

**MEETING MINUTES OF PLANNING AND ZONING COMMISSION**  
**MAY 14 2019**

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, May 14, 2019, 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, Suggs, Mullins, Milano, Assistant City Planner Killeen, Councilperson liaison Quagliani, Corporation Counsel Gunning and Commissioner of Planning and Development Messoro. Absent were Commissioner Johnson and ZEO Conniff.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Sullivan made a motion to approve the meeting minutes for April 23, 2019, seconded by Commissioner Suggs and passed.

**Public Hearing**

1. **Proposed Amendment to Zoning Regulations.** Proposed amendments to Article I, Definitions, and Table 39.2 to define a new use, Recycling Processing Facility, and add this use as a permitted use subject to Special Permit approval of the Planning and Zoning Commission in the Light Manufacturing and Industrial Planned Development Districts, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: 55 Industry Drive, LLC. File # ZR 19-008. *(Continued from April 9, 2019 Meeting).*

Commissioner Hendricks asked Attorney Falcone about the notification in the newspaper regarding Light Manufacturing. Attorney Falcone stated he is not pursuing that district at this time. Attorney Falcone explained the new use being proposed (recycling processing facility) and reviewed the exhibits that were presented to the commission, consisting of aerial photos and maps. Exhibits 1 thru 3 show the current property and pile of material and Exhibit 4 is a photo of the West Haven High School, the source of materials now stored on the applicant's property. This property is surrounded on three sides by recyclers of the type proposed for which photos were provided, even though the regulations do not currently permit these recyclers in any zone in the city. This proposed amendment will allow recycling processing facilities by special permit only. The definition will be more inclusive and will entail heavier materials such as concrete, building materials, stone, etc. This application for a text change has been reviewed by city departments, the Harbor Management Commission and DEEP, and there have been no negative comments. The Regional Planning Agency commented this application may have an impact regarding an intermunicipal impact if located within 500 ft of a municipal boundary or residential district. Mr. Killeen explained he had received at least one call from a resident who lives in Orange. If this application is approved, the site plan will be scheduled for the next meeting of the Planning and Zoning Commission and will first go before the Inland Wetland Commission for approval. Commissioner Sullivan is concerned about the businesses that are there today that are recycling without regulations. One business is very near to a wetland.

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 on this application.

Commissioner Suggs made a motion to close the public hearing on File #ZR 19-008, seconded by Commissioner Biancur and passed.

2. **2 (AKA 38) Ocean Avenue.** Special Permit application for approval of a Restaurant Liquor Permit, with outdoor dining, in the Neighborhood Business District, pursuant to Section 20.10, Table 39.2 and Sections 45 and 86 of the West Haven Zoning Regulations. Owner: Baykat, LLC. Applicant: Riptide. File # SP 19-015. (*Continued from April 23, 2019 Meeting*).

Arthur Kelly, representing RipTide, stated this application is for the former Oyster River Tavern. Renovations have been made to the restaurant and the outdoor deck for which a canopy roof was added. If approved tonight, a state liquor license will be applied for tomorrow. The restaurant may open sometime the beginning of June 2019. Entertainment will consist of acoustic music or DJ. There will be no bands or outdoor entertainment. The occupancy is approximately 74 occupants.

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 on this application.

Commissioner Mullins made a motion to close the public hearing on File #SP 19-015, seconded by Commissioner Biancur and passed.

### **Regular Meeting**

#### 1. **Deliberation on Public Hearing Items**

- a. **Proposed Amendment to Zoning Regulations.** Proposed amendments to define a new use, Recycling Processing Facility, subject to Special Permit approval in the LM and IPD Districts. Applicant: 55 Industry Drive, LLC. File # ZR 19-008.

Commissioner Biancur made a motion to approve File #ZR 19-008 with the following modification: Recycling Processing Facilities will not be allowed in the LM (Light manufacturing) District and with the following findings:

1. The Planning and Zoning Commission finds the proposed amendment to be consistent with the goals of the Plan of Conservation and Development, especially as it will help to establish standards to improve certain uses in the City's Industrial Planned Development District.
2. The CT DEEP finds no inconsistencies between the proposed amendments and applicable policies of the CT Coastal management Act.
3. The West Haven Harbor Management Commission does not believe the proposed amendment will have a significant impact on the City's Harbor Management Area.
4. City Departments had no significant concerns over the adoption of these amendments.
5. The proposed revisions clarify the need to keep certain aspects of the proposed use a reasonable distance from existing residential zones, as noted by the Regional Planning Agency.

Seconded by Commissioner Suggs and passed effective 15 days after date of publication.

- b. 2 (AKA 38) Ocean Avenue.** Special Permit application for approval of a Restaurant Liquor Permit, with outdoor dining, in the Neighborhood Business District. Owner: Baykat, LLC. Applicant: Riptide. File # SP 19-015.

Commissioner Biancur made a motion to approve File #SP 19-015 since:

1. The Commission finds that this application is consistent with the Plan of Conservation and Development (The Land Use Plan recommends limited commercial use at this location.)
2. The Commission finds that this proposal meets all the requirements for Special Permit approval, including conditions for approval of outdoor dining at this location.

Motion was seconded by Commissioner Suggs and passed.

2. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)**
  - a. Report on Village District Regulations – The Village District document is finalized. A workshop is being planned for Tuesday, June 18, 2019 for businesses and property owners located in the Village District.
3. **Staff Reports** – Mr. Killeen stated there is only one item scheduled for the meeting of June 11<sup>th</sup>. He suggested discussing issues such as compliance with state statutes, MS4 requirements, and Airbnb regulations at that meeting.
4. **Other Business** - Commissioner Hendricks asked Mr. Killeen to notify the businesses that are not in compliance with the new recycling processing regulations on Industry Drive. A cease and desist should also be issued and they need to come before this commission for a special permit.
5. **Adjournment:** 7:32 P.M.  
Commissioner Suggs made a motion to adjourn, seconded by Commissioner Biancur and passed.