

MINUTES
PLANNING AND ZONING COMMISSION
January 9, 2018

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, January 9, 2018, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M to consider the following:

PRESENT: Commissioners Hendricks, Milano, Suggs, Hurley, Mullins, Biancur. Assistant City Planner Killeen, ZEO Conniff, Mayor Rossi, Corporation Counsel Tiernan, and City Council liaison Quagliani.

PLEDGE OF ALLEGIANCE

Chairman Hendricks welcomed Mayor Rossi, Attorney Tiernan and Ron Quagliani.

APPROVAL OF MINUTES: Commissioner Mullins made a motion to approve the meeting minutes for November 28, 2017, seconded by Commissioner Suggs and passed.

Organizational Meeting

Election of Officers:

Chairman	Commissioner Biancur made a motion to nominate Commissioner Hendricks as chairman, seconded by Commissioner Suggs. Commissioner Suggs made a motion to nominate Commissioner Mullins as chairman, seconded by Commissioner Mullins. Alternate Hurley was appointed to vote Roll call vote was called. Suggs – Mullins Hurley – Hendricks Hendricks – Hendricks Mullins – Mullins Biancur – Hendricks Commissioner Hendricks was elected Chairman 3 – 2.
Vice-Chairman	Commissioner Suggs nominated Commissioner Mullins for vice chairman, seconded by Commissioner Mullins. Commissioner Hendricks nominated Commissioner Biancur for vice chairman, seconded by Commissioner Biancur. Roll call vote was called. Suggs – Mullins Hurley – Biancur Hendricks – Biancur Mullins – Mullins Biancur – Biancur Commissioner Biancur was elected Vice Chairman 3 – 2.

Secretary Commissioner Mullins nominated Commissioner Suggs for secretary, seconded by Commissioner Hendricks.
Roll call vote was called.
Suggs – Suggs
Hurley – Suggs
Hendricks – Suggs
Mullins – Suggs
Biancur – Suggs
Roll call vote was called.
Commissioner Suggs was elected Secretary 5 – 0.

Public Hearing

1. **Proposed Amendments to the Zoning Regulations.** Application for approval of multiple text changes to the City’s Zoning Regulations: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans (amendments to Section 2.2 Definitions) ; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District,(Section 36.2 Description and Intent of WD District); 3) To modify Area and Bulk Requirements in the WD District (Table 36.1) to: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 60%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards (Table 62.1) to require one parking space per 250 sq ft. for a Regional Shopping Center use in place of the current requirement of one parking space per 200 sq. ft. Applicant: The Haven Group, LLC. File # ZR 17-076.

Chris McKeon asked Mr. Killeen to review the referrals that were sent and dates of receipt and timeframes. All notices to required agencies were completed on November 21, 2017. On December 26, 2017 a referral was sent to the council members whose districts would be affected. The filing with the city clerk was completed on December 26, 2017. The legal notices were posted on December 29, 2017 and January 5, 2018. Attorney McKeon stated that the applicant ran display ads on December 21, 2017, due to a technicality regarding publication with the West Haven Voice timeframe requirement he would like to continue this application so he can publish again in the West Haven Voice 12 days before January 23, 2018 just to be safe. There were no concerns or questions raised by the Commission, and the Chairman stated that all public comment would be reserved till the January 23rd hearing.

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, 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 R-3, R-4 (Residential), OS (Open Space) and WD (Waterfront Design) Districts to the WD (Waterfront Design) District, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: The Haven Group, LLC. File # ZM 17-077.

Attorney McKeon asked that this application be continued to January 23, 2018 for the same reasons as stated above for Application #1. There were no concerns or questions raised by the Commission, and the Chairman stated that all public comment would be reserved till the January 23rd hearing.

3. **93 Campbell Avenue.** Special Permit application for a Restaurant Liquor Permit to serve alcohol at a new restaurant in the CBD (Central Business) District. Applicant: Karen D. May Owner: Harold and Evelyn Peschell. File #SP 17-079.

Karen D May, applicant, stated she would like to open a restaurant at 93 Campbell Avenue. She is seeking approval of a restaurant liquor permit for this location. The restaurant will serve Latin American food with a happy hour menu. It will be open on Sunday 12 – 9 p.m., closed Mondays, open Tuesday and Wednesday 11 to 9 p.m. and Thurs, 11am – 11pm and Fri and Saturday to 11am to 12 am. There would be two full time and two part time employees. There will be no entertainment. Mr. Killeen recommended several conditions to hours of operation, no entertainment of live music and any special events to be approved by this commission.

Rick Artache, 185 Park St., is concerned about the serving of liquor that has created problems with the previous business.

Valerie Gardino, 187 Park St., concerned about the serving of alcohol because there are many families in the area.

Nelson Rivera, 189 Park St., stated the neighborhood has seen violence and loud noises in this area but is concerned about the serving of alcohol and what is created in the aftermath.

Mr. Killeen stated that is why the conditions are recommended to make sure it operates as a restaurant and is not a nightclub with entertainment, which was a problem with the previous restaurant at this location.

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

Ms. May appreciated what the neighbors have said. There will be no nightclub and her family will be moving to West Haven to become part of the community. It is just going to be a restaurant/bar. Commissioner Biancur recommended to Ms. May to introduce herself to the neighbors that spoke tonight to resolve any future problems if there are any. Commissioner Suggs stated he read through the entire application and it looks like the applicant will try to run a legitimate restaurant and not just a bar.

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

Regular Meeting

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

- a. **Proposed Amendments to the Zoning Regulations.** Application for approval of multiple text changes to the City's Zoning Regulations: Section 2.2 Definitions, Table 36.1, Section 36.2 and Table 62.1 Re: Regional Shopping Center in the WD District. Applicant: The Haven Group, LLC. File # ZR 17-076.

Chairwoman Hendricks announced this application was continued to the next regularly-scheduled meeting on Tuesday, January 23, 2018 at 7:00 PM in the Harriet North Room, City Hall.

- b. **Proposed Changes to Zoning Map for Properties Located at 30 Main Street, 32 Main Street, 38 Main Street, 40 Main Street, 48 Main Street, 32 Bayview Place, 20 Bayview Place, and the Southeast Corner of Main Street and Bayview Place.** Changing properties in multiple zones to the WD (Waterfront Design) District. Applicant: The Haven Group, LLC. File # ZM 17-077.

Chairwoman Hendricks announced this application was continued to the next regularly-scheduled meeting on Tuesday, January 23, 2018 at 7:00 PM in the Harriet North Room, City Hall.

- c. **93 Campbell Avenue.** Special Permit application for a Restaurant Liquor Permit in the CBD (Central Business) District. Applicant: Karen D. May Owner: Harold and Evelyn Peschell. File #SP 17-079.

Commissioner Biancur made a motion to approve File #SP 17-079 with the following conditions:

1. The restaurant will operate only during the hours proposed.
2. There will be no entertainment or live music on the premises or loud music detectable by residential neighbors. Any special events must be first approved by the Planning and Zoning Commission
3. The floor plan is approved as shown in this application. Any changes to the floor plan must be reviewed with the staff of the Planning and Development Office.
4. Applicant will make necessary efforts to maintain the appearance of the building especially in the rear of the building. There will be no outside storage of materials or supplies.

Commissioner Suggs seconded the motion. Motion passed 5 – 0.

2. **Section 8-24 Review Re: Conveyance of Easement to Park Commons LLC and Sewer Relocation**

Mr. Killeen stated this is related to the Park View development that was approved by the Commission in November and has to do with easements and relocation of sanitary lines. Attorney Tiernan stated this is a draft proposal at this point and the wording of the easement could be modified when considered by the Council. Commissioner Biancur made a motion to approve Section 8-24 Review as presented, seconded by Commissioner

Suggs and passed.

3. **Discussion of Proposed Text Change:** Re: Places of Worship – Commissioner Hendricks stated this was discussed previously but it is recommended that this be continued so the new corporation counsel can review it. Mr. Killeen explained federal laws prohibit municipalities from excessively restricting places of worship in their regulations. This proposal would add churches and places of worship by special permit in some residential zones. A memo

describes where the Commission is at this point in time for corporation counsel to review and provide input. There is no specific timeframe but it should be considered by the City at some point – continued.

4. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)**

Commissioner Hendricks stated some text and code changes need to be done to bring our to bring our codes into alignment with the Plan of Conservation and Development d to be prioritized depending on potential development. She recommends putting a two to three person group together to work with Mr. Killeen. She will be involved and is looking for volunteers. Commissioner Milano and Biancur volunteered to be part of the group. Councilperson Quagliani will participate as well.

5. **Staff Reports**

- a. **Adult Business Use Regulation** – Mr. Killeen stated last year there was a committee looking into adult oriented business uses in the city. A moratorium is currently in effect April 2018. The committee drafted a regulation which was distributed to the commission. The committee found distance buffers as a beneficial tool, which Mr. Killeen explained. The committee recommended two zones within in the city that these uses could be located. There were some sections of the IPD district and the LM district where this could work. Commissioner Hendricks suggested having corporation counsel and the commission review this draft regulation and getting familiar with the different zones. After review, it would be advertised as a public hearing possibly second meeting in February or March meetings to meet the April deadline

- b. Mr. Killeen received a call from an individual inquiring about the city’s status regarding a medical marijuana dispensary. The individual asked Mr. Killeen to poll the commission about their thoughts. Commissioner Mullins gave the history of a previous applicant a couple of years ago that was interested but the applicant didn’t pursue it. The Commissioners were open to staff preparing a position paper on the topic, identifying the procedures used in other communities and the elements of the proposed regulation that was denied previously.

6. **Other Business:** None

7. **ADJOURNMENT:** **8:25 P.M.**

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