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**TOWN OF EAST HAVEN  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE SPECIAL MEETING  
APRIL 5 2023  
IN PERSON AND  
VIA VIDEOCONFERENCING AND CONFERENCE CALL**

Acting Chair, Ms. Marlene Asid, called the regular meeting to order at 7:22 p.m.

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

The Pledge of Allegiance.

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

Mr. Budrow called the roll as follows:

Robert Cubelotti

John Tarducci

Marlene Asid

Al Shaul

There was a quorum.

Ms. Asid, Chair, indicated that Mr. Louis Fusco would be absent.

The following were in attendance:

Joseph Budrow - Zoning Enforcement Officer

Attorney Jennifer Coppola - Counsel to the Board

Sotonye Otunba-Payne (via videoconference) - Clerk

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

1. Minutes of the February 1, 2023 Special Meeting
2. Minutes of the February 15, 2023 Special Meeting
3. Minutes of the March 1, 2023 Regular Meeting
4. Minutes of the March 21, 2023 Special Meeting
5. Minutes of the March 29, 2023 Special Meeting

Ms. Asid indicated that the following minutes were received by the Commission: the February 1, 2023 Special Meeting Minutes, the March 1, 2023 Regular Meeting Minutes and the March 29, 2023 Special Meeting Minutes.

**Mr. Cubelotti motioned to accept the February 1, 2023 Special Meeting Minutes, the March 1, 2023 Regular Meeting Minutes and the March 29, 2023 Special Meeting Minutes. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.**

Ms. Asid indicated that the other minutes would be reviewed at the next regularly scheduled meeting.

### **III. Public Hearing**

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.

Mr. Budrow requested that this be continued to the Commission's May meeting in order complete the red lining of the document and posting for public viewing for a few weeks before next month.

Ms. Lorena Venegas requested that the camera be turned on as she was online. The camera was turned on.

Ms. Asid indicated the public hearing would be continued to next month. She called for public comments.

Ms. Budrow indicated that there was an application that evening related to a marina in the CC District and he proposed deleting marinas for the CC District because he didn't see CC District on the water. There was one such application on the agenda. So he proposed not deleting marinas from the CC District until later in the year. This is the only change to keep them in the CC District.

Ms. Asid reiterated by saying that this change would be reflected in the amended document for the following month. Mr. Budrow answered, yes.

Mr. Patrick Rowland indicated that Mr. Budrow had mentioned an application related to the CC District and that he did not see such application listed on the agenda.

Mr. Budrow indicated that it was Application No. 23-15, to locate a food service shop at an existing marina.

**Mr. Tarducci motioned to continue Application No. 22-07 to the Commission's May 3, 2023 meeting. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

2. **Application No. 22-15 - Gurukrupa Investments, LLC, 85 Hemingway Avenue.** An application for a Modification to a Special Exception to approve the existing conditions at the property.

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

Attorney Timothy Lee indicated that he was representing the Gurukrupa Investment, L.L.C. that operated the Sunfields Apartments. Also in attendance was Mr. Nick Patel.

They had been before this Commission in the last couple of months seeking a modification of the special exception. When they were here last month, the issue of an existing single-family house came up. There were discussions back and forth regarding what was the best way to have the single-family house removed from the site.

They were requesting to keep the single-family house for a little bit of time because the house is currently occupied. There's a husband and wife that lives there with their nine-year-old son. The house was asked to be removed as part of the plan when it was a commercial development. The commercial development is not imminent. They are asking the Commission's indulgence. As a practical matter, it doesn't make a lot of sense to make the applicant tear it down and take it off the tax rolls and eliminate a potential housing unit. They appreciate the Commission's position. They know this application has been around for a long time.

Ms. Asid asked if the house impedes the roadway for fire access.

Mr. Patel indicated that they bought the lot in 2016 for 144 units. The site plan had since changed. They proposed 106 apartments and wanted to see the commercial part of the plan. The original plan was just an apartment building only with no plan for the commercial.

Ms. Asid said she did not know if the house was in the way of the fire access.

Attorney Lee indicated that the fire access was designed around the house so the house would remain.

Mr. Tarducci asked if the fire access had been approved by the fire marshal. Mr. Patel replied, yes. Attorney Lee indicated it had been approved before the last time they appeared before the Commission.

Ms. Asid indicated that her recollection was that the final approval by the fire marshal was conditioned on the removal of the house.

Attorney Lee indicated that his recollection was that the fire access was

approved. They wanted asphalt. They had done that prior to the last meeting. That was one of the zoning issues the fire marshal had.

Ms. Asid stated that there was no way for the Commission to know when the LLC would get a commercial tenant. When they do get a commercial tenant, the residents of the single-family house would have to vacate the premises expediently to get their approval. There has to be some sort of timeline with this.

Attorney Lee indicated at any time they have a commercial lessee, they would have to return to this Commission for propose of a new commercial building. That process will take several months.

Mr. Budrow indicated that this application was for the Commission to consider approving as-built conditions that exist today which is the apartment building, the fire access as proposed because there's no CO right now for the building. That's a big thing that access had to be in there. With the previous plans, the fire access was up the middle and then around the building. However, now it is allowed to be where it's situated now.

The house has always been on the plans since 2017 to be removed. The request tonight is that the house remain. This was the first time it has ever been on the plan. The property owner should have been planning for this all along. The Commission has to think about the CO and the site plan as proposed. The focus should be where the Commission left off at the last meeting, the timeline for the house to be removed, not about future applications.

Attorney Coppola indicated that there were talks of imposing a time limit as the condition already existed.

Mr. Budrow indicated that the existing house should have been demolished years ago. He read the pertinent part of the conditions for approval into the record related to the removal of the house.

Mr. Cubelotti asked about bond for performance.

Attorney Coppola indicated that the proposal is for a time in which the necessary action could be accomplished. This has to do with summary process action to remove the individuals that are occupying the house. And then there's also the demolition process. Demolition could be quick depending on certain circumstances. The idea is to give them time to accomplish the removal of the occupants as well the demolition.

Attorney Lee indicated that they did speak about the demolition of the house the last time. However, Mr. Patel asked what the point was in demolishing the house. Things haven changed. The cost and price have changed. The issue

with the Department of Transportation changed everything. Now he is just asking for the ability to keep the house until such time that they can come back with a commercial component.

Ms. Asid added that once they have a commercial lease, the owners would want that house gone. They are asking for an extension until they can get a commercial lease. However, when they get that commercial lease, the house needs to be gone. The Commission would like to get the ducks in a row before a commercial lessee emerges.

Attorney Lee indicated that in the proposed condition of the town they would have to get the tenant out of the building and demolished within four months. So they are talking about the same time frame. If they have to come before the Commission for a commercial building, it would take them about six months to accomplish removing the tenant and demolishing the house.

Mr. Shaul asked if there was a time frame for a commercial lease. Mr. Patel replied that the commercial component is office space only. If they put a restaurant in there, they would only have one office space. They need to resubmit the plan to do the commercial.

Mr. Shaul asked if Mr. Patel had anything in place now with a time frame. He asked if take about five years before they submit a plan. Mr. Patel said right now they need the CO for what they have right now.

Attorney Lee said they would come back before this Commission within nine months for an update to keep the owner's feet to the fire.

Mr. Tarducci indicated that they had a timeline in place. He would like to stick with that time frame. They have the option of reapplying in July if the process does not work.

After discussions, Ms. Asid called for public comments. There were no responses.

Mr. Budrow indicated that he was not working for the town five years ago. This proposal was made for the apartment building and the town somehow requested and urged that commercial space be a part of the proposal. And in the past hearings, Attorney Lee had said that this application was to propose what's on the ground, eliminating the commercial buildings. He would hate for the Commission to lose what was approved years ago where there was a mixed use. They do not want Mr. Patel to never come back for a commercial if this as-built application was approved as is. They need an avenue that ensures the owners come back with either two buildings in the front or a two-story building in the front.

Mr. Budrow asked Attorney Lee how the Commission and the town could condition the approval to ensure they do not lose the commercial aspect of the proposal. Attorney Lee responded by saying that he was not sure. The owners would come back to the Commission at some future date. If they come back with a residential proposal, the town could say no way, we want commercial. He added he could not think of a mechanism where the Commission would say you have to come back, say within two years, with a commercial property. He was not sure how the Commission would do that.

Ms. Asid added that they would need to come back with a commercial proposal because that was what was approved originally. If they approve the as-built conditions, what guarantee will they have that the owners would return with a commercial proposal?

Mr. Budrow indicated this all came about because the owners needed a CO for the whole building. He could not see himself releasing a CO for a property that was incomplete. So he came up with the idea of this application. Attorney Coppola did bring up a good point that this apartment was approved because of the commercial buildings and all the accessory or appurtenances to the three buildings and with the house to be removed. It makes his office nervous to be losing the commercial when it was something of value for the property five years ago and maybe six years ago. And it has never come close to ever being proposed for a commercial building.

Mr. Patel reiterated that this land, this approved site, was originally purchased to build 144 apartment units. They proposed 106 units. The Commission never approved 106 units. They paid for 144 units. The site plan has been changed. They are losing too. He understood the town's position. They have been working with the town so far. However, there is no market out there for the commercial aspect approved years ago presently. They need to reconsider all these stuff. They cannot just build a commercial building without a lessee. They cannot increase anymore square feet on this property. They lost 100,000 square feet because they are on the state highway. There are a lot of unknowns regarding this property.

Attorney Lee indicated that this project was approved in 2016 or 2017. Under the prior planning zone rules, under the same statutes, they have five years to complete the project and another five years. Under COVID rules, you got an extra nine years. So basically they have 14 years to complete the project. They can keep the project the way it is as approved with a commercial building. Technically, there would be 14 years under the statute to build it out. The reason they got here in the first place was because Mr. Budrow expressed concerns about issues a zoning compliance certificate for the building. A condition of zoning compliance certificate could be issued for the building itself.

Attorney Lee suggested closing the public hearing. Staff needs more time to consider the proposal. So the Commission could table its decision .

Mr. Budrow indicated they could go with Attorney Lee's proposal to close the public hearing. In the interim he and Attorney Coppola would research the minutes from 2016, '17, onward. They would then meet Attorney Lee and Mr. Patel hopefully in two or three weeks with some ideas for going forward. Ms. Asid indicated that before they closed the public hearing, anyone who wanted to comment could.

Mr. Patrick Rowland indicated he appreciated the Commission's time. He asked, if the public hearing was closed and the Commission decides to come back later with revisions or other modification, how that would allow for public transparency and for public participation in a process in which this was supposed to be fully vetted. So this could be closed, and the Commissions would do whatever they want to do or what everybody else wants to do without any possibility of the public being able to participate. He was lost on this one.

Attorney Lee responded by saying that the public hearing would be closed. Any revisions to the plan would require a new application to the Commission which would trigger a public hearing.

Mr. Budrow reiterated that if the hearing gets closed that evening, nothing would be changed to talk about. This is the close of the hearing. There would be no new additions. There would be no new conditions laid out. They are cognizant of the rules.

Mr. Rowland responded by saying that Mr. Budrow just said what the Commission can do once the hearing is closed.

**Mr. Tarducci motioned that the public hearing regarding Application No. 22-15, 85 Hemingway Avenue, be closed. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.**

3. **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 Coppola indicated that the letters that went out did indicate location for the hearing as being the Senior Center. She wanted to point out a few important things regarding that. With regard to not meeting at the Senior Center, there were workshops underway. They had to change the location for this meeting. The publishing recently in the Courier did indicate that this meeting was being held here in the library of the high School. When they

posted the agenda with the changed location, it becomes a special meeting. So a notice of cancellation of the regular meeting due to a change of location was posted. This also included Zoom information. So there were options to attend this meeting this evening. A notice and agenda form a special meeting was filed and listed as well. She wanted to clarify that for noticing purposes that there were no issue with regard to the change in location.

Attorney Len Fasano of the Pellegrino Law Firm was present representing the applicant. The Zoning Enforcement Officer could attest to the fact that they had submitted the certified letters as required under the regulations for the application.

Mr. Budrow answered, that is correct.

Attorney Fasano went through the layout of the area where property is located. The zoning officer submitted a report which contained some history. Back in the '70s the whole area was zoned PDD, Planned Development District. In 2004 a development was approved for 68 elderly units, and in 2006 that went up to 72 elderly units on this site and six stories high. That was approved by this Commission.

They were before the Commission now for the same 72 units, same as was approved previously except this will have a large lobby area. It's going to have a fitness room. It's going to have a rooftop bar. It going to have a leasing center. There would be maintenance. It would be in the building. It would not be a type of absentee situation here. These are going to be for high-end professionals. The idea of the development is to bring in younger people, more vibrant people. The young professionals are looking for this type of housing.

The last proposal was approved for a building 74 feet high. This is reduced to 56 feet because it's only four stories, not six. They reduced the coverage from 22 percent to 14 percent. They looked at drainage which was an issue the zoning officer and the town engineer raised. The engineer had gone there to prove that the s drainage in existence is operational. The improvements are there.

There is a CAM report because they are within 1,000 feet and not because of flood or elevation. It is a technical CAM report. There are wetlands on the property. None of them are an issue here.

Mr. Sullivan introduced himself. He went over the engineering diagrams submitted. They have made the building substantially smaller. They rotated it in the last couple of sheets, and their diagrams actually show why it was rotated. When they looked at the aerials and they walked the site, they realized that if they could turn the building so that the views were 45



degrees, it enhanced the views out to the water. They designed it to get as many units as possible.

Any outdoor areas would have been close to the property lines. So they have pivoted the building away from neighbors.

The previous approval was approximately 29,000, closing in on 30,000 and this one is 21,000 and change. They are smaller than the previous approval. In terms of height, this is a revision from the previously approved plan. The new plan is 16 feet lower than the previously approved plan. They are healthy sized unit. They have really good amenities. In summary, they refigured it to get away from the neighbors as much as they could and reduced both the footprint and the height of it.

Mr. Budrow indicated that they were showing a plan set that was not in the record. He would need a copy of the colorized plan set and the aerial photo for the record.

Mr. Sullivan indicated that the proposal included 72 units of which 45 unites would be one-bedroom apartments, 25 would be two-bedroom units. However, one-bedrooms apartments has a standard size 765 square feet and a larger size of 849 square feet. And the larger one-bedroom units are 40 percent of the one-bedroom units. The two-bedroom units range from 1106 square feet up to 1235 square feet, and a good number at 1330 square feet.

The first floor will have 14 units. It also houses the main lobby which is at the intersection of two units. It has other amenities such as the package store room and mailroom. There's a large waiting room there. There is a small business center there. There is a fitness center and a leasing office. There will be a loading area. There is noting on the second and third floor other than residential units. The fourth floor plan has 18 units.

Mr. Tarducci asked if there were any 830G units. Mr. Sullivan responded by saying that there were no 830G units. An 830G is a separate application.

Mr. Tarducci asked if there were any designated allotments. Mr. Fasano responded by saying that they understood the town wishes that 10 percent of these units were affordable units.

Mr. Budrow indicated that there was an informal meeting months ago with Attorney Mingione at the time with some other people on his side met the fire marshal, town engineer and himself on the town side. He indicated he inquired if they were looking to do an elderly facility still or would they think of doing something more high end, professional. Attorney Coppola indicated that it was the town's desire to have some affordable units in the building because young professional starting out still need something

affordable for them. Attorney Mingione responded by saying it would depend on how many market rate they get. Since then there has not been a meeting to discuss that topic. However, they have known since that date that the town was looking to get some non-market rate units in there.

Ms. Asid indicated that was a key part of the negotiation. Mr. Budrow replied, yes.

Mr. Budrow recommended that the public hearing regarding this matter be left open because they will have a second step to focus on the project itself, the impact and some planning concepts. By the time they return before the Commission, they would have more details.

Mr. Mingione indicated that, as it was just stated, there was a request of them to create an upscale design with many amenities to attract young professionals. This is reflected both in unit sizes and in the building design. Every unit will have their own private deck or terrace.

Mr. Shaul indicated that the only parking shown were in the front of the building. He asked if this was the only place they would have parking. Mr. Mingione responded by saying that it was true, parking is just in the front. He indicated another person would go over the site plan with the Commission.

Mr. Ted Hart indicated that he is a professional engineer. He spoke about the site plan and construction. The site is 3.42 acres in size.

Mr. Shaul asked about the fire department having access. Attorney Fasano indicated that the fire truck has to have the ability to get around the building.

Ms. Asid asked if any traffic study had been done. Mr. Hart replied by saying someone else would respond.

Mr. Olinski indicated that they go through the traffic study procedures and methodology. In a nutshell, they looked at estimating how much traffic this type of structure would generate. They looked at what they call Institute of Transportation Engineers Trip Generation Manual Statistics. It's a compilation of basically counts of different types of developments, and residential is one of them. They tend to zoom in and look, for example, at peak hours, usually the morning peak hours have an entry and times of traffic coming and going, etc. And the statistics indicate that a development of this size would generate around only six entering trips and 21 exiting trips. So that's the signal hour, busiest time. During the morning hours it will be busy. During the afternoon the statistics indicate 18 entering and 11 exiting trips.

Mr. Shaul asked if they took into account the elementary school located around the corner. Mr. Olinski said it had been included in the analysis.

Ms. Asid asked if 134 spaces were enough given the potential for 150 people and visitors. Mr. Budrow responded by saying his second staff report would address Ms. Asid's question. It seemed low but he'll have an answer.

Ms. Asid indicated she did not know what restrictions there would be for renters. She asked if children would be allowed. Mr. Fasano indicated there was a potential for children.

Mr. Olinski indicated that the parking came to around 1.86 parking spaces. There would be a lot of parking spaces.

Mr. Budrow indicated he had not seen the report for the traffic study. Attorney Fasano indicated he would get Mr. Budrow a copy.

Mr. Budrow asked if Mr. Olinski had indicated that study was done in November. Mr. Olinski replied, that's correct.

Mr. Budrow asked if Mr. Olinski was stating there would be no impact regarding traffic. He said, yes. They did take a look at DOT's historical traffic study for the last decade plus. They looked at average traffic as well as hourly traffic. When they do a traffic study, they start with a baseline that's current. Traffic is trending flat. It is going down.

Mr. Budrow asked, when the folks from Florida return to Connecticut and the beach is hopping, whether the traffic would be much worse in the summertime. Mr. Olinski indicated that the analysis is still quite good.

Ms. Asid asked if the building would have security. Attorney Fasano indicated that he had not expected that question so he would get back to the Commission regarding this issue.

Mr. Budrow indicated that he had no hard copy for the traffic study. Ms. Asid indicated that it was not included in the package submitted to the Commission. Attorney Fasano indicated he would provide one.

Attorney Coppola asked if the traffic study would include the data used. Mr. Olinski replied that the report would include the data used.

Mr. Budrow indicated the drainage summary by Mr. Robert Chappel written back then mentioned there were on-site drainage pipes, which now makes sense, because he said it was going to be an office building. Mr. Chappel indicated that the residential development was all going to be on with no

water leaving. He asked whether this proposal was indicating that some water would leave.

Mr. Hart indicated that they would have underground infiltration units. They would be relying on the infiltration.

Mr. Budrow asked Mr. Fasano about Public Act 22-25 which is now C.G.S 4b-77c, multiunit developments with more than 30 parking spaces automatically requires the developer install the infrastructure for future electric charging stations for at least 30 percent of the spaces. They would need to see that on a plan. Mr. Budrow indicated it was the infrastructure that was required.

Ms. Asid indicated that those online should pay heed to Attorney Coppola's comments previously that whatever is in the Chat feature of Zoom would not be a part of the record. They would not be reading them.

Ms. Asid called for public comments for or against this application from those in attendance in person.

Jim Harding, 84 Catherine Street, East Haven, commented that the orientation was changed for the view. He wondered if it could be oriented so that the building is closer to other side. He did not mind having a parking lot as a buffer between his property and a four-story building, etc.

Cynthia Sparago, 42 Caroline Road, East Haven, commented that the traffic study seem flawed. She commented about the potential noise on the rooftop deck and oversight over the bar.

Denise Santabarbara, 106 Catherine Street, East haven, commented as her fellow neighbors said, she would like to know if they would be getting a liquor license for this rooftop bar. She spoke about the potential impact on the school system, etc. She already has drainage issues. They are building up their neighborhood. She wanted to know where this town was doing.

Ms. Buonocore, 110 Catherine Street, East Haven, indicated her comments would be personal. She had lived on Catherine Street as a child. This project is too big for the land. She implored the developers to tweak it a bit.

Ms. Asid asked if anyone online wished to speak for or against this application.

Patrick Rowland, 2 Minor Road, East Haven, commented that the PDD had expired both at the town level and the state level. All of what was discussed is null and void. This is now a 3.4 acre lot in an R-3 zone. This is a simple and plain three-acre lot at corner lot at the corner South Shore and South End

and Silver Sands, that it's nothing more, nothing less. It's up to the Board to modify and go back to the beginning.

The second thing that he thought was critical was that South Shore Road is a private road. He had looked it up. It is not on the town map nor the state map. The town has not received reimbursement for it a road, indicating that the road is a private road. Town Ordinance 6-27 prohibits building any house or residence on a road that is not town approved. Regulations attached to narrow roads and setbacks are exacerbated in this current situation. Parking is mandatory. One-third of the coverage is going to be parking. Density would be an issue. The height of the project is problematic, etc.

Mr. Budrow commented that the PDD had not expired. At the end of 26.3, after language about proposing items or development on a PDD lot, it ends by saying if a development is proposed and approved and it is not initiated within five years and the applicant doesn't ask for more time through good cause, otherwise the commission shall be deemed to be authorized by the owner or owners of the land within the district to amend these regulations and zoning map and establish for such land the previous zoning district. It is still an active PDD.

Mr. Budrow further commented that he would look at the town road records in his office to see if South Shore Drive is on the list. There is an ordinance that building permits cannot be granted and he does not know if the ordinance says buildings or residential structures if there is no town road. So there is a history of building permits being granted for those properties on South Shore Drive. Mr. Rowland is correct that the road is not on the official town road list. They would be doing some research on this.

Attorney Fasano indicated that the ordinance said frontage on the town road or street. There is frontage all over Cosey Beach Avenue up to the stop sign. It isn't that the property has to be a town road; the property has to have frontage. Mr. Budrow indicated that Attorney Fasano was correct.

Denise Santabarbara, 106 Catherine Street, East Haven, commented she would like the property studied for any artifacts along with burial grounds prior to any construction being done because she could give them a handful of these artifacts that she had in her yard. They are all over East Haven and Branford and in the burial grounds.

Jim Harding spoke again. He forgot to mention that the FAA is reducing the construction heights around all the airports across the country. He asked if that had been looked into.

Ms. Asid indicated that was interesting.

Patrick Rowland added that this location is 3800 feet from the under the runway which means that it could not be any taller than 38 feet without FAA written approval.

Mr. Budrow commented about Mr. Rowland's quote regarding height limits for structures in East Haven. This R-2 zone allows 100-foot buildings. Someone thought it was a good idea to use this criteria in the shoreline area. So this is why people can propose buildings over 40 feet.

Ms. Asid called for more public comments. There were none.

Mr. Fasano indicated that Mr. Budrow had requested that the public hearing be kept open pending review.

Mr. Fasano indicated the rooftop would not encompass a bar. This is a community open space area for people to gather and socialize. Mr. Budrow indicated there would be no purchasing of alcohol. Mr. Fasano indicated that there would be no purchasing.

Mr. Fasano indicated the height restrictions regarding the FAA depends on where you are located. There was an agreement with the FAA regarding the height of the proposed structure because the glide path is basically over Minor Road. He will get back to the Commission with some of those details.

Mr. Stephen Tourangeau, 106 Catherine Street, the flight path for the flight school goes over his property every day. So, that's wrong. They are circling over everybody's house. Regarding the bar thing, they would be facing their homes.

Mr. Fasano indicated that the rooftop would be facing the water.

Mr. Tourangeau indicated that that was his home though. He wants his privacy. He has been there for 23 years. They deserve privacy as they pay taxes.

Mr. Gary Anderson, 187 Cosey Beach Road, indicated he never received a certified letter. He asked if anyone had ever gone down Cosey Beach Avenue. The condos in the area are more acceptable than what is being proposed.

Mr. Dom Onofrio, 185 Cosey Beach Road, indicated that that a lot of people did not get this letter. He walked down Catherine Street the night before and most of the people had not received the letter. He knew how bad the road is especially on the sharp bend. Back in 1998 a car drove into his house. It is too congested down there. He was worried about the water.

There are storm drains on Cosey Beach Road. There is one that runs between his house and his neighbor's house. The pipe broke at one point and is full of sand. Even the racoons go in and out of the sand.

Mr. Budrow added that per the town's regulations abutters within a 100 feet of the property lines get the letters from the applicant. The applicant did send the letters out on time. They sent the slips in for everyone who received the letter. Mr. Budrow further indicated that those slips are kept in his office.

Ms. Denise Santabarbara indicated she received the notice on Monday for a Wednesday hearing. She implored the town to give a 90-day notice to every person residing in the vicinity of the proposed building. She indicated she would employ the services of a lawyer to ensure a survey is done of the grounds to make sure there are no artifacts on it as she already had found some. She indicated she was very angry. She knocked on her neighbors' doors who indicated to her that they never heard anything. All things have to be reevaluated.

Ms. Asid asked for any public comments. Hearing none, she indicated that this matter would be continued to the Commission's May 3<sup>rd</sup> meeting.

**Mr. Cubelotti motioned to continue the public hearing for Application No. 23-05 to May 3, 2023. Said motioned was seconded by Mr. Tarducci. The motion passed unanimously.**

**Attorney Coppola reiterated for those in attendance that the next regular meeting would be on Wednesday, May 3<sup>rd</sup>, 2023. She further indicated it should be held at the Senior Center which is the regular location. If for some reason the Senior Center is unavailable, it would be held at the high school. These minutes and the agenda are posted on the website. The meetings are published in the local papers.**

4. **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. Len Fasano indicated the CAM application came about because they within a 1,000 feet. There would be no flooding. The town engineer had commented about this application.

Ms. Asid indicated that the town engineer had commented that the calculations and plans are acceptable. The application can be approved due to the location and elevation and site improvements.

Attorney Coppola indicated the town engineer provided the Commission with his comments as is the usual course. That the public could comment regarding this application.

Mr. Budrow indicated that back in 2004 and 2005 the CAM was sent to DEEP. Mr. Budrow commented regarding this application. He will ask Mr. Budrow why it was not sent to the DEEP this time . He would have an answer the following day. Mr. Budrow further indicated that this application should be left open as concurrent with the special exception. There is a chance Mr. Budrow may have sent it to the DEEP since this application came in February of 2023. He was not privy to any correspondence Mr. Bodwell might have received.

Ms. Asid asked for public comments regarding this application. Mr. Budrow indicated that the comments should be focused on the impact on the development on the coastal area.,

Ms. Wendy Bellmore, 57 Catherine Street, a member of the Inland Wetlands Commission, indicated that she would like to comment that she would make no comment until she has had the opportunity to fully review the CAM report. She commented that it was critically important that the data is new information and reflects some of the issues that are relative to the projection location, relate to the neighborhood and the expectations that we might be able to see that might come from other areas. They would have to look at the scope. There has to be further investigation. She asked the Commission not to consider any action that evening.

Ms. Asid and Attorney Coppola called for public comments.

Mr. Patrick Rowland indicated he would hold off comments as it would be nice to compare the submissions in 2004 to what had been submitted for this application.

Mr. Fasano indicated that Mr. Bodwell had commented. It is done. It is what an applicant is allowed to do in that area.

Ms. Asid asked if the drainage report was available.

Attorney Coppola indicated it could be scanned and publish online.

Ms. Asid indicated there seemed to be concerns regarding near the waterfront.

Mr. Fasano indicated that the concerns were from people without engineering degrees. It had been reviewed by the town engineer and



reviewed by the Inland Wetlands Commission. He asked how much review would be done.

Ms. Asid indicated the public hearing would be left open.

**Mr. Shaul motioned to continue Application No. 23-06, on behalf of Vigliotti Construction Co., 71 South Shore Drive, to the Commission's next meeting on May 3, 2023. Said motioned was seconded by Mr. Cubelotti. The motion passed unanimously.**

**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 Moratorium that prohibits the submission of any land use applications for multi-family housing proposal for a period of 4 months.

Attorney Coppola indicated that this application would be continued. It has been drafted. As was discussed, they have to exempt anything that does have approval pending. All that language is there. A review needs to be done to see how they can immediately generate some housing units.

Ms. Asid called for public comments.

**Mr. Tarducci motioned to continue Application No. 23-09 to the Commission's May 2, 2023 meeting. Said motioned was seconded by Mr. Cubelotti. The motion passed unanimously.**

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

1. **Application No. 23-10 - on behalf of John Wypychoski for Town Fair Tire, 22 Hemingway Avenue.** An Application for a Site Plan Review to change the use of an industrial building to a business office building for a computer and data development center. (WITHDRAWN)

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

Attorney Coppola indicated there was nothing to do regarding this application.

2. **Application No. 22-11- on behalf of Michael Massimino for 44 Morgan Associates, L.L.C., 44 Morgan Terrace.** An application for a Coastal Area Management Site Plan Review to expand an existing house, by adding a second and third floor, that is within a coastal flood hazard area and near bluffs and escarpments and rocky shorefronts.

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

Mr. Michael Massimino indicated he was here solely for a CAM application. The subject property located at 44 Morgan Terrace is an existing single-family home. They prepared drawings that were submitted to the town to build a second story. There is a third story within the roofline. The subject property is located in R-3 district. It is actually in the three flood zones. The site plan was prepared Criscuolo Engineering. They will bring the house to flood compliance. There is no adverse impact on coastal resources.

Mr. Budrow asked if Mr. Massimino had anything in writing from Mr. Jonathan Bodwell that he is allowing the Commission to approve. He recalled some correspondence indicating this application could be approved. However, he did not have the correspondence before him.

Mr. Massimino indicated he did not have anything in writing.

Mr. Budrow indicated he received approval from Mr. Budrow. Mr. Bodwell commented that due to erosion and sediment controls there is no negative impact on coastal resources. The footprint will not expand.

Mr. Budrow indicated it is very difficult to develop on the shoreline without needing variances. So the ZBA gets almost every CAM application. Mr. Massimino did all he could to keep it from being nonconforming, ergo this Commission gets the CAM.

Ms. Asid asked if Mr. Budrow had Mr. Bodwell's report. Mr. Budrow indicated he did have not the report. He was confident he received the report from Mr. Bodwell.

Attorney Coppola indicated she did not recall seeing Mr. Bodwell's comments.

This matter was passed to confirm approval by Mr. Jonathan Bodwell.

3. **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. (To be scheduled for a public hearing.)

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

Mr. Budrow indicated that application was filed and received. Attorney Tim Lee would present on behalf of the applicant. The firm sent out abutter letters a month early which generated a lot of phone calls from citizens wondering what was going on. He had to explain that it was received tonight

and the public hearings would be scheduled. The abutter letters would have to be redone.

Mr. Len Fasano was present for this application and confirmed that it would be scheduled for a public hearing.

Mr. Budrow indicated that the plan is to demo all these properties, merge the properties and build a two-story facility which would be an assisted living facility where patients would live, get their care. The first floor would have amenities such kitchen, lobby, etc. Special exception necessarily requires a public hearing.

Ms. Asid indicated that the Commission had received the application. A public hearing would be scheduled for May 3, 2023.

**Mr. Tarducci motioned to accept Application No. 23-12 and defer to public hearing scheduled for May 3, 2023. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

**RECALL:**

**Application No. 22-11- on behalf of Michael Massimino for 44 Morgan Associates, L.L.C., 44 Morgan Terrace.** An application for a Coastal Area Management Site Plan Review to expand an existing house, by adding a second and third floor, that is within a coastal flood hazard area and near bluffs and escarpments and rocky shorefronts.

Attorney Coppola indicated she did get a hold of Mr. Jonathan Bodwell who indicated he reviewed the application and had no concerns with approving it. He said it would be the same footprint and had no issue with it.

Ms. Asid asked if this was in writing. Attorney Coppola responded by saying that he had reviewed it a long time ago and thought he generated a report.

Mr. Budrow indicated that he was confident that Mr. Jonathan Bodwell had emailed him with his letterhead commenting about this application.

**Mr. Cubelotti motioned to approve Application No. 23-11 on behalf of Michael Massimino, 44 Morgan Associates, L.L.C., 44Morgan Terrace Said motion was seconded by Mr. Tarducci. The motion passed unanimously**

4. **Application No. 23-13 - on behalf of Marc Amato.** A Petition for a Text Amendment to the East Haven Zoning Regulations requesting a new use for

“Contractor Businesses” to be allowed in all Industrial Zoning District. (To be scheduled for a public hearing.)

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

Mr. Budrow indicated that when you look at the town regulations just before the common table, one can see the use is not listed. It’s not allowed. So the town allows one kind of contractor business, building contractor with outside storage and some of their amenities. So if a landscape contractor or a mason wants to come into town and go into a property as a contracting business with all their vehicles at night, they would have to say it is not allowed in town.

Mr. Amato is looking at a property on Bradley Street which is zoned industrial. He had to tell Mr. Amato that his use is not allowed. One day he would like to see a regulation regarding this issue he would propose sometime in the future.

Mr. Budrow indicated Mr. Amato agreed to put forward a text amendment to allow “contractor businesses” within all three of the town industrial districts. He indicated that Amato was present. He is a well-known landscaper in town.

Mr. Budrow indicated he would write a report regarding this application.

**Mr. Cubelotti motioned to set the public hearing for May 3, 2023 for Application No. 23-13 on behalf of Marc Amato. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.**

5. **Application No. 23-14 - on behalf Silver Lining Development, L.L.C./Karl Muller, 495 Short Beach Road.** An Application for a Coastal Area Management Site Plan Review to construct a 4-story self-storage facility with site improvements within a special flood hazard area and near tidal wetlands.

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

Mr. Budrow indicated that Attorney Bernie Pellegrino represents the applicant. They submitted this application without the CAM. The CAM just came in a few days ago. The town engineer has not reviewed it yet. So there are no comments. This should be continued to a date the Commissions decides. This is a proposal that was approved 15 years ago.

**Mr. Shaul motioned to continue Application No. 23-14 on behalf of Silver Lining Development L.L.C./ Karl Muller, 495 Shore Beach Road**

**to the May 3, 2023 meeting. Said motioned was seconded by Mr. Tarducci. The motion passed unanimously.**

6. **Application No. 23-15 - on behalf of Steve Streeter, 44 Brown Road.** An Application for a Site Plan Review to locate a food service shop as an accessory use to an existing marina.

Mr. Budrow indicated Mr. Street submitted his application. Since the submission he had noticed that there is a line of dispute/There would be no setback issues.

Mr. Streeter spoke about what he intends to do which is open a food shop.

Ms. Asid inquired about a liquor permit. Mr. Budrow indicated he would need a state permit to sell liquor.

Mr. Streeter indicated that if he did BYOB, bring your own booze, he would be responsible for that. He would rather sell the liquor so he could control what folks consume.

Mr. Budrow said he would have to sign any liquor permits. Mr. Streeter indicated he had a pending liquor permit. He had to get approval at this phase before proceeding with the liquor permit.

**Mr. Tarducci motioned to approve Application No. 23-15 on behalf of Steve Streeter, 44 Brown Road, Unit 15. Said motion was seconded by Mr. Shaul. The motion passed unanimously.**

## V. Other Business

1. **Application No. 23-04 - on behalf of Hilaris Martinez, 75 Frontage Road, Unit 15.** An Application for a Site Plan Review to locate a café/restaurant use with a commercial space at 75 Frontage Road.

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

Ms. Martinez indicated she was present before this Commission at its March meeting. The fire marshal commented regarding this application and had no problems. Mr. Budrow had informed her that the police department also reached out to him indicating they had no problems with this application.

Mr. Shaul asked for copies of these reports or comments by the various departments.

Mr. Budrow indicated that in the package sent to the members of the Commission there is a report from Mr. Miller, Fire Marshal. Today, Chief

Lennon spoke to him at the town hall and indicated other businesses in the area stay open until two a.m. They generate some traffic but they know what they are getting into if something happens. However, he did not have any issues with this proposal. He compared this proposal to area businesses that are similar. Ms. Martinez did mention their business in the Black Rock area of Bridgeport. Chief Lennon indicated that the establishment had had no issues there. The business they had in New Haven maybe had some administrative stuff, but had no issues with the police either.

Mr. Budrow asked if there was a difference between the floor plans submitted for this evening's meeting and the one submitted previously that she would like to share with the Commission.

Ms. Martinez indicated that the current floor plan was bigger. She has added more square footage. There is a wall dividing the two rooms. The plan is to remove the wall to make it one room.

Ms. Asid indicated that the address was still an issue.

Mr. Budrow indicated that Mr. Miller had reviewed the plans. At this level, Mr. Miller indicated he had no issues. Should it be approved, Ms. Martinez would have to put in for a zoning permit. And before he can approve it, the fire marshal would do his due diligence with regards to establishing an occupancy. Mr. Miller does know that those two rooms which would be one is sprinkler. So, the occupancy can be over 49 people. Mr. Miller has the checklist of everything that Ms. Martinez would have to put on this plan. This is a conceptual plan. Mr. Miller would require dimensions of every room and other items. Mr. Miller had indicated he would do this when he has the application before him.

Ms. Martinez indicated she is yet to apply for a liquor permit for this location. It is a long process. She needs this approval before submitting an application for a liquor permit. She is paying rent for this space currently. She would like to have a live band.

Mr. Budrow indicated that Ms. Martinez seemed to have difficulty communicating with Mr. Miller. Right now he is not asking for specs. Yes, it needs signs, lighting, etc. If the Commission wants that on there, it has a right to ask for a site plan with more details.

Ms. Asid indicated that Ms. Martinez was looking for a bar in addition to a restaurant.

Ms. Budrow indicated that the fire marshal was okay with the plan as submitted. He has his criteria. The Commission has the right to request more information.

Ms. Martinez indicated this would be the same thing as in New Haven.

Mr. Shaul indicated he would like more information regarding fire exit signs in the space, signs above the doors, etc.

Ms. Martinez said the fire marshal would determine.

Mr. Shaul indicated he was speaking to the members of the Commissions. He would like to see more on the site plan.

Attorney Coppola stated that the Commission should clarify for Ms. Martinez what it is seeking.

Ms. Budrow indicated that the address, when he checked, came up as 75 and there are unit numbers. So there is a good chance it is 75 Frontage Road, Unit 15. So it is not 15 Frontage Road.

Ms. Asid asked Ms. Martinez whether if she combines the two rooms, the address would change.

Attorney Coppola asked if the town has anything from the property owner. They have to make sure she has the right address.

Ms. Asid indicated the occupancy is probably the biggest issue for the Commission.

Ms. Asid further indicated that she understood what Ms. Martinez was trying to do. They want to make sure it is not over occupied. They do not have the capacity yet.

Mr. Budrow indicated they cannot get this information tonight.

Ms. Asid asked what Ms. Martinez would need from the fire marshal.

Mr. Budrow indicated she would need all regarding all parts of the interior.

Ms. Asid told Ms. Martinez the Commission would need occupancy numbers and filling in the plan.

After discussions a special meeting was scheduled for April 19<sup>th</sup>, 2023 via Zoom for this application.

**Mr. Tarducci motion to continue Application No. 23-04 on behalf of Hilaris Martinez to a special meeting to be held on Wednesday, April 19,**

2023 at 7:00 p.m. via Zoom. Said motion was seconded by Mr. Cubelotti. The motion passed unanimously.

## VI. Deliberation Session

1. Discussion and possible decision on **Application No. 22-07** - on behalf of **the East Haven Planning and Zoning Commission.** (Regulations revision.)
2. Discussion and possible decision on **Application No. 22-15** - **Gurukrupa Investments, L.L.C., 85 Hemingway Avenue.**
3. Discussion and possible decision on **Application No. 23-02** - on behalf **Silver Lining Development, L.L.C./Karl Muller, 495 Short Beach Road.** (Will not be discussed tonight.)
4. Discussion and possible decision on **Application No. 23-05** - **On behalf of Vigliotti Construction Co., 71 South Shore Drive.**
5. Discussion and possible decision on **Application No. 23-06** - **On behalf of Vigliotti Construction Co., 71 South Shore Drive.**
6. Discussion and possible decision on **Application No. 23-09** - **On behalf of the East Haven Zoning and Planning Commission.**

## VII. Adjournment

Mr. Cubelotti motioned to adjourn. Said motion was seconded by Mr. Tarducci. The motion passed unanimously.

The next Special Meeting is on April 19, 2023.  
The next Regular Meeting is on May 3, 2023  
The Commission adjourned at 10:45 p.m.

Respectfully submitted,

Sotonye Otunba-Payne