

Planning and Zoning Commission
MINUTES
July 26, 2016

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, July 26, 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, Posey, Biancur (7:20 p.m.) Standish, Cohen, ZEO Conniff, Asst City Planner Killeen, Commissioner of Planning and Development Riccio, and Corporation Counsel Amendola.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Posey made a motion to approve the meeting minutes for July 12, 2016, seconded by Commissioner Mullins and passed unanimously.

Public Hearing

1. **354 Saw Mill Road.** Application for approval of a Special Permit to allow a Restaurant Liquor Permit in an existing restaurant in a CD (Commercial Design) District, pursuant to Table 39.2 and Sections 45, 85, and 92 of the West Haven Zoning Regulations. Applicant: Chipotle Mexican Grill of Colorado, LLC/ Owner: Tartaglia Commercial Properties/ West Haven LIR, LLC. File #SP 16-204 (*Continued from July 12, 2016*).

Dave Moore, area manager for Chipotle, stated a liquor license is pending for the restaurant, after the Commission considers this request.

Three calls were made to speak for and to speak against this application. No one from the public came forward.

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

2. **149 Orange Avenue.** Application for approval of a Special Permit and Site Plan Review to add two gas pumps, relocate main entrance, and extend the canopy of

an existing Gas Station and Convenience Store in the RCPD (Planned Residential Commercial District), pursuant to Table 39.2 and Sections 75, 85, and 92 of the West Haven Zoning Regulations. Applicant: Nadeem Khalid/Owner: Jatt, LLC. File # SP 16-206 and #SR 16-207. (*Continued from July 12, 2016*).

Chairperson Hendricks announced that, at the request of the applicant, this item will be continued to the next meeting which will be August 23, 2016 since the August 9, 2016 meeting is cancelled. The meeting will be held in the Harriet North Room, 2nd Floor of City Hall, 355 Main Street, West Haven, CT at 7:00 PM.

- 3. 337 Main Street.** Application for approval of a Special Permit to locate a Place of Assembly (Private Club, Hall, or similar facility) for The Twelve Step Club, Inc., in the existing American Legion Hall located in a CBD (Central Business District), pursuant to Table 39.2 and Sections 85 and 92 of the West Haven Zoning Regulations. Applicant: Richard Foster; Property Owner: American Legion, Post 71. File # SP 16-208.

Richard Foster, member of Twelve Step Club, stated they have been in West Haven for over 20 years at 111 Elm St and have helped numerous recovering alcoholics improve their lives. Many members are veterans and they would like to hold their meetings at the American Legion Club. Thomas Kosa, American Legion representative, stated the club is there to help the community. There is no alcohol served at the club, so the American Legion leaders feel this program is a good fit. At the present time, the Twelve Step Club holds approximately seven meetings at the American Legion for about an hour each, but they would like to hold their full schedule which is 13-15 meetings. First meeting of the day is usually held at noon. There will be approximately 2-3 meetings a day. The latest meeting night is Thursday until 9:30 p.m. They also hold dinners and have breakfast before their Saturday and Sunday meetings. They are not an affiliate club of AA. They receive no funds from the organization. Their present location was more expensive. Mr. Killeen read into the record comments from the Fire Marshall and the Building Official. Mr. Killeen suggested a condition be placed on final occupancy by approval of Fire Marshall. Mr. Riccio informed the commissioners that a \$100,000 grant was issued for an elevator in this building. The Governor's Office will be contacted to obtain additional monies to pay for the elevator.

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

Francis Worthington, 255 West Walk, use to be a member of the club. They are good tenants.

Robert Dunlin, 305 Main St., is concerned about the area and the noise that will happen when both clubs meet, loitering, traffic and trash. Also questions whether a permit has been issued for renovations that seem to be going on.

John Ward, 38 Navaro Rd., a member of the Twelve Step Club, spoke in favor.

Fayette Galli, 538 Washington Ave., is also concerned about the noise.

John Velardi, a member of the Twelve Step Club is in support of this application.

Thomas Kosa, stated there is an agreement with the city and the American Legion for 29 parking spots. He feels the parking is sufficient to support the American Legion and Twelve Step Club activities.

Jerome Smith, 8 Ocean Ct., a member of the Twelve Step Club is in support.

Mr. Riccio stated when the building inspector visited the building he would have seen any renovations that were going on.

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

4. **461 Derby Avenue.** Applications for approval of a Special Permit, a Site Plan Review, and Automotive Location to operate an automobile repair shop on property located in an RB (Regional Business) District, pursuant to Table 39.2 and Sections 44, 60, 85 and 92 of the West Haven Zoning Regulations. Applicant: SKF Automotive, Inc.; Owner: Kirsten Gebbia. File # SP 16-209, # SR 16-210, and # CAL 16-211.

David Pensiro, Trumbull and DiGioia, West Haven, CT, stated this was a former car repair. This is a turnkey operation and this building is much bigger and better suited for this business. The present location is in New Haven, CT. Affidavit of mailings were submitted to staff. Mr. Killeen distributed draft conditions for this automotive use. There will be no gas pumps and no sale of cars. Hours of

operation will be Mon thru Fri 8 a.m. – 5 p.m. Discussion centered on whether applicant is applying for a dealer’s license or a repair license. Applicant stated he currently has a dealer’s license and would like to continue with it. Chairman Hendricks suggested continuing this application and for applicant to contact staff to see about amending this application. This application cannot be heard tonight since it is only for a repairer’s license.

Regular Meeting

1. Deliberation and Action on Public Hearing Items:

- a. **354 Sawmill Road, Unit B.** Application for approval of a Special Permit for a Restaurant Liquor Permit in an existing restaurant in a CD. Applicant: Chipotle Mexican Grill of Colorado, LLC/ Owner: Tartaglia Commercial Properties/ West Haven LIR, LLC. File # SP-16-204.

Commissioner Suggs made a motion to approve File #SP 16-204, seconded by Commissioner Standish and passed unanimously.

- b. **149 Orange Avenue.** Application for approval of a Special Permit and Site Plan Review to make site plan modifications to an existing Gas Station and Convenience Store in the RCPD (Planned Residential Commercial District). Applicant: Nadeem Khalid/Owner: Jatt, LLC. File # SP 16-206 and #SR 16-207.

This item was continued to the next meeting which will be August 23, 2016 since the August 9, 2016 meeting is cancelled.

- c. **337 Main Street.** Application for approval of a Special Permit to locate a Place of Assembly (Private Club, Hall, or similar facility) for The Twelve Step Club, Inc., in the existing American Legion Hall located in a CBD (Central Business District). Applicant: Richard Foster; Property Owner: American Legion, Post 71. File # SP 16-208.

Commissioner Posey made a motion to approve File #SP 16-208 with the condition that occupancy approvals be first issued by the Fire Marshal and the Building Inspector, seconded by Commissioner Biancur and passed unanimously.

- d. **461 Derby Avenue.** Applications for approval of a Special Permit, a Site Plan Review, and Automotive Location to operate an automobile repair shop on property located in an RB (Regional Business) District. Applicant: SKF Automotive, Inc.; Owner: Kirsten Gebbia. File # SP 16-209, # SR 16-210, and # CAL 16-211.

Commissioner Biancur made a motion to continue File #SP 16-209, #SR 16-210 and #CAL 16-211 to August 23, 2016, seconded by Commissioner Posey and passed unanimously. The meeting will be held in the Harriet North Room, 2nd Floor of City Hall, 355 Main Street, West Haven, CT at 7:00 PM.

Update Report on Café Liquor Permit at Stevie Boddie’s Café – Steve Boddie

Steve Boddie stated the approval required a year review. There have been zero incidents over the past year. The kitchen will be done by September and food will then be served. Commissioner Posey thanked the applicant for coming back before the Commission to report after the required year.

2. Discussion of Adult Uses Moratorium

Mr. Killeen stated the general length of time used for a moratorium is six months in duration. He is looking at September 13, 2016 for a public meeting. A draft text change for the moratorium was distributed to the commission. Commissioner Hendricks suggested a committee needs to be formed to consider the text change for the moratorium and discuss it at the next meeting. Commissioners would like to see a year moratorium.

3. Consideration of Robinson and Cole request re: notification of property owners under Section 86.16 –File # ZR 16-212

Commissioner Hendricks informed the commission that Robinson & Cole is asking for direction on alternate methods for notification. Advertising with a larger legal ad in a newspaper is one consideration as well as an onsite sign. Mr. Killeen stated that if a sign is approved it would have to be defined where it should be posted. Commissioners discussed that letters should be sent out according to property owners within 200 feet, under the normal notification procedures. Commissioner Hendricks made a motion that the standard notice

of notification be followed, seconded by Commissioner Mullins and passed 4 – 1 (Posey abstained).

4. Staff Reports

a. Update to City Plan of Conservation and Development

Mr. Killeen asked the commission to cover hours that are available for a booth at the Savin Rock Festival to explain the POCD update process. Commissioner Mullins volunteered to cover the hours for Friday, Saturday and Sunday.

b. Discussion of Proposed Transit Oriented Development (TOD) Regulation Amendments

• Introduction/Discussion of Forwarded Regulation

Mr. Killeen stated the distributed regulation is to replace the one that is already in the zoning regulations. Commissioner Hendricks suggested a special meeting to review this rather than make it an agenda item on a regular meeting. A special meeting is scheduled for Wednesday, August 17, 2016 at 6 p.m.

c. Incomplete Applications

• Proposed Addition to Mevlani Camii Mosque and School at 542-546 Ocean Avenue

• Proposed Addition to Turkish Kebob House at 1153-1157 Campbell Avenue

These applications were submitted in May and the timeframe is running out. The commission needs to acknowledge that these two applications were not complete and were unable to act upon them. The Commission acknowledged these two applications as incomplete and instructed Mr. Killeen to work with the applicant to obtain complete information so that they can be acted upon. N

ADJOURNMENT: 9:20 P.M.

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