

CITY OF WEST HAVEN, CONNECTICUT

Planning & Zoning Commission

City Hall | 355 Main Street | West Haven, Connecticut 06516

Kathleen Hendricks, Chairman
Steven Mullins, Vice -Chairman
Christopher Suggs, Secretary
Alfred Posey, Commissioner
Open, Commissioner

Rich Standish, Alternate
Barry Cohen, Alternate
Open, Alternate
David Killeen, Assistant City Planner
Joe Riccio, Director of Planning and Development

MEETING MINUTES MAY 24, 2016

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, May 24, 2016, in the Harriet North room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Suggs, Mullins, Standish, Cohen (left 8:50 p.m.), Posey, ZEO Conniff, Assistant Planner Killeen, Councilperson liaison Avery and Corporation Council Amendola.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Mullins made a motion to approve the meeting minutes of April 26, 2016, with changes to add Commissioner Cohen as being present and Commissioner Trapani as resigning, seconded by Commissioner Standish. Commissioner Suggs made a motion to approve the meeting minutes of May 10, 2016, seconded by Commissioner Mullins and passed.

Public Hearing

1. **938 Orange Avenue (AKA 938 Boston Post Road).** Application for approval of a Special Permit and Site Plan to develop an auxiliary parking lot for fifteen (15) parking spaces to support the existing Budget Transmission Facility at 950 Boston Post Road, on property located in the RB (Regional Business) District, under Table 39.2 and Sections 60, 75, 85, and 92 of the West Haven Zoning Regulations . Applicant: Sammy Rivera/Owner: Monopoly Empire Land LLC. File #: SP-16-177 and SR-16-178.

Applicant Sammy Rivera and owner of Budget Transmission Center stated his business has grown over the years and it is necessary that additional parking be

added. There are 11 employees presently. He explained that cars sometimes stay on his lot due to customers not being able to pay immediately or not picking their car up in a timely fashion or at all. When a car is not picked up at all, there is a 35-40 day waiting time before you can take any action. The property that he is looking to purchase has been vacant and in disrepair for over 10 years. He met with staff and presented a plan for 30 cars and he was told the plan looked good. However, at a later date he was told that staff did not want that many cars. This property will help with the overflow parking from his existing property. The application is for 15 cars and he has to agree with that because that is what the staff has determined even though he needs more than that. He would like to go before the ZBA to obtain approval of an alternative layout. Assistant City Planner Killeen stated he was not with the City when Mr. Rivera started his application process, but he had seen some of the early plans that had been submitted for this application. They had not been drawn to scale and were not completed by a surveyor, so the spaces shown on the early plans were much smaller than what was required. This is why there were so many more spaces on the earlier plans. When the plan was redone by a surveyor, that's when it became clear there was only room for 15 conforming spaces. Under the regulations, the parking lot is to be paved of a hard surface, subject to approval of the City Engineer. The City Engineer would accept the use of millings as an alternate, pervious surface to assist with drainage. Otherwise, the applicant would incur the expense of costly drainage improvements that would need to be installed. The P & Z has jurisdiction over approval of a parking lot with a pervious surface. Under the regulation, this plan would require 22 ft. access drives, and this property has only an 18 ft. access drive. The Commissioner of Planning and Zoning can waive this regulation or the applicant would have to request a formal variance from the ZBA. The Commissioner has not made a final decision as yet, but believes he could support a waiver if the rest of the plan would comply with the Zoning Regulations . Commissioners discussed the lack of a lighting plan. Mr. Rivera stated his neighbors all around him have light poles that shine down on his property. Mr. Rivera submitted a photo of the property at night. The Fire Marshall has no objection to this application with assurance that the Everett St. gate be accessible to the primary site of Budget Transmission. Commissioner Mullins discussed the plantings of evergreens as a buffer. Attorney Amendola stated the commissioners need to approve the site plan within the Zoning Regulations or a variance is required from the ZBA. Assistant City Planner Killeen circulated a draft set of 11 conditions for consideration by the Commission. Commissioner Posey brought up the regulation of whether a sidewalk is needed. Mr. Rivera gave the conditions that he agreed with. The buffer, striping, sidewalk and landscaping all depends on ZBA variances.

Attorney Amendola commented that the approval also has to comply with Section 50.5 and suggested to Mr. Rivera that he go to the ZBA first, especially if he doesn't want to install a sidewalk. He also suggested Mr. Rivera go to Frank Gladwin about the sidewalk issue. Mr. Rivera has agreed to the regulation of installing a sidewalk unless Mr. Gladwin decides what is already there is a sidewalk and it is not needed. Mr. Rivera agrees with all the conditions except condition #10, Performance Bond.

Three calls were made to speak in favor and in opposition of this application. Dr. Joseph Connelly of St. James, FL (owns property in West Haven, CT), spoke in support of this application.

Commissioner Mullins made a motion to close the public hearing, seconded by Commissioner Posey and passed.

Commissioner Posey made a motion to approve File #SP 16-177 and SR 16-178 with the following conditions and based on the Commission's satisfaction that the proposal meets the findings of Section 85.4 of the Zoning Regulations:

1. The parking lot will be used as overflow parking only for the Budget Transmission Center, located at 950 Boston Post Road. Access to and use of the parking lot will be by Budget Transmission Center employees only. No general public use allowed.
2. Parking is only for vehicles that are being actively serviced by Budget Transmission Center. There shall be no long-term parking (over two weeks). All vehicles shall be in operable condition, registered and insured.
3. There shall be no sale of vehicles or automotive service or repair work to be performed at this location.
4. Vehicles shall be parked according to the striping plan shown on the approved plans ("Site Plan - Proposed Parking Plan, 938 Orange Avenue", prepared by Derrick R. Schull, Land Surveyor/Professional Engineer and dated 3/13/16, with revisions to 5/01/16). There shall be no more than fifteen (15) vehicles parked at any time.
5. Per Section 60.20 of the Zoning Regulations, the Commission approves the use of millings for the surface of this parking lot, to reduce the impact of storm water drainage in this area. Final design and installation of the lot subject to the approval of the City Engineer.
6. The parking lot shall be striped according to the approved plan (see #3). Due to fading on millings, applicant shall stripe this parking lot a minimum of once every year in late spring/early summer.

7. The perimeter screening strip along Orange Avenue/Boston Post Road shall be landscaped as required in Section 60.24.14 and Table 60.4.
8. Since curbs will not be provided on this surface of millings, the Planning and Zoning Commission requires that the 2 foot buffer strips along each side and rear yard (per Section 75.6.5) be landscaped with evergreen shrubs of 2 to 3 feet in mature height (minimum 18” at time of planting) to define the boundaries of the parking lot (e.g. dwarf varieties of Boxwood, Yew, Arborvitae, Holly, etc.) with a minimum spacing of 5 feet, measured center to center at planting grade.
9. Applicant shall actively maintain and manage this parking lot facility, keeping dust to a minimum and cleaning the parking lot whenever dirt and dust become an issue, but at least once per year.
10. Applicant shall post a performance bond in the amount of \$5,000 in a form satisfactory to the Commissioner of Planning and Development prior to construction of the parking lot to assure installation of the required landscaping and other parking lot improvements, as well as to guarantee the maintenance of these improvements. The bond shall be held by the City until the landscaping has been through one complete growth season (one year).
11. Lighting of this parking lot is subject to Site Plan approval by the Planning and Zoning Commission. No signage shall be allowed aside from what is permitted under the Zoning Regulations.
12. Proof of payment of taxes, personal property, will be supplied by May 25, 2016 to remove Condition #10, Performance Bond.

Seconded by Commissioner Mullins and passed.

375 Elm Street Application for approval of a Special Permit to allow for a pet grooming facility (non-boarding) on property located in the NB (Neighborhood Business) District, under Table 39.2 and Sections 85 and 92 of the West Haven Zoning Regulations. Applicant: Arshae Campbell/Debra Moran; Owner: Andrew Lott. File #: SP-16-200

Since the applicant was not at the hearing to present this application, Commissioner Mullins made a motion to continue File #SP 16-200 to the next regular P&Z Commission hearing on June 14, 2016 in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street , seconded by Commissioner Standish and passed.

Regular Meeting

1. **Deliberation and Action on Public Hearing Items:**

- a. **938 Orange Avenue (AKA 938 Boston Post Road).** Special Permit and Site Plan applications to develop an auxiliary parking lot for fifteen (15) parking spaces, in the RB District. File #: SP-16-177 and SR-16-178 – Approved with Conditions
- b. **375 Elm Street** Special Permit Application to allow for a pet grooming facility (non-boarding) in the NB (Neighborhood Business) District. File #: SP 16-200 - Continued

2. **Staff Reports**

1. Update to City Plan of Conservation and Development – No discussion.
2. Discussion of Proposed Transit Oriented Development (TOD) Regulation Amendments – No discussion.

ADJOURNMENT: 9:45 p.m.

Commissioner Mullins a motion to adjourn, seconded by Commissioner Posey and passed.