fusco. The motion passed unanimously.**

4. **Application No. 23-12 - one behalf of the BVB Realty, L.L.C., 293 and 305 Short Beach Road, 14 Talmadge Road, 1 and 2 Pinto Drive.** An Application for a Special Exception to construct an assisted living facility with other site improvements.

Ms. Otunba-Payne read this application into the record.

Attorney Timothy Lee indicated he represented the applicant. This an application for a 33-unit assisted living facility. A full presentation was made before the Commission last month. The town staff wanted additional time to review the plans in order to advise the Commission regarding the application. A couple of minor tweaks have been made to the application between last month and this meeting to address some of the comments from the town engineer and also some of the comments from the public. The town engineer spoke to them about the location of a catch basin. Mr. Henry Thomas, the project engineer, would speak about this as he had addressed those minor issues and submitted a revised plan to the town staff for that.

Secondly, there were discussions about interconnectivity linking the two building. They have elected not to connect with vehicular traffic. There would be no car access between the assisted-living facility and convalescent home. However, they have designed a sidewalk system for ease of movement from one facility to another.

Finally, last month there were discussions about emergency access on Talmadge that had sidewalk. They have eliminated the sidewalk adjacent to that emergency access in order to accommodate some of the concerns of the neighbors to discourage parking on Talmadge. Mr. Jim Bell, the project architect, is also here to answer questions,

Ms. Asid asked for public comments.

Mr. Budrow indicated there were no public comments. There is the issue of the bond on the landscaping as suggested by the town engineer. The specific trees will be clarified. The landscape bond is very common. It will be held for a year to ensure the plantings survive.

Attorney Lee stated that he would speak with the town engineer about the bond.

Attorney Coppola indicated that the bond would be handled as a condition of approval.

Ms. Asid asked for public comments/

Kim Hinde stated she had a lot of questions. One of them was the traffic on holidays when people visit their family members. Parking is insufficient. There is no existing

sidewalk on Talmadge at all. She was present on behalf of Ms. Julian Norton who could not get on tonight. She was having problems with the lighting.

Ms. Asid indicated that issue related to Ms. Norton was addressed last month. Ms. Hinde asked about creating parking at the rear of the facilities. She wondered how long the project would take.

Mr. Budrow did get a letter from a neighbor, Mr. Alejandro Nohpal, 277 Short Beach Road. Mr. Budrow read the letter into the record. He added that he responded to some of Mr. Nohpal's concerns

Attorney Lee indicated that the lights that Ms. Julian Norton complained of had been relocated and that the wattage was changed after last month's meeting, The staff taking breaks close to the residential area has been changed. The staff have a new location for breaks. The applicants have done their best to address the neighbor's concerns and will continue to do their best to accommodate the neighbors' concerns.

**Mr. Fusco motioned that Application No. 23-12 on behalf of BVB Realty's public hearing be closed. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

5. **Application No. 23-09 - On behalf of the East Haven Zoning and Planning Commission.** A Petition for a Text Amendment to the East Haven Zoning Regulations to establish a four (4)-month Moratorium on multi-family and multi-unit development projects.

Ms. Otunba-Payne read the application into the record.

Attorney Coppola read the proposed text amendment into the record. The four-month moratorium would be effective from June 30, 2023 to October 30, 2023. The applications in the pipeline would be processed accordingly.

**Mr. Tarducci motioned to close the public hearing on Application No. 23-09 on behalf of the East Haven Zoning and Planning Commission. Said motion was seconded by Mr. Fusco. The motion passed unanimously.**

6. **Application No. 23-15 - on behalf of the East Haven Planning and Zoning Commission.** A petition for a Text Amendment to the East Haven Zoning Regulations Section 24 to establish a prohibition regarding cannabis establishment uses.

Ms. Otunba-Payne read the application into the record.

Mr. Budrow indicated that this petition was accompanied by a written statement and a proposed text amendment. He read the written statement the record.

Attorney Coppola indicated another date would be needed to address this application. Text has to be added.

**Mr. Fusco motioned for a continuance of the public hearing on Application No. 23-15, and to continue this application to June 26, 2023. It will be noticed as a special meeting. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

#### **IV. New Applications**

1. **Application No. 23-16 - on behalf of Vicki Imperato and Statewide Construction, 180 and 242 Strong Street.** An application for a Site Plan Review to locate a Planned Unit Development with 69 single-family dwellings. (Public hearing to be scheduled. No discussion tonight.)

Ms. Otunba-Payne read the application into the record.

Mr. Budrow indicated that per Attorney Pellegrino there was to be no discussion tonight. He welcomed the Commission to schedule a public hearing for July 5<sup>th</sup>, 2023. This gives plenty of time to notice it in the paper.

**Mr. Cubelotti motioned to continue this to July 5, 2023 for Application No. 23-16 on behalf of Vicki Imperato, State Construction, 180 and 242 Strong Street. Said motion was seconded by Mr. Fusco. The motion passed unanimously.**

- 3 **Application No. 23-18 - on behalf of Vicki Imperato and Statewide Construction, 180 Strong Street.** A resubmission of an Application for a 5-lot resubdivision along Strong Street. (To be scheduled for a public hearing.)

Ms. Otunba-Payne read the application into the record.

Mr. Budrow indicated that this application is on the for tonight because it was approved in 2007. Statutorily, an applicant has 90 days to file the approved plan site on the Land Records. That was not done. So the subdivision is null and void. It is here as a 5-lot resubdivision. Attorney Pellegrino welcomed a scheduled hearing on July 5, 2023.

**Mr. Tarducci motioned pertaining to Application No. 23-18 to move this to a public hearing and to be heard before Application No. 23-16 on July 5, 2023. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

#### **V. Other Business**

1. **219 Laurel Street, LLC** - A request for a 5-year extension of a previously-approved Special Exception for a 29-unit age-restricted apartment building at 216 Laurel Street. (Tivoli Gardens)



Ms. Otunba-Payne read the application into the record.

Attorney Lee indicated that he represented the applicant, Tivoli Garden. This was on the agenda last month. The question arose as to how many units were subject to the extension. The agenda read 33 units. His recollection was that it was 77 units. So the Commission tabled the vote in order to give him an opportunity to meet with Mr. Budrow.

He and Mr. Budrow did go through the zoning file. And it did appear that in 2009 the Commission approved an application for basically two buildings which would total 77 units under the various state statues that had been passed over the years one due to the economic crises, and, two, due to Covid.

The application is eligible for extensions through September 2<sup>nd</sup> of 2028. They are requesting that the Commission grant an extension of the approvals for 77 units through September 2<sup>nd</sup> of 2028.

Mr. Budrow indicated that he agreed with Attorney Lee. It is something the Commission could approve. They are asking by right for a statutory extension.

**Mr. Fusco motioned to approve Application for 219 Laurel Street request for a five-year extension. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.**

Attorney Coppola asked for the date the extension would expire. Attorney Lee indicated it would be through September 2<sup>nd</sup> of 2028.

## **VI. Deliberations Session.**

1. Discussion and possible decision on **Application No. 22-15- Gurukrupa Investments, L.L.C., 85 Hemingway Avenue.**

Ms. Otunba-Payne read this into the record.

Mr. Budrow requested that this be denied so as not to lose the commercial component of the application.

**Mr. Fusco motioned to deny Application No. 22-15. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

2. Discussion and possible decision on **Application No. 23-05 - On behalf of Vigliotti Construction Co., 71 South Shore Drive. (Special Exception.)**
3. Discussion and possible decision on **Application No. 23-06 - On behalf of Vigliotti Construction Co., 71 South Shore Drive. (CAM.)**

4. Discussion and possible decision on **Application No. 23-12** - on behalf of **BVB Realty, LLC, 293, and 209 and 305 Short Beach Road, 14 Talmadge Road, 1 and 2 Pinto Drive.**

Ms. Otunba-Payne read this into the record.

**Mr. Shaul motioned that Application No. 23-12 on behalf of BVB Realty, LLC, 293 and 305 Short Beach Road, 14 Talmadge Road,. 1 and 2 Pinto Drive be approved with the contingency for the bond, the landscaping performance bond subject to the decision of the town engineer. Said motion was seconded by Mr. Fusco. The motion passed unanimously.**

5. Discussion and possible decision on **Application No. 23-07**- **On behalf of the East Haven Planning and Zoning Commission.** (Regulations Review.)
6. Discussion and possible decision on **Application No. 23-09**- **On behalf of the East Haven Planning and Zoning Commission.** (Moratorium on multifamily dwellings.)

**Mr. Fusco motioned to Approve Application No. 23-09 - On behalf of the East Haven Planning and Zoning Commission regarding the Moratorium, on multifamily dwellings. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

## **VII. Commission Discussion**

## **VIII. Adjournment**


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

The next Special Meeting is on June 26, 2023.

The next Regular Meeting is on July 5, 2023.

The Commission adjourned at 9:30 p.m.

Respectfully submitted,

  
Sotonye Otunba-Payne