

MINUTES OF PLANNING AND ZONING COMMISSION
APRIL 24, 2018

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, April 24, 2018, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Suggs, Biancur, Milano, Mullins (arrived 7:10), Johnson, ZEO Conniff, Assistant City Planner Killeen and Corporation Counsel Tiernan. Absent were Commissioners Sullivan and Hurley. Chairman Hendricks asked Alternate Milano to fill in until Commissioner Mullins arrived. Alternate Johnson would sit in Commissioner Sullivan's place for the evening.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Biancur made a motion to approve the meeting minutes of March 27, 2018, seconded by Commissioner Milano and passed. (4 – 1 Abstain, Suggs)

Public Hearing

1. **750 First Avenue.** Application to amend Zoning Map to change property at 750 First Avenue from Public Facilities (PF) Zone to the Neighborhood Business (NB) Zone, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: Yasir Nomani. Owner: Oak Grove Cemetery Association. File # ZM 18-007.

Notifications were not done in a timely manner. At the applicant's request, Chairman Hendricks announced that this application (File #ZM 18-007) would be continued to the next Planning and Zoning Commission hearing on Tuesday, May 22, 2018 at 7:00 PM in the Harriet North Room, City Hall, 355 Main Street, West Haven, CT.

2. **523, 542, & 546 Ocean Avenue.** Resolution to amend, by agreement, the terms and conditions of the Special Permit approved by the Planning and Zoning Commission on 8/23/16 (# SP 16-216, SR 16-217, and CSPR 16-218) to offer for Court Approval as part of a stipulated judgment in the matter of Belbusti, et. Al. vs. P and Z of West Haven, et al. Docket # HHD CV 16-6073168-S at 10 a.m. May 31, 2018 Hartford Superior Court 90 Washington Street, Hartford, Connecticut. Contact the Case Flow Coordinator in Hartford if you wish to be present and heard. A copy of the proposed amendments is available for review at City Hall 1st floor, Planning and Development office.

Mr. Killeen stated a legal notice was published in the New Haven Register a week ago Friday concerning this item. Corporation Counsel Tiernan had circulated a copy of the amended conditions, titled "Proposed Conditions on Special Permit Use". He stated before the agreement was entered into, the public was invited to go to court and to come here to give input. The prior site plan was approved and there are no changes made to this approved plan. Commissioner Hendricks questioned whether this is really a resolution or a motion that is needed. She asked for an amendment to the agenda to change Item 2 to read "Action on Amendment by Agreement." A motion was made by

Commissioner Biancur to amend the agenda as noted, seconded by Commissioner Milano and passed.

Commissioner Hendricks compared the approved conditions of approval to the amendment, and there is no change from what the Commission approved. This will be on the docket in Superior Court on May 31, 2018 for the public to attend.

Three calls were made to speak in favor and three calls were made to speak in opposition to this amendment. There was no one from the public to speak on this amendment.

Commissioner Biancur made a motion to close the public hearing on 523, 542, & 546 Ocean Avenue Amendment to File #SP 16-216; SR 16-217 and C SPR 16-218, seconded by Commissioner Mullins and passed.

Regular Meeting

1. Deliberation and Action on Public Hearing Items:

- a. **750 First Avenue.** Application to amend Zoning Map to change property at 750 First Avenue from PF Zone to the NB Zone. Applicant: Yasir Nomani. Owner: Oak Grove Cemetery Association. File # ZM 18-007.

As noted during the public hearing, this application (File #ZM 18-007) was continued to the next Planning and Zoning Commission hearing on Tuesday, May 22, 2018 at 7:00 PM in the Harriet North Room, City Hall, 355 Main Street, West Haven, CT.

- b. **523, 542, & 546 Ocean Avenue.** Resolution to amend terms and conditions of Special Permit approved by Planning and Zoning Commission on 8/23/16 (# SP 16-216, SR 16-217, and C SPR 16-218).

Commissioner Biancur made a motion to adopt the proposed amendment to the special permit conditions as being consistent with the previous approval of File #SP 16-216, SR 16-217 and C SPR 16-218, seconded by Commissioner Suggs and passed.

At the request of the applicant, Commissioner Mullins made a motion to amend the agenda to move Item 3 to Item 2 on the agenda, seconded by Commissioner Suggs and passed.

2. **260 Rockdale Road.** Application for approval of Site Plan Review to allow expansion of the North Campus Parking Area to add ninety-four (94) new parking spaces, in the Education Facilities District (EFD), pursuant to Sections 28, 60 and 75 of the West Haven Zoning Regulations. Applicant/Owner: University of New Haven: File # SR 18-009.

Attorney Joseph Williams, Shipman and Goodwin, is here representing UNH on this application. This request is to add a net total of 94 parking spaces. This will be an expanded parking lot to provide replacement parking spaces and supplemental spaces. This is an existing parking lot, and this application will add additional spaces. There are no issues with storm water drainage. Atty. Williams states that section 28.3.1 of the EFD district regulations allows the commission to modify and shift the parking spaces. One of the requirements is landscape islands. This request is asking to shift these islands from the middle to the outside to maximize

the amount of parking that can be provided. Raymond Paier, Westcott and Maples, project engineer, described the location of the parking lot and proposed additional spaces. The safety and function will be improved by straightening the drive access to the lot as well as extending the sidewalk. Accommodations will be made for a shuttle service, and the parking lot will be secured with a gated entry. Commissioner Hendricks questioned why this is not going before ZBA for a variance. Attorney Tiernan explained the reason the commission can go forward is this area of the city is unique and has been challenging for parking. Mr. Killeen stated islands predominately are for commercial parking lots which are highly visible. Attorney Williams stated the regulation is unique to the EFD district allowing the commission to modify or shift parking. Chairperson Hendricks asked if the addition of islands would reduce the total number of parking spaces provided. Mr. Paier confirmed that was the case. Chairperson Hendricks agreed that she believed Section 28.3.1 could be used in this situation. This request is also in compliance with the MS4 drainage requirements. Mr. Killeen stated the plan has been revised to show plantings on the southeast corner of the property side, adjacent to an established residential neighborhood.

Commissioner Mullins made a motion to approve File #SR 18-009 with the following condition: Prior to the issuance of a building permit, applicant shall submit a landscaping plan for the open space area in the southeast corner of the subject property, to the satisfaction of the staff of the Planning and Development office and the tree warden, seconded by Commissioner Biancur and passed.

- 3. 300 Boston Post Road.** Application for approval of Modification to Site Plan Review for Bergami Center (File # SR 17-054) for Science, Technology and Innovation with respect to locations of replacement parking, in the Education Facilities District (EFD), pursuant to Sections 28, 60, and 75 of the West Haven Zoning Regulations. Applicant/Owner: University of New Haven. File # SR 18-008.

Attorney Joseph Williams, Shipman and Goodwin, stated this request is to modify the replacement parking plan that was presented in relation to the approval of the Bergami Innovation Center, which would eliminate 191 existing parking spaces. The three replacement parking areas that were approved were 1 Atwood Place, Charger Plaza and the North End Field. The applicant wishes to amend that approval by removing parking at Charger Plaza and the North End Field. 1 Atwood Place will remain as replacement parking, and the applicant is proposing the parking lot at 1 Care Lane and the expanded parking lot at 260 Rockdale Road (just approved) as replacement parking. The Commission discussed the terms of the lease for parking spaces at 1 Atwood Place. It was the opinion of corporation counsel that their lease, which was for 3 years plus two extensions of five years each, exceeded the minimum requirement of the City's Zoning Regulations (5 years + 5 year renewal) at 13 years total term vs. 10 years total term. UNH stated an agreement needs to be entered into with the City of West Haven for North End Field, and UNH is looking at a potential development that will provide better parking at Charger Plaza. The replacement parking is needed before the Bergami Center construction. The substitute for these parking areas will be the North Campus Parking area that was approved tonight and the parking lot that used to support a nursing home at 1 Care Lane. In total, these three parking lots would provide Lou Annino, UNH addressed the comments that were submitted by Deputy Chief Michael Esposito and explained the conceptual route for the shuttles. Mr. Killeen asked when the shuttles are expected to operate.

Mr. Annino said the University expected to have the shuttles operating by the summer this year (2018).

Commissioner Biancur made a motion to approve File #SR 18-008 with the following condition: At the time of lease renewal for 67 parking spaces at the Atwood, the University will provide documentation of the lease extension to the Office of Planning and Development. If the lease is not extended, the University shall provide alternate replacement parking spaces for consideration by the Planning and Zoning Commission, seconded by Commissioner Suggs and passed.

4. Review/Discussion of Proposed Text Changes

Mr. Killeen explained that three amendments to the Zoning Regulations were being prepared for a public hearing on May 22, 2018. Copies of each of these proposed amendments were provided to the Commission. The first two were discussed at previous Planning and Zoning Commission meetings; the third one was developed when it was realized that recent approvals of mixed-use developments near UNH did not go far enough in recognizing the need for flexibility in calculating parking demand for commercial space.

- a. Amendments re: Places of Worship – as previously discussed, this amendment will provide the same zoning treatment for places of worship and places of assembly.
- b. Outdoor Display of Merchandise in the SCR and SRR Districts – this amendment will allow for limited display of certain merchandise in the shorefront districts, subject to Planning and Zoning Commission approval.
- c. Parking Regulations for restaurant uses in the RCPD/RB Districts – Mr. Killeen explained there is a different parking regulation for restaurants and retail uses; however, in a campus setting, it is expected that the overall parking demand would be similar for each use, especially in a campus setting. The proposed amendment would allow retail and restaurant uses in a mixed-use development to have the same parking calculation, when located within walking distance of a university.

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

– Since there were no new applications, the regular Commission meeting of May 8 would be canceled. The POCD Implementation Subcommittee will plan to meet that night in place of the regular meeting.

6. Staff Reports

- a. Permit Fee Structure – staff continues to work on a new fee structure and wants to keep the Commission informed of this process. Staff will report back when they are decided upon and ready to submit for Council consideration.

7. Other Business

– application received for expansion to Texas Roadhouse, scheduled with several other applications for May 22. Commissioner Hendricks would like P & Z staff to ask Commissioner Fred Messore to attend the next P & Z meeting to bring the commission up to date on projects and what the priorities are.

8. ADJOURNMENT: 8:55 p.m.

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