

**MEETING MINUTES OF PLANNING AND ZONING COMMISSION**  
**MAY 29, 2019**

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Wednesday, May 29, 2019, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Suggs, Johnson, Milano, ZEO Conniff, Assistant City Planner Killeen and Corporation Counsel Tiernan. Absent were Commissioners Mullins, Biancur and Sullivan.

Alternates Milano and Johnson were both seated to vote during this meeting.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Suggs made a motion to approve the meeting minutes of May 14, 2019, seconded by Commissioner Milano and passed 3 – 1 Abstain (Johnson).

**Public Hearing**

1. **55 Industry Drive.** Applications for Special Permit and Site Plan Review approval, including Resource Removal, Filling and Grading, to operate a Recycling Processing Facility, facility for compression, compacting, crushing, separating and consolidation of solid waste material, including construction materials, outside storage of the same, and receiving of the same for recycling and separation. Outside storage of motor vehicles and trucks as accessory uses to the operation also to be conducted, in the Industrial Planned Development (IPD) District. Applicant/Owner: 55 Industry Drive, LLC. File # SP 19-011, SR 19-012 and RFG 19-013.

Attorney Vincent Falcone, West Haven, CT., is representing the applicant. He stated his client purchased the property in July 2017. The property is exactly as it is shown in the photo submitted for the record, except for a pile of debris that exists today. This pile came from demolition work at the West Haven High School. This is kind of material they would like to process at this location. All the parking on the site is pre-existing. There are three existing recycling facilities adjacent to this property, and the proposed use is harmonious with these properties. The applicant has obtained Inland Wetland approval with conditions. Jim Pretti, engineer, described the operation and the proposed location of processing and separating materials, types of materials to be processed as well as the storing of these materials. Jonathan Castro described where the material will originate from. Hours for crushing will be 7 a.m. to 4 p.m. Nighttime deliveries will only be made by appointment. A water truck will be on site to keep the dust manageable. Mr. Killeen reviewed staff comments from the Building Official in a memo dated May 23, 2019.

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 Johnson made a motion to close the public hearing on File #SP 19-011, SR #19-012 and RFG #19-013, seconded by Commissioner Milano and passed.

2. **690 Forest Road.** Applications for Special Permit and Site Plan Review approval, including Resource Removal, Filling and Grading, to replace timber retaining walls with a modular concrete wall and regrade slope with approx. 800 CY of common fill in the Residential Planned Development (RPD) District, pursuant to Sections 73, 75, and 85 of the West Haven Zoning Regulations. Applicant/Owner: Oronoque Forest Condominium Association, Inc. File #SP 19-018 and SR 19-019.

Don Smith, Jr., engineer, Seymour, is representing the condominium association. Gary Toole, executive board member and Gerry McCarthy, property manager for the condominium association, are also in attendance. Mr. Smith described the location of the existing retaining wall that is in need of repair. The timber walls are terraced on a slope. The smaller tiered walls will be eliminated and a single wall will be created as well as the regrading of the hill. The wall will be an anchor block type retaining wall. After the wall is constructed, landscaping as per the submitted plan will be planted. Fill will be brought onto the property with approximately 20 truck loads a day for three days. A drainage swale will be constructed and drain into a new catch basin and a retention basin. This will have no impact on the development property. Existing entrance and exists will remain in use during construction and there will be no traffic impact. General hours of construction will be 7 a.m. to 3 p.m.

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

Gaye Hyre, 685 Forest Rd., is concerned about rainfall that has been flowing over Forest Rd during recent storms and would like to ask the City to see if the State could enlarge the catch basins at this location. Commissioner Hendricks asks staff to notify Public Works.

Commissioner Milano made a motion to close the public hearing on File #SP 19-018 and SR 19-019, seconded by Commissioner Johnson and passed.

3. **165-167 Center Street.** Application for Special Permit approval to change an existing nonconforming use (3 Family residence plus convenience store) to another nonconforming use (4 Family residence), under Section 81.3.5 and 85 of the West Haven Zoning Regulations, in an R3 (One-Two-Three Family Residential District). Applicant/Owner: Nick Loussides. File # SP 19-020.

Nick Loussides, Branford, CT, stated the convenience store has been closed for some time and would like to renovate it into an apartment. The existing windows will be smaller and new siding will be added to make the addition look more residential in character. An appointment will be made with the Fire Marshal next week to discuss his concerns about emergency escape routes. Mr. Loussides will also meet with the Building Official as requested to submit necessary plans before applying for a Building Permit.

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

John Lynch, Lettney Place, is concerned about the density and parking in this area and the occupants of the rental property which can increase legally to four. He would like to see it as a one bedroom rental.

Mr. Loussides stated it will be a one bedroom apartment.

Commissioner Suggs made a motion to close the public hearing on File #SP 19-020, seconded by Commissioner Johnson and passed.

### **Regular Meeting**

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

- a. **55 Industry Drive.** Special Permit and Site Plan Review applications, including Resource Removal, Filling and Grading, to operate a Recycling Processing Facility in the IPD District. Applicant/Owner: 55 Industry Drive, LLC. File # SP 19-011, SR 19-012 and RFG 19-013.

Commissioner Suggs made a motion to approve File #SP 19-011, #SR 19-012 and RFG #19-013 for the following reasons and the following conditions:

1. The plan is consistent with the Plan of Conservation and Development.
2. The plan meets the requirements for Special Permit and Site Plan approval.

The conditions of approval are as follows:

1. Approval is subject to a performance bond in an amount that is sufficient to cover erosion and sediment controls, the preparation of an As-Built Survey upon completion of this development to the satisfaction of the Engineering Department, and as a guarantee that all proposed landscape materials will survive for a minimum of one full year.
2. The As-Built Survey shall include the surveyor's calculation of distance from the crusher and the screener to the municipal boundary and residentially zoned property to assure compliance with the City's zoning requirements for Recycling Processing Facilities (minimum 500 foot separation).
3. Access to this site will be from the Post Rd to Farwell to Industry Dr.,
4. Applicant must address the items identified by Building Official Frank Gladwin in his email dated May 23, 2019.

Seconded by Commissioner Johnson and passed.

- b. **690 Forest Road.** Special Permit and Site Plan Review applications, including Resource Removal, Filling and Grading, to replace timber retaining walls with a modular concrete wall and regrade slope in the RPD District. Applicant/Owner: Oronoque Forest Condominium Association, Inc. File # SP 19-018 and SR 19-019.

Commissioner Suggs made a motion to approve File #SP 19-018 and SR 19-019 for the following reasons and subject to the following condition:

1. Application is consistent with the Plan of Conservation and Development
2. Applications meet all requirements for a Special Permit and Site Plan approval.
3. Plans are sufficient for controlling onsite erosion and sedimentation during construction.
4. These applications are in compliance with the requirements of Section 75 for a Resource, Removal, Filling and Grading Special Permit.

Condition of approval:

1. Applicant must provide the additional documentation required by Building Official Frank Gladwin in his May 23, 2019 email.

Seconded by Commissioner Milano and passed.

- c. **165-167 Center Street.** Special Permit application to convert a 3 Family residence plus convenience store to a 4 Family residence, in the R3 District. Applicant/Owner: Nick Loussides. File # SP 19-020.

Commissioner Hendricks made a motion to approve File #SP 19-020 for the following reasons and with the following conditions:

1. The plan is consistent with the Plan of Conservation and Development.
2. The plan meets all the requirements for a Special Permit approval.
3. Approval of this application will help reduce the non-conformity of the existing use.

Conditions of approval:

1. Applicant must address the concerns of Fire Marshal Keith Flood in his May 22, 2019 email (emergency escape/rescue window(s), interconnected smoke alarms, etc.).
2. Applicant must provide the required information outlined in Building Official Frank Gladwin's email dated May 23, 2019 (Fire resistance rating for ceilings and walls, door schedule and fire-resistant rating, hazard assessment report prior to demolition, window schedule, complete set of construction documents, etc.)

Seconded by Commissioner Suggs and passed.

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

- a. Update on Allingtown Plan and Village District Regulations –

The Steering Committee for Allingtown was held last week. Goals were drafted on areas that will be researched. Code Enforcement, Marginal Drive greenway, bicycle and pedestrian walkways will be explored. Another meeting will be held sometime in September to draft a plan for a second workshop.

Village District Regulations – POCD Implementation meeting was canceled tonight. Next meeting will be held on June 11, 2019. Mr. Killeen stated a press release and invitation has been prepared for the special meeting on June 18 concerning Village District regulations. A mailing will be ready by next week.

3. **Staff Reports** – ZEO Conniff is researching revisions to the City's regulations for outdoor dining.
4. **Other Business** – Discussion on giving out copies of bid proposals to the public. It was determined that such requests should be treated as Freedom of Information requests.
5. **Adjournment:** 9:15 p.m.

Motion was made to adjourn, seconded and passed.