

MEETING MINUTES OF PLANNING AND ZONING COMMISSION
MAY 22, 2018

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, May 22, 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, Sullivan, Biancur, Mullins, Alternate Commissioners Milano and Johnson, ZEO Conniff and Assistant City Planner Killeen. Absent was Alternate Commissioner Hurley.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Suggs made a motion to approve the meeting minutes of April 24, 2018, seconded by Commissioner Biancur and passed.

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.

Applicant requested a change in zone since the existing gas station is a nonconforming use in the PF District, and future construction or approvals are more difficult to achieve. Staff realized this when the business owner recently came in for approval of a sign and was unable to approve it in their current zoning district. This zoning has been in place at least back to 2002, and it is assumed it was because at the time it was only the cemetery property that was there. Oak Grove Cemetery submitted a letter of support for this zone change.

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

Peter Massaro, officer of Oak Grove Cemetery Association, stated he is in favor.

Frederick Brown, VP Oak Grove Cemetery Association, is also in favor.

Mitch Galignano, 4th District Councilman, stated he is in favor.

Commissioner Mullins made a motion to close the public hearing on File #ZM 18-007, seconded by Commissioner Sullivan and passed.

2. **Proposed Amendments to Zoning Regulations**: The City of West Haven Planning and Zoning Commission proposes multiple amendments to Section 2.2, Definitions, and Tables 39.1, 39.2 and Table 62.1 of the City's Zoning Regulations to establish the same procedure for approval of Places of Worship and Places of Assembly. File #ZR 18-010.

Mr. Killeen explained how this request for a change came about. Reviewing the zoning chart, it allowed places of assembly in seven areas and places of workshop were only allowed in four. According to RLUIPA (Religious Land Use and Institutionalized Persons

Act), municipalities are prohibited from treating religious institutions differently than other similar uses, such as places of assembly. This revised regulation would allow both uses to be approved by special permit in these zones. The Harbor Management Commission determined that this does not have a direct impact on the Harbor Management Area. However, if there was ever an application filed on waterfront property, the Commission reserves the right to review such an application at that time. The CT DEEP found the proposed amendments consistent with the CT Coastal Management Act, and the Regional Planning Agency found no regional impact from this proposal.

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

Commissioner Sullivan made a motion to close the public hearing on File #ZM 18-010, seconded by Commissioner Biancur and passed.

3. **Proposed Amendments to Zoning Regulations:** The City of West Haven Planning and Zoning Commission proposes amendments to Section 20.9 of the City's Zoning Regulations to allow limited outdoor display of merchandise in the Shoreline Commercial Retail (SCR) and Shoreline Residential Retail (SRR) Districts. File #ZR 18-011.

Mr. Killeen stated this change was discussed by the commission. As of now, outside displays are only allowed in the CBD and NB Districts by temporary permit. The Plan of Conservation and Development suggests seeking water related businesses near the shore. Approval of this subject amendment by the Planning and Zoning Commission would be one way of implementing this goal. The CT DEEP found the proposed amendments consistent with the CT Coastal Management Act, and the Regional Planning Agency found no regional impact from this proposal.

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

George Curtis, 1 Campbell Ave., explained that he is starting a new business on Captain Thomas Boulevard and looking to rent paddleboards, bikes and kayaks. He is in support of this amendment.

Kevin Dorsey, 381 Savin Ave., is in favor of this amendment, too.

Commissioner Biancur made a motion to close the public hearing on File #ZM 18-011, seconded by Commissioner Mullins and passed.

4. **Proposed Amendments to Zoning Regulations:** The City of West Haven Planning and Zoning Commission proposes amendments to Table 62.1 to allow parking for Restaurants, Nightclubs, Taverns, Cafes or Bars to be calculated at the same rate as retail space when located within 1300 feet of a university when part of a mixed-use building (residential/commercial), and located on a State Road, in the RB and RCPD Districts. File #ZR 18-012.

Mr. Killeen stated there have been a number of mixed use developments planned and approved in the vicinity of UNH, and one has been constructed, which is fully occupied now. There is now an interest in attracting service establishments to this area, such as restaurants and bars. The present regulations for parking distinguish between restaurants and retail uses. With the proximity to UNH, it is likely that a high percentage of the

patrons of these stores/bar/restaurants will be affiliated with the university or the mixed use developments in this area. Therefore, it is expected to become a more pedestrian friendly area, with less parking required. The CT DEEP found the proposed amendments consistent with the CT Coastal Management Act, and the Regional Planning Agency found no regional impact from this proposal.

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

A letter dated May 22, 2018 was received from Gary Letendre, VP, Forest Manor LLC and was read into the record stating their support for this change in regulation.

Commissioner Suggs made a motion to close the public hearing on File #ZM 18-077, seconded by Commissioner Biancur 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.

Commissioner Mullins made a motion to approve File #ZM 18-007, seconded by Commissioner Biancur and passed.

- b. **Proposed Amendments to Zoning Regulations:** The City of West Haven Planning and Zoning Commission proposes multiple amendments to establish the same procedure for approval of Places of Worship and Places of Assembly. City of West Haven Planning and Zoning Commission. File #ZR 18-010.

Commissioner Biancur made a motion to approve File #ZR 18-010, seconded by Commissioner Mullins and passed.

- c. **Proposed Amendments to Zoning Regulations:** The City of West Haven Planning and Zoning Commission proposes amendments to Section 20.9 re: outdoor display of merchandise in the SCR and SRR Districts. File #ZR 18-011.

Commissioner Biancur made a motion to approve File #ZR 18-011, seconded by Commissioner Sullivan and passed.

- d. **Proposed Amendments to Zoning Regulations:** The City of West Haven Planning and Zoning Commission proposes amendments to Table 62.1 to allow parking for Restaurants, Nightclubs, Taverns, Cafes or Bars to be calculated at the same rate as retail space under certain conditions, in the RB and RCPD Districts. File #ZR 18-012.

Commissioner Suggs made a motion to approve File #ZR 18-012, seconded by Commissioner Mullins and passed.

2. **524 Sawmill Road** – Application for approval of a Site Plan Review for a proposed addition to the existing Texas Roadhouse, in a Commercial Design (CD) District, pursuant to Section 75 of the West Haven Zoning Regulations. Applicant: Chris Journey. Owner: Texas Roadhouse Holdings, LLC. File # SR 18-013.

Chris Journey, applicant, gave a presentation on the Texas Roadhouse restaurant business and the proposed project. The proposal will add a 662-sf. seating addition to the existing restaurant increasing the seating by 58 seats. Texas Roadhouse has an agreement with Hampton Inn hotel for the use of 30 hotel parking spaces. There are five handicapped spaces in the plan. The intention is for all existing materials to match the existing restaurant. A revised landscape plan will be given to staff showing the suggested flowering shrubs and perennial flowers. Existing site lighting will remain the same and there are no proposed changes at this time. A revised site plan, Sheet C-112 will be submitted to staff showing how the proposed addition complies with all the standards of the Commercial Design District. This additional seating will reduce the waiting times for seats by approximately 20 minutes. Mike Grange, manager, Texas Roadhouse, clarified there is only one waiting area which is located to the left of the main entrance. Construction will begin sometime in the late summer and will take approximately one month to finish. Comment was received from Officer D'Amato from the Police Department that his office had no concerns with this proposal.

Commissioner Mullins made a motion to approve File #SR 18-013 with the following conditions:

1. Prior to issuance of a building permit, applicant will need to obtain review and approval of the completed "Impervious Cover Analysis" Sheet to demonstrate compliance with MS4 drainage requirements and address any other design concerns of the Engineering Department. Should the applicant be required to provide more open space to meet the MS4 requirements, the Commission directs the applicant to create more open space or use pervious surfaces in the new drive around area.
2. Prior to issuance of a building permit, the applicant will submit a revised landscaping plan to include some flowering perennials for the area adjacent to the proposed addition.
3. Prior to issuance of a building permit, the applicant will submit a revision to Sheet A4.0 to clarify the use of brick materials on the lower portion of the wall surrounding the proposed addition.
4. Applicant will submit a revised floor plan illustrating the entire waiting area and dining area as they now exist.
5. No parking signs to be installed in the new drive around area.

seconded by Commissioner Biancur and passed unanimously.

3. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)** – there was no meeting held since the last P&Z meeting. Next meeting is scheduled for June 12th at 6 p.m.
4. **Staff Reports** – Mr. Killeen stated there are three applications that have been submitted for the June 12 meeting. Mr. Killeen had copies of The Haven application which were distributed to the commissioners. This will be scheduled for the July 10th Planning and Zoning Commission meeting. Commissioner Hendricks suggested having an alternate location for the meeting due to a large audience that may attend.
5. **Other Business** – None
6. **Adjournment: 8:03 p.m.**

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