

Minutes
Planning and Zoning Commission
March 27, 2018

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, March 27, 2018, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Biancur, Sullivan, Mullins (7:11 p.m.) and Alternates Milano and Johnson, ZEO Conniff, Assistant City Planner Killeen and Corporation Counsel Gunn. Absent were Commissioner Suggs and Alternate Hurley. Alternate Johnson was seated for Commissioner Suggs for this meeting.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Sullivan made a motion to approve the meeting minutes of February 27, 2018, seconded by Commissioner Milano and passed.

Executive Session

Commissioner Biancur made a motion to amend the agenda and move the executive session to the last item, seconded by Commissioner Sullivan and passed.

Discussion of pending Litigation - Belbusti v. City of West Haven

Public Hearing

1. **158 Bull Hill Lane.** Request for approval of Special Permit and Site Plan Review applications to convert 1st floor commercial space to 2 apartments, in a Neighborhood Business (NB) District, pursuant to Table 39.2, Section 75, and Section 85 of the Zoning Regulations. Applicant: Ken Nizolek, Owner: KJN Realty, LLC. File # SP 18-005, SR 18-006.

Attorney Vincent Falcone, West Haven, is representing the owner. An application was before this commission in February for a text change which was approved, allowing multi-family uses in the Neighborhood Business (NB) District. Tonight's application is to request approval to convert a first floor commercial space to two residential apartments, which is consistent with the text change that was approved. The city planner has provided staff comments indicating this application complies with the zoning regulations and includes a statement of Special Permit findings. The staff has also provided a suggested set of conditions. Ken Nizolek, Guilford, CT., stated these apartments will be two bedrooms each. He does not plan to rent to students but he would not rule it out. Commissioner Sullivan stated that if four students are renting there would not be enough parking for four cars. Ms. Conniff reported on the text change that was approved last year limiting households to no more than four unrelated individuals. Mr. Killeen stated the building department wanted to see a more detailed set of plans (site plan and building plans) for the building permit.

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, seconded by Commissioner Sullivan and passed.

2. **145 (AKA 137) Boston Post Road/Orange Avenue.** Request for approval of a Special Permit application to allow a yoga studio/wellness center in a Planned Residential Commercial (RCPD) District, pursuant to Table 39.2 and Section 85 of the Zoning Regulations. Applicant: Michele Scalpi, Tina Ford, Mark Vandenbrul. Owner: Michael Wiesner. File #SP 18-004.

Michele Scalpi, Tina Ford, Mark Vanenbrul, West Haven, described the business that they are requesting. Their existing business is Oregon Technology, which produces T-shirts on the first floor of this building. Storage is needed to store these T-shirts. The printing is done on the lower level. In addition to storage, the upstairs space can be utilized for a place of assembly under this current Special Permit application, including metaphysical activities, spiritual evolution, learning, yoga, educational seminars and instructional classes. Commissioner Hendricks asks how many businesses will be in this space because the application does not mention the T-shirt business. Mr. Killeen stated they already have the T-shirt printing operation on the lower floor. The second floor is where the proposed wellness center would be operated. Mr. Killeen stated the building department is working with the applicants and he suggests a condition requiring a sign off on all code compliance by the building department. Comments were also received from the Fire Marshal and the City Police Department, neither of which had concerns about the proposed use. Ms. Scalpi stated that cameras and security would be implemented on the building. The proposed hours of operation would allow the yoga/wellness center to use parking spaces in the parking lot at opposite times to the existing uses of the building, which include a dentist office, a liquor store, and the T-shirt printing operation.

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

- o Tom Dellacamera, of West Haven, Ct., is in favor of this application and feels it will improve the Allingtown area.
- o Darren Moore, of West Haven, CT., is in favor.
- o Melissa St. Peter, of Hamden, CT., is in favor.
- o Chris Salonea, of Meriden, CT., is in favor.

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

3. **Proposed Amendments to the Zoning Regulations.** Application to amend Zoning Regulations to define adult oriented establishments and create standards for approval of this use, limited to the Light Manufacturing (LM) and the Industrial Planned Development (IPD) Districts. Applicant: City of West Haven Planning and Zoning Commission. File # ZR 18-003.

Mr. Killeen stated a subcommittee was formed in late 2016 to look at this proposed amendment. The committee studied four municipalities with adult use regulations that were suggested from the CT Conference of Municipalities, and the Committee explored how their regulations could be adapted to West Haven. The common denominator was the use of distance buffers to separate adult oriented establishments from sensitive land uses, such as residential zones, churches, parks, schools, etc. The committee narrowed the appropriate areas to two zoning districts LM and IPD. Without a regulation, the city would be at risk. This regulation would establish parameters for adult oriented establishments and provide protection in other districts. Effective date would be no later than March 30 if the Commission approves this amendment at tonight's meeting, which would make these regulations effective before the current moratorium expires.

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 Sullivan made a motion to close the public hearing on File #SR 18-003, seconded by Commissioner Mullins and passed.

Regular Meeting

Discussion of pending Litigation - Belbusti v. City of West Haven

1. **Resolution** to vote in favor of Proposed Stipulation Agreeing to Amend the Condition of a Special Permit approved by the Planning and Zoning Commission on August 23, 2016 to Connecticut Melvana Camii Mosque for 546 Ocean Avenue West Haven, Connecticut. – Attorney Gunn suggested that this item be continued to the April 24, 2018 meeting. At that time, Attorney Tiernan would be present to explain the proposed settlement agreement.

2. Deliberation and Action on Public Hearing Items:

- a. **158 Bull Hill Lane** - Special Permit/Site Plan applications to convert 1st floor commercial space to 2 apartments, in a NB District. Applicant: Ken Nizolek, Owner: KJN Realty, LLC; File # SP 18-005, SR 18-006.

Commissioner Sullivan made a motion to approve File #SP 18-005 and File #SR 18-006 with the following conditions:

1. Prior to issuance of a building permit, applicant shall submit a landscaping plan for the open space area in the northeast corner of the subject property, to the satisfaction of the staff of the Planning and Development office.
2. The flood lights on the rear of the building shall be maintained so that they do not create glare or light spillover to the neighboring properties.
3. Prior to issuance of a building permit, applicant must provide necessary building and floor plans to the satisfaction of the building department. Additionally, final site drainage plans are subject to the review of the engineering department.
4. Prior to the issuance of a building permit, a performance bond shall be posted in an amount to assure a complete successful growing season for all landscaping and the area labeled as "Proposed Grass."

5. Any proposed signage for this use is subject to review and compliance with the city's sign regulations.

Seconded by Commissioner Mullins and passed.

- b. **145 (AKA 137) Boston Post Road/Orange Avenue.** Special Permit application to allow a yoga studio/wellness center in a RCPD District. Applicant: Michele Scalpi, Tina Ford, Mark Vandenbrul; Owner: Michael Wiesner. File #SP 18-004.

Commissioner Biancur made a motion to approve File #SP 18-004 with the following conditions:

1. Prior to issuance of building permit, applicant must provide necessary building and floor plans to the satisfaction of the building department. In particular the applicant should be prepared to address any ADA or accessibility issues required by the building code.
2. This use will be limited to the requested hours of operation. Additional hours are subject to the review and approval of the Planning and Zoning Commission:
 - a) Monday-Thursday 4 pm to 9 pm;
 - b) Friday – 12 pm to 10 pm;
 - c) Saturday, 9 am to 10 pm;
 - d) Sunday, 10 am to 8 pm
3. Total occupancy level in this space is to be determined by the Fire Marshall.

Seconded by Commissioner Johnson and passed.

- c. **Proposed Amendments to the Zoning Regulations.** Application to amend Zoning Regulations to define adult oriented establishments and create standards for approval of this use, limited to the LM and IPD Districts. Applicant: City of West Haven Planning and Zoning Commission. File # ZR 18-003.

Commissioner Mullins made a motion to approve File SR 18-003, seconded by Commissioner Biancur and passed.

3. **Discussion of Proposed** Text - Change Re: Places of Worship – Mr. Killeen reviewed the proposed suggested revisions to the definition of Place of Assembly and Table 39.1 and 39.2 modifications previously discussed by the Commission. He circulated draft text and modifications to zoning tables to regulate Places of Worship in the same was as Places of Assembly. Commissioner Biancur made a motion to advertise this regulation for a public hearing, seconded by Commissioner Sullivan and passed.
4. **Discussion of Possible Text Change re: Outdoor Display of Merchandise in the SCR and SRR Districts** – Mr. Killeen explained there was really no regulation that deals with outdoor displays such as bicycles and kayaks. He suggested modifications to the current Section 20.9, Outdoor Display and Sales of Merchandise. He consulted with Corporation Counsel Tiernan and he is in agreement with the proposed language. Commissioners discussed using the language “seasonal” or “shoreline uses” in place of uses related to the City’s beaches. The term “Seasonal” could mean any season. The Commission suggested citing examples of shoreline

items. They agreed that this kind of display must be approved by P & Z. Mr. Killeen will draft new language, based on this conversation with the Commission.

5. Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD) – will meet next month - continued

6. Staff Reports –

- a. Permit Fee Structure – Mr. Killeen distributed suggested fee increases for the Commission’s review. This item can be discussed at a future meeting.

7. Other Business – Mr. Killeen circulated a letter with attachments from Engineer Mark Reynolds, representing the Dunkin Donuts at 956 First Avenue, which received approvals in October 2017. At the time, one condition was that the applicant resolve existing encroachments into the adjacent City right-of-way serving the North End Field. The applicant requested an extension of time of 90 days to resolve this encroachment. They also provided a sketch of a possible land swap with the City. Commissioner Biancur made a motion to grant an extension of time for compliance with Condition #3 of the approval for File # SP 17-066, SR 17-067 and CSP 17-068 for 90 days to July 10, 2018, seconded by Commissioner Hendricks and passed. In discussing this extension of time, the Commission wanted the applicant to understand that this would be the last extension the Commission would approve.

8. ADJOURNMENT: 9:21 P.M.

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