

Minutes
Planning and Zoning Commission
June 6, 2016

The West Haven Planning & Zoning Commission held a special Public Hearing and special Administrative Meeting on Monday, June 6, 2016, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Mullins, Suggs, and Posey, ZEO Conniff, Assistant Planner Killeen, Planning and Zoning Commissioner Riccio, Mayor O'Brien, Corporation Counsel Amendola and City Councilperson liaison Eberle. Absent were Commissioners Cohen and Standish.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Posey made a motion to approve the meeting minutes of May 24, 2016, seconded by Commissioners Suggs and passed.

Public Hearing

1. Proposed Amendments to the Zoning Regulations. Application for approval of multiple text changes to the City's Zoning Regulations as follows: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District; 3) To modify Area and Bulk Requirements in the WD District as follows: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 55%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions, with the approval of the Planning and Zoning Commission. Proposed text changes would amend Section 2.2, Section 36.2, Table 36.1, and add a new Section 60.13.3 to the West Haven Zoning Regulations. Applicant: City of West Haven, CT. File # ZR-16-190.

Attorney Gary O'Connor, Pullman & Conley, stated the purpose for the text changes is to provide flexibility for proposed development in the Waterfront Design district. It also is needed because of the flood zone and geotechnical issues which prevent underground parking. The MDP states that for the

benefits of the citizens the plan allows for walkways, waterfront access for kayaking and other activities. The new section is for shared use parking which would have to be approved by the Planning and Zoning Commission. Shared parking would be allowed throughout the City, not just in the Waterfront Design District. The changes facilitate greater development in a smaller area all the while allowing waterfront access, where there was none before. It will create a new positive image for the city, attract retail and recreational areas. It will also make redevelopment in this area more efficient. These revisions are a reasonable compromise for this commercial project. Attorney O'Connor stated a letter was received from Attorney Evan Seeman of Robinson & Cole and he feels the issue is a moot one, since it recommends that regional shopping centers should be a permitted use by Special Permit, not a use by right. This application is not recommending language around the use itself. That was accomplished in a text change that was approved by the City two years ago. He feels that the issues raised could be addressed when a Site Plan is filed with the Planning and Zoning Commission. It is also not an item for tonight's discussion. Attorney O'Connor note that the affidavit of mailings and notices was submitted into the record. The following agencies also submitted their comments: Regional Planning Commission dated May 18, 2016, Long Island Sound program dated May 16, 2016, and the City of West Haven Harbor Commission dated June 6, 2016. Mr. Killeen stated the letter from Robinson & Cole addresses concerns of certain property owners who are challenging efforts to acquire the properties. The letter also asks for a text change that a retail shopping center be by special permit and not as of right. This change already occurred in July 2014 and was not included in the public hearing notice for tonight's meeting. The letter also points out concerns about the reduction in open space as being inconsistent with the waterfront design district. There were other recommendations in the letter from Robinson & Cole, and Mr. Killeen feels the Planning and Zoning Commission should review those recommendations but, since they were not included in the notices for this meeting, they would have to be considered at another time. Mr. Killeen also noted that the letter from Robinson & Cole suggested a public hearing for review of the use, to review projects over ten (10) acres. From what Mr. Killeen understands, the Haven applications will include at least one Special Permit request, which would require a public hearing. Attorney O'Connor noted the recommendations by the Harbor Commission and feels that these can be addressed during the site plan review process.

Three calls were made to speak for and against this application.

Michael Mecuriano, Jr., 59 Richards St., wanted clarification on the shopping mall and whether it will include housing.

Attorney Evan Seeman, Robinson & Cole, representing owners of 341 & 349 First Avenue, Mr. McGinnity and 60 Elm St., Mr. Sayed, owner of the Citgo Station. They are opposing the application because it is inconsistent with the waterfront design district. He also feels that these properties are not needed for this development. Chairman Hendricks stated this meeting tonight is for text changes only and not eminent domain issues. The intent and purpose of the waterfront design district is to provide open space and this text changes reduces the open space. He also stated that paved space is not open space and they take objection with this. Attorney Seeman spoke about their proposed recommendations for text changes. He asked that Mr. Frank Fish be able to speak. Chairman Hendricks stated the discussion about the special permit process as stated in the letter is not on the agenda tonight and cannot be discussed. Attorney Seeman recommends that the commissioner therefore continue this matter to review those proposed text changes. Frank Fish, AICP planner, suggests using the special permit process rather than as of right for the proposed increases in impervious coverage and lot coverage, leaving it up to the commission through a public hearing. They are not opposed to all the text changes. They do agree with the shared parking text change.

Mr. Lynch, West Haven, CT., asks for the street boundaries for the WD zone.

Sal DiCenzo, 343 Beach St., is concerned about the gas station.

Jane Whelan, 100 Ames Dr., is concerned about the reduction of the open space and counting paved areas as open space.

Rosalie Swift, 48 Washington, is concerned about the open space reduction and wants clarification on shared parking.

Aaron Charney, 146 Union Ave., in favor of the open space regulation change and access to the waterfront.

Michael Hickey, 32 Buffalo Lane, wanted clarification on how the shared parking will work with the stores and residents accessing the waterfront. He also stated the City doesn't own all the properties at this point in time and feels that these changes are premature.

Commissioners Suggs wanted clarification and the benefits on the reduction of the open space and the increase in the impervious surface.

2. Proposed Changes to Zoning Map for Properties Located at 30 Main Street, 32 Main Street, 38 Main Street, 40 Main Street, 48 Main Street, 52 Main Street, 32 Bayview Place, 20 Bayview Place, and the Southeast Corner of Main Street and Bayview Place. Application for approval of Changes to the Zoning Map for multiple properties currently located in the R3, R4, OS (Open Space) and WD (Waterfront Design) Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations. Applicant: City of West Haven, CT. File # ZM-16-191.

Attorney Gary O'Connor, Pullman & Comley, stated these properties encompass about 2.9 acres and will increase the size of the area and provide more flexibility in development and public amenities as provided and required in the Municipal Development Plan. A letter was received from the Long Island Sound Program dated 5/16/16 finding the proposal consistent with the Coastal Management Act. Mr. Killeen explained the notification process that was followed for a map change sending notice to adjoining towns as well as required agencies. This is also consistent with the Plan of Conservation of Development. All the properties are owned by the Haven Group or the City except for 52 Main St.

Three calls were made to speak in favor and three calls were made to speak against this application.

Attorney Evan Seeman urged the commission to deny this application without prejudice and require the developer to submit revised plans and whether his client's properties are needed for this development. His client's properties are listed in the Municipal Development Plan. A letter from Architect Patrick Pinnell was submitted stating the properties represented by Attorney Seemans are not needed for the success of this development. He stated the MDP is what the city relies on and his client's properties are part of this plan and is unfair to his client.

Pat Bollettieri, 215 West Walk, concerned about the eminent domain which will have a negative impact on the remaining properties. The city needs to respect the remaining property owners.

Frank Fish, questions the map that states “zone change plan for Haven Development” and asks if this is the correct map.

Administrative Meeting

Deliberation and Action on Public Hearing Items:

1. Proposed Amendments to the Zoning Regulations. Application for approval of multiple text changes to the City’s Zoning Regulations as follows: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District; 3) To modify Area and Bulk Requirements in the WD District as follows: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 55%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions, with the approval of the Planning and Zoning Commission. Proposed text changes would amend Section 2.2, Section 36.2, Table 36.1, and add a new Section 60.13.3 to the West Haven Zoning Regulations. Applicant: City of West Haven, CT, File #ZR 16-190.

Commissioner Hendricks made a motion to close the public hearing on File #ZR 16-190, seconded by Commissioner Mullins and approved.

Commissioner Suggs made a motion to approve File #ZR 16-190, seconded by Commissioner Posey and passed. Due to resolutions that being read into the record, Commissioner Suggs made a motion to revoke the previous motion, seconded by Commissioner Mullins and passed.

Commissioner Mullins made a motion to continue File #ZR 16-190, seconded by Commissioner Suggs. Commissioner Mullins feels that the resolutions should have been distributed before the meeting and the commission should have been able to review the resolutions before voting. Motion denied 2 - Yes (Suggs and Mullin); 2-No (Hendricks and Posey s). Motion failed to carry.

RECESS: 9:08 p.m.

RESUMED: 9:16 p.m.

Commissioner Posey made a motion to approve File #ZR 16-190 including the following resolution:

RESOLUTION of the West Haven Planning and Zoning Commission approving multiple text changes to the City's Zoning Regulations as follows: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District; 3) To modify Area and Bulk Requirements in the WD District as follows: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 55%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions, with the approval of the Planning and Zoning Commission. Proposed text changes would amend Section 2.2, Section 36.2, Table 36.1 (also incorporating modified explanatory note after consideration of comments from the City of West Haven Harbor Management Commission), and would add a new Section 60.13.3 to the West Haven Zoning Regulation.

WHEREAS, the City of West Haven has proposed multiple text changes to the City's Zoning Regulations as follows: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District; 3) To modify Area and Bulk Requirements in the WD District as follows: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 55%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions, with the approval of the Planning and Zoning Commission. Proposed text changes would amend Section 2.2, Section 36.2, Table 36.1, and would add a new Section 60.13.3 to the West Haven Zoning Regulations as contained in Attachment A to this Resolution; and

WHEREAS, the City of West Haven has complied with all notice requirements in connection with the proposed changes; and

WHEREAS, the City of West Haven Planning and Zoning Commission has evaluated such proposed changes to the Zoning Regulations with consideration to the City’s Plan of Conservation and Development; and

WHEREAS, the City of West Haven Harbor Management Commission has evaluated such proposed changes to the Zoning Regulations and has recommended that with regard to the proposed amendments to “Table 36.1 Area and Bulk Requirements: Waterfront Design District,” the Planning and Zoning Commission modify the explanatory note such that it states: “In no case shall a site plan be approved in which maximum lot coverage exceeds 80%, or open space, when calculated to include walkways and other areas dedicated for general public access, is less than 30%. Since the definitions for maximum lot coverage and open space both allow walkways as part of the calculation, there will be some overlap in the allowable percentages;” and

WHEREAS, the Assistant City Planner has further recommended that the proposed explanatory note to Table 36.1 Area and Bulk Requirements be modified as follows: **“In no case shall a site plan be approved in which Maximum Lot Coverage exceeds 80% or Minimum Open Space is less than 30%. (Because the definitions for Maximum Lot Coverage and Minimum Open Space both allow landscaped courts, open hardscaped areas and walkways utilized for gathering or conservation access when part of a comprehensive development or redevelopment as part of the calculation, the sum total of Maximum Lot Coverage and Minimum Open Space may exceed 100%);”* and

WHEREAS, after considering testimony and evidence presented regarding the proposed text changes to the City’s Zoning Regulations, the West Haven Planning and Zoning Commission finds that the proposed text changes, as modified after consideration of the City of West Haven Harbor Management Commission’s recommendations, are consistent with the goals of the City’s Plan of Conservation and Development because, among other things:

1. The text changes permit more efficient and commercially viable development of property within the Waterfront District to promote economic development and to attract and retain business while leveraging existing shoreline assets to enhance open space requirements;

2. The text changes facilitate greater development within a smaller area while allowing greater access to shoreline assets which will promote recreation and employment opportunities and support quality of life improvements;
3. The text changes will contribute to the redevelopment of the area consisting of attractive retail and recreational areas;
4. The text changes will allow property within the Waterfront District to be more fully utilized and thereby, make redevelopment efforts more efficient and reduce the total land area necessary to effectuate the Haven South Municipal Development Project;
5. The text changes facilitate sufficient and appropriate parking, loading, turning and landscaping buffers necessary for a commercial development near coastal areas; and
6. The text changes will allow, through the possibility of shared-parking, more efficient and more sensible development throughout the City, and will make use of existing parking resources possible in order to achieve greater densities at potentially lower overall costs; and

WHEREAS, the City of West Haven Planning and Zoning Commission finds that the proposed changes are not detrimental to either the community at large or the surrounding neighborhood, and will instead foster the improvement and redevelopment of the City as a whole; and

WHEREAS, the West Haven Planning and Zoning Commission has considered the proposed changes to the Zoning Regulations, and has rendered the foregoing findings and determinations in connection therewith.

NOW THEREFORE BE IT RESOLVED by the West Haven Planning and Zoning Commission that the following multiple text changes to the City's Zoning Regulations be approved as follows: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District; 3) To modify Area and Bulk Requirements in the WD

District as follows: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 55%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions, with the approval of the Planning and Zoning Commission. Proposed text changes would amend Section 2.2, Section 36.2, Table 36.1 (also incorporating modified explanatory note text as follows: **“In no case shall a site plan be approved in which Maximum Lot Coverage exceeds 80% or Minimum Open Space is less than 30%. (Because the definitions for Maximum Lot Coverage and Minimum Open Space both allow landscaped courts, open hardscaped areas and walkways utilized for gathering or conservation access when part of a comprehensive development or redevelopment as part of the calculation, the sum total of Maximum Lot Coverage and Minimum Open Space may exceed 100%).”*), and add a new Section 60.13.3 to the West Haven Zoning Regulations as contained in Attachment A to this Resolution. The Director of Planning being hereby instructed to implement and promulgate such changes immediately.

Motion seconded by Commissioner Hendricks and passed unanimously.

2. **Proposed Changes to Zoning Map for Properties Located at 30 Main Street, 32 Main Street, 38 Main Street, 40 Main Street, 48 Main Street, 52 Main Street, 32 Bayview Place, 20 Bayview Place, and the Southeast Corner of Main Street and Bayview Place.** Application for approval of Changes to the Zoning Map for multiple properties currently located in the R3, R4, OS (Open Space) and WD (Waterfront Design) Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations. Applicant: City of West Haven, CT. File # ZM-16-191.

Commissioner Hendricks made a motion to close the public hearing on File #ZM 16-191, seconded by Commissioner Mullins and seconded.

Commissioner Suggs made a motion to approve File #ZM 16-191, seconded by Commissioner Mullins. Commissioner Suggs questioned the properties that were listed in the MDP with respect to the properties that are included in the map change. Motion withdrawn

Commissioner Posey made a motion to approve File #ZM 16-191 including the following resolution:

RESOLUTION of the West Haven Planning and Zoning Commission approving changes to the Zoning Map for multiple properties currently located in the R3, R4, OS (Open Space) and WD (Waterfront Design) Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations.

WHEREAS, the City of West Haven has proposed changes to the Zoning Map for multiple properties currently located in the R3, R4, OS (Open Space) and WD (Waterfront Design) Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations, such properties being located in the City of West Haven and known as:

30 Main Street
32 Main Street
38 Main Street
40 Main Street
48 Main Street
52 Main Street
32 Bayview Place
20 Bayview Place and
Southeast Corner of Main Street and Bayview Place;

WHEREAS, the City of West Haven has complied with all notice requirements in connection with the proposed changes;

WHEREAS, the City of West Haven Planning and Zoning Commission has evaluated such proposed changes to the Zoning Map with consideration to the City's Plan of Conservation and Development;

WHEREAS, after considering testimony and evidence presented regarding the proposed changes to the City's Zoning Map, the West Haven Planning and Zoning Commission finds that the proposed changes are consistent with the City's Plan of Conservation and Development by, among other things:

1. Creating an area of sufficient size to promote economic development and to attract and retain business;
2. Promoting recreation and employment opportunities and support quality of life improvements;
3. Contributing to the redevelopment of the area consisting of attractive retail and recreational areas;
4. Providing additional acreage to the Waterfront District needed to create an attractive and vibrant gateway into the City of West Haven from New Haven;
5. Providing for sufficient area which can accommodate appropriate parking, loading, turning and landscaping buffers necessary for a commercial development near coastal areas; and
6. Facilitating anticipated development patterns that will be consistent with the proposed redevelopment project along the shoreline;

WHEREAS, the proposed Zoning Map changes will modify the zoning of an area greater than two (2) contiguous acres presently zoned as residential, commercial and open space/waterfront design district;

WHEREAS, the City of West Haven Planning and Zoning Commission finds that the proposed changes are not detrimental to either the community at large or the surrounding neighborhood, and will instead foster improvement and redevelopment of the City as a whole; and

WHEREAS, the West Haven Planning and Zoning Commission has considered the proposed changes to the Zoning Map, and has rendered the foregoing findings and determinations in connection therewith.

NOW THEREFORE BE IT RESOLVED by the West Haven Planning and Zoning Commission that the Zoning Map be changed to include the following properties in the Waterfront Design District:

- 30 Main Street
- 32 Main Street
- 38 Main Street
- 40 Main Street

48 Main Street
52 Main Street
32 Bayview Place
20 Bayview Place and
Southeast Corner of Main Street and Bayview Place

These properties which are currently shown as located in the R3, R4, OS (Open Space) and/or WD (Waterfront Design) Districts will all instead be located solely in the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations. The Director of Planning being hereby instructed to implement and promulgate such changes immediately.

Motion was seconded by Commissioner Suggs and passed (3-Yes Hendricks, Posey, Mullins and 1-No – Suggs)

ADJOURNMENT: 9:35 p.m.

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