

MEETING MINUTES OF PLANNING AND ZONING COMMISSION
FEBRUARY 25, 2020

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, February 25, 2020, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Biancur, Suggs, Mullins and Alternate Vecellio, ZEO Conniff, Assistant City Planner Killeen, Commissioner of Planning and Development Messore and Corporation Counsel Tiernan. Absent were Commissioner Sullivan and Alternates Milano and Johnson. Chair Hendricks asked Alternate Vecillio to sit on all applications to be heard for this evening in place of Commissioner Sullivan.

PLEDGE OF ALLEGIANCE

Chairperson Hendricks congratulated Commissioners Vecellio and Milano on being re-appointed to the Planning and Zoning Commission.

APPROVAL OF MINUTES: Commissioner Suggs made a motion to approve the Special Meeting minutes of February 6, 2020, seconded by Commissioner Mullins and passed.

Commissioner Suggs made a motion to approve the Regular Meeting minutes of February 11, 2020, seconded by Commissioner Biancur and passed.

1. **Public Hearing**

202 Forest Road. Special Permit, Site Plan Review and Coastal Site Plan Review applications to construct a new, mixed-use building (office/residential) with associated site improvements in the Neighborhood Business District, pursuant to Table 39.2 and Sections 71, 75 and 85 of the West Haven Zoning Regulations. Applicant/Owner: Vivienne Howard. File # SP 19-051, SR 19-052, and CSPR 19-053. (*Continued from Public Hearing of January 28, 2020*).

Salvatore Raffone, New Haven, architect for applicant. This application is for a special permit to allow dwellings above the ground floor and parking in the front/rear yard. This is a two story dwelling with an office on first floor with two parking spaces in the garage and the second floor has two, two bedroom dwelling units with 10 additional parking spaces in the rear of the building. Entrance will be from Forest Rd and exit on to Cherry St. Hours of operation for the home healthcare business will be 9 – 5. No customers will be coming to the site and it will be for employees only, who are mostly in the field during the day. ZEO Conniff informed the commission that the ZBA approved a variance for the sidewalks on Cherry St. Mailings were submitted to the file.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application. There was no one present to speak for or against this application.

Commissioner Biancur made a motion to close the public hearing on File #SP 19-051, SR 19-052 and CSPR 19-0543, seconded by Commissioner Mullins and passed.

Regular Meeting

Deliberation on Public Hearing Item: 202 FOREST ROAD

File # SP 19-051, SR 19-052, and CSPR 19-053.

Commissioner Biancur made a motion to approve File #SP 19-051, SR 19-052 and CSPR 19-053 with the following conditions: detailed landscaping plan to be approved by staff; signage to be approved by staff; plans showing designated employee parking spaces and the loading space to be relocated to the rear of the lot, seconded by Alternate Commissioner Vecellio and passed.

2. **Public Hearing**

350 Frontage Road. Special Permit and Site Plan Review applications to construct a 3,250 sq. ft. warehouse addition to store ignitable liquid/solid raw materials and products to comply with NFPA requirements in the Light Manufacturing (LM) District, pursuant to Table 39.2 and Sections 75 and 85 of the West Haven Zoning Regulations. Applicant/Owner: MacDermott Alpha. File # SP 20-001 and SR 20-002.

Richard Park and Brian Phillips, engineer, submitted the mailings to the file. The company has been upgrading their facility by installing sprinklers. When installing these sprinklers, their insurance company informed them that all of their combustible materials must be stored in one area. This application is for a new warehouse to store those materials. Mr. Killeen read the West Shore Fire Department comments into the record.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application. There was no one present to speak for or against this application.

Commissioner Biancur made a motion to close the public hearing on File #SP 20-001 and SR 20-002, seconded by Commissioner Mullins and passed.

Regular Meeting

Deliberation on Public Hearing Item: 350 FRONTAGE ROAD.

File # SP 20-001 and SR 20-002.

Commissioner Biancur made a motion to approve File #SP 20-001 and SR 20-002, seconded by Commissioner Mullins and passed.

3. **Public Hearing**

Proposed Amendment to Zoning Regulations. Proposed amendment to allow Active Adult Communities by Special Permit in specific Zoning Districts, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: West Haven Planning and Zoning Commission. File # ZR 20-003.

Mr. Killeen stated last year a proposed regulation was submitted for active adult communities that did not pass because the commission wanted to do more research. The Commission obtained regulations on this type of development from other Connecticut communities including a number of regulations referred by the CT Conference of Municipalities (regulations were reviewed from Hamde, Middletown, Milford, Enfield, Meriden, Branford, Orange, Trumbull, Stratford, and Oxford). Some of these regulations were for age-restricted housing and some were for active adult communities. Chairman Hendricks explained the difference between age restricted housing and active adult communities, in which the latter requires that amenities be offered, hence “active adult communities”. The Commission reviewed these regulations regarding such standards as minimum lot area, maximum lot coverage, and setbacks abutting residential zones. The staff also prepared a study of all properties that are currently three acres or more in the zoning districts studied in West Haven (approximately 20+ properties). This gave the Commission a sense of where this regulation might be used. Based on this information, the Commission prepared the regulation that is the subject of tonight’s hearing. The proposed regulation was referred to the State DEEP, Regional Planning Commission and West Haven Harbor Commission and their comments of no objection were read into the record.

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

Vincent Amendola, West Haven, CT., stated his interest is in the R1 and R2 zones. He wanted to verify that a clubhouse is listed as an amenity, and Chair Hendricks confirmed that it was listed as an acceptable amenity in the regulation. He also thinks the minimum setbacks in these zones are a little restrained. He would suggest a 25 ft. rear setback which would allow a little more density. He noted there were few properties that are large enough to consider this type of development since West Haven has largely been built out.

Brent Coscia, West Haven, CT., is in favor of this regulation and with Attorney Vincent Amendola’s suggestions. He also pointed out he is concerned about Section 13.2 which prevents variances of that particular section (Objectives of Active Adult Community developments).

Commissioner Mullins would like to see this item continued to gather more information. Chairman Hendricks would like Corporation Counsel to review this as well.

Regular Meeting

Deliberation on Public Hearing Item: PROPOSED AMENDMENT TO ZONING REGULATIONS. File # ZR 20-003.

Chair Hendricks then announced this hearing would be continued to the next Planning and Commission hearing on Tuesday, March 10, 2020 at 7:00 PM in the Harriet North Room, West Haven City Hall.

4. **Public Hearing**

222 Captain Thomas Boulevard. Special Permit application to continue an existing nonconforming package store in the Shoreline Commercial Retail District, pursuant to Section 45 and 85 of the West Haven Zoning Regulations. Applicant: Manankumar Patel. Owner: 200 Captain Realty, LLC. File # SP 20-006.

Dan Burns, Woodbridge, CT, is representing the applicant who is seeking to become the owner of the above business. Mailings were submitted to the file. This property is non-conforming because it does not meet current distance requirements for package stores under Section 45 of the Regulations. Nothing on the property will change. This property has been a liquor store before 1980.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application. There was no one present to speak for or against this application.

Commissioner Biancur made a motion to approve File #20-006, seconded by Commissioner Mullins and passed.

Regular Meeting

Deliberation on Public Hearing Item: 222 CAPTAIN THOMAS BOULEVARD

File # SP 20-006.

Commissioner Vecellio made a motion to approve File #SP 20-006, seconded by Commissioner Biancur and passed.

5. **Public Hearing**

456 Derby Avenue Special Permit, Site Plan Review and Approval of Automotive Location applications to continue the operation of an existing nonconforming used car dealership in the Regional Business District, pursuant to Table 39.2 and Sections 44, 75, and 85 of the West Haven Zoning Regulations. Applicants: Issam T. Mousa and Samer Abdelsalam. Owner: Pasquale Civitella. File # SP 20-007, SR 20-008, and CAL 20-009.

Pasquale Civitella, owner, asks for Special Permit approval to continue using this property as a used car dealership, which was initially approved in 2001. The only change is that a new tenant is taking over. The property has been vacant for about a year.

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

Leslie French, 450 Derby Ave., thinks this property is too small for a car dealership. Many times there were too many cars on this property and they would illegally park on the driveway and, at times, block her in.

David French, 450 Derby Ave., submitted aerial photos of the property. Too many cars, late delivery of cars and the previous use encroached on his property.

Tom Kajtor, 27 Winfred St., submitted aerial photos and photographs of the property. The property has not been kept up over the years. He has a problem with the buffer areas that are non-existent and it's causing erosion and drainage issues. He is not opposed to a smaller operation.

Bruce Black, 452 Derby Ave., would like to see parking for customers in the front of the place and have signage so parking won't occur on his property.

Lou Esposito, 56 Lakeview Ave., stated all the problems heard tonight are ongoing.

Chairperson Hendricks reviewed the photos submitted and the concerns she has which shows an open dumpster, a fence in disrepair and a battery on the ground. Mr. Civitella explains that the property has been cleaned up for the past two months. This license will be a dealer license and will only be allowed to repair the cars that they will sell. Chairperson Hendricks explained there are 34 spaces for parking, 26 spaces for display vehicles and 8 spaces for employees. Mr. Killeen would like to see a layout of the designated parking spaces. Based on further discussion, a decision was made to continue this hearing till the next Planning and Zoning Commission so that more information could be submitted.

Regular Meeting

Deliberation on Public Hearing Item: 456 DERBY AVENUE

File # SP 20-007, SR 20-008, and CAL 20-009

Chair Hendricks then announced this hearing would be continued to the next Planning and Commission hearing on Tuesday, March 10, 2020 at 7:00 PM in the Harriet North Room, West Haven City Hall.

Regular Meeting

1. **741 Washington Avenue**. Site Plan Review application to modify an approved Site Plan for a Building Materials/Lumber Yard in the Light Manufacturing (LM) District, pursuant to Section 75 of the West Haven Zoning Regulations . Applicant/Owner: WH Washington, LLC. File #SR 20-004.

Attorney Vincent Falcone, West Haven, CT, is seeking a modification of the site plan that was approved last year. One modification involved a 6 ft. chain link fence where 4 ft is allowed. This modification was approved by the Zoning Board of Appeals, in addition to setback waivers for the new building/wood shed. There will be a gate for fire purposes. This request is for use of a proposed covered building where racks were previously approved. A photometric plan shows no bleeding on any other property. The town engineer has approved the drainage plan. Nothing will change as to the operation of the business.

Commissioner Mullins made a motion to approve File #SR 20-004, seconded by Commissioner Biancur and passed.

2. **99 Jaffrey Street**. Site Plan Review application to convert a portion of an existing single family house for limited office use in the Regional Business (RB) District, pursuant to Section 75 of the West Haven Zoning Regulations. Applicant: Christopher Torkamani. Owner: Dalton Street Properties, LLC. File # SR 20-005

Applicant stated this application is to convert a single family dwelling and change the use to part of the basement as an office. There will be no traffic and the office will be used by himself. There will be two storage rooms and one office room in the lower level. Currently there is a kitchenette and a bathroom. The applicant also owns the adjacent property next door which is a car dealership. Chairperson Hendricks stated that the lower level cannot be converted to another residential unit under the Zoning Regulations.

Commissioner Biancur made a motion to approve File #SR 20-005, seconded by Commissioner Mullins and passed.

3. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)** – The Allingtown Steering Committee will meet next week. A report will follow requesting a consensus from the Commission on proposed strategies to include in the Plan. The City is still waiting for additional information on the bicycle/ped plan to be funded by the Southern CT Regional Planning Agency.
4. **Staff Reports** – Mr. Killeen stated that the Commission asked for staff reports at subsequent meetings. This is the first, and he gave a brief report on recent staff activities:
 - A press release was circulated requesting architects to assist with reviews in the Village District
 - The Village District was finalized on the GIS map and should be published on the City’s public GIS viewer by the end of the week.
 - A draft application for the Village District was prepared and will be forwarded to the members of the Planning and Zoning Commission later this week.
 - Staff met with a developer who is interested in a project in the village district. They anticipate an application by mid-March, to be heard in April.
 - Staff provided guidance to the applicants for tonight’s meeting.
 - Staff assisted the owners of the Splash Car Wash in finalizing the documentation to verify compliance with their conditions of approval.
 - Nine certificates of zoning compliance were prepared during the month.The Commission agreed this was the general level of detail they were seeking.
5. **Other Business** – None.
6. **Adjournment: 9:35 p.m.**
Commissioner Biancur made a motion to adjourn, seconded by Commissioner Suggs and passed.