

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**JULY 10, 2018**

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, July 10, 2018, in the Auditorium of the Carrigan Intermediate School, 2 Tetlow Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Biancur, Suggs, Mullins, Sullivan, Milano, and Johnson, Commissioner of Planning and Development Messore, Assistant City Planner Killeen, ZEO Conniff, Corporation Counsel Tiernan, and Councilperson Liaison Quagliani. Absent was Commissioner Hurley.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Biancur made a motion to approve the meeting minutes of June 26, 2018 Meeting, seconded by Commissioner Mullins and passed.

**Public Hearing**

1. **Proposed Changes to the Zoning Map for Properties Located at 52 Main Street, 275 First Avenue, 271 First Avenue and 269 First Avenue.** Application for approval of Changes to the Zoning Map for properties located in the R-3 and R-4 (Residential) Districts to the WD (Waterfront Design) District, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: The Haven Group, LLC. File # ZM 18-019.

Attorney Chris McKeon, Bershtein, Volpe & McKeon, New Haven, is representing the applicant, The Haven Group LLC. Jim Fuda, project engineer and Vincent McDermott, Milone and MacBroom are also in attendance to represent the applicant. Affidavit of mailings, notices, photos of properties with required signage, required certificate of mailing, map showing the properties to be added to the WD zone and notation of the property owners within the 200 ft. of the proposed zone change were submitted for the record. Mr. Killeen summarized for the record the following referrals: On 5/25/18: the New Haven City clerk, the Regional Planning Agency, CT Dept of Energy and Environmental Protection, and the Harbor Management Commission were notified of this application. On 6/22/18, the zone change application was filed in the West Haven City Clerk's office; On 6/26/18 Councilperson Charney, for the 3<sup>rd</sup> District, was notified of this application. On 5/22/18 applications were made available for public inspection. On 6/28/18 and 7/06/18, legal notices were published in the New Haven Register. On 5/26/18 plans were circulated to City departments, and on 6/13/18, the applicant presented to the city departments; on 6/6/18 plans were presented to the Harbor Management Commission. Comments from traffic department, fire Marshall, bldg. dept, city engineer and harbor management commission were read into the record as well as formal comments from the CT DEEP. A letter from Mayor Rossi was also received dated 7/10/18, in reference to the zone change and the site plan applications. This application requests that four properties be included in the Waterfront Design district. They adjoin 8 parcels that were already incorporated into the Waterfront Design district in January of this year. Attorney McKeon asked that the record relating to the previously approved 8 properties (File ZM 17-077), be incorporated by reference into this record. Jim Fuda, project engineer, described the

location of the eight properties previously approved and the four lots that are being requested for this zone change. Attorney McKeon submitted the resume of Vincent McDermott, landscape architect, Milone and MacBroom, for the record. Mr. McDermott has been asked by The Haven Group to give his opinion on this zone change with respect to compatibility with the City's adopted plans and with the neighborhood. He stated all the properties previously approved and the four being proposed for the zone change are owned by the applicant. Mr. McDermott quoted the Plan of Conservation and Development which promotes this type of vision for this area. In Mr. McDermott's opinion, this requested zone change is consistent with the Plan of Conservation and Development and the Haven South Municipal Development Plan. Copies of his opinion were submitted to the record.

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

Ashley Lager, 233 First Ave, asked for clarification for the reason of the zone change.

Alternate Milano commented that this zone change will not only support good planning and a better boundary for this Zoning district. It will allow for better site planning.

Attorney McKeon pointed out that according to state statutes the effective date of a zone change must be after the date of publication. He is asking that the effective date be the next day after the notice of decision is published. (Tentative effective date: July 16, 2018).

Commissioner Mullins made a motion to close the public hearing on File #ZM 18-019, seconded by Commissioner Suggs and passed.

2. **The Haven (20 Elm Street), A 26-acre parcel bounded by Elm Street, First Avenue, Bayview Place and the New Haven Harbor and comprised of 57 parcels .** Special Permit application for approval of Resource, Removal, Filling or Grading plans related to the development of a 261,182 square foot luxury retail outlet shopping center with restaurants in a Waterfront Design (WD) District, pursuant to Sections 73 and 85 of the West Haven Zoning Regulations. Applicant/Owner: The Haven Group, LLC. File #SP 18-020.

Attorney Chris McKeon, New Haven, submitted affidavit of mailings including a copy of the notice, photos of 7 posted signs, map of properties and the list of properties located within the 200 ft. buffer area. A request for alternative notice was approved by the Planning and Zoning Commission on June 12, 2018, and posting of the signs was consistent with that approval. Mr. Killeen read into the record referrals that were made for this application: On 5/25/18, the New Haven City clerk, the Regional Planning Agency, the CT DEEP and the West Haven Harbor Management Commission were notified of this application; On 6/26/18 Councilperson Charney for the third district was notified of the application; On 5/22/18 documents, were available for public inspection; On 6/28/18 and 07/06/18, legal ads were published; On 6/6/18 applications were circulated to city departments and a presentation meeting was held 6/13/18; this application and related plans were reviewed at the Harbor Management Commission Meeting on 6/6/18. No specific comments were received on this application from any of the above referrals, but comments were received from the city engineer with respect to the amounts of soil to be brought in and removed. Jim Fuda, project engineer, described the grading on site and discussed drainage and contours of the site. He described the different elevations of the property. The proposed building elevations will be 16-1/2 ft., 17-1/2 ft. and 18-1/2 ft. He

also described the drainage flow, runoff during construction, water protection plan and soil and erosion plan. He stated approximately 36,000 cu yds of fill will be brought in to grade the property to provide uniform surfaces for parking and pedestrian walkways. A minimal amount will be taken off. This application has met all the requirements of Section 73 for approval. In response to Commissioner Milano's question, the anticipated hours of operation will be normal workday hours, (M-F, 7 a.m. to 4 p.m.). Construction entrance will be mostly on Elm St. There will be a dust remediation plan as well. There will be a 6 ft fence for containment. Lighting on the site will be determined. Mr. Fuda stated they are still waiting for approval from DOT for their traffic permit in relation to the project and the proposed improvements to Elm Street. Once approval is received and a permit is issued, demolition of the buildings on the property can proceed. No trucks will traverse through town (they will arrive from Exit 44 off I-95), and they will be covered. This approval is only good for one year.

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

Nancy Kelly, First Avenue, raised concerns about the redirection of traffic along Prospect and Bayview Places and asked what the impact would be of approving this Special Permit. Chairman Hendricks replied that the traffic pattern will be discussed in relation to the Site Plan application.

David DeAmbrose, Curtis Ave., is concerned about truck traffic and asks that the traffic be moved closer to the traffic light.

D Longo, 233 First Ave., asked that the grading and soil be eliminated from this application.

Whitney Shanley, 19 & 25 Elm St., concerned about commercial businesses being impacted.

Brenda DeAmbrose, Curtis Ave., questions the city noise ordinance that begins at 8 a.m. Commissioner Hendricks stated it has been shown that the noise ordinance begins at 7 a.m.

Corey Grant, 393 First Ave., concerned about the vehicular access on Elm St. for grading.

Rose Cambino, 93 First Ave., questions why the other homes can't be demolished like the other four or five have been.

Frank Andruli, Anderson Ave., asked how long DOT approval will take.

Dennis Gangser, 137 Main, asked about an environmental study.

In response to Commissioner Sullivan's question, Mr. Fuda stated most of the trucks will remain on site but will enter the site to bring materials in.

Commissioner Biancur made a motion to close the public hearing on File SP 18-020, seconded by Commissioner Sullivan and passed.

## **Regular Meeting**

### **1. Deliberation and Action on Public Hearing Items:**

- a. **Proposed Changes to the Zoning Map for Properties Located at 52 Main Street, 275 First Avenue, 271 First Avenue and 269 First Avenue.** Application for approval of Zone Changes from the R-3 and R-4 Districts to the WD District. Applicant: The Haven Group, LLC. File # ZM 18-019.

Commissioner Biancur made a motion to approve File #ZM 18-019, seconded by Commissioner Mullins and passed. See attached Resolution Approving Application for Change to Zoning Map (Appendix A) that was read into the record.

- b. **The Haven (20 Elm Street), A 26-acre parcel bounded by Elm Street, First Avenue, Bayview Place and the New Haven Harbor and comprised of 57 parcels .** Special Permit application for approval of Resource, Removal, Filling or Grading plans related to the development of a retail outlet shopping center in a WD District. Applicant/Owner: The Haven Group, LLC. File #SP 18-020.

Commissioner Biancur Made a motion to approve File #SP 18-020, seconded by Commissioner Suggs and passed. See attached Resolution for Application for Special Permit (Appendix B) that was read into the record and included the mandatory conditions of approval contained in Section 73 of the Zoning Regulations.

2. **The Haven (20 Elm Street), A 26-acre parcel bounded by Elm Street, First Avenue, Bayview Place and the New Haven Harbor and comprised of 57 parcels.** Applications for approval of a Site Plan Review, a Coastal Site Plan Review, and an Erosion and Sediment Control Plan related to the development of a 261,182 square foot luxury retail outlet shopping center with restaurants in a Waterfront Design (WD) District, pursuant to Sections 71, 74, and 75 of the West Haven Zoning Regulations. Applicant/Owner: The Haven Group, LLC. File # SR 18-021 and CSPR 18-022.

Matt Armstrong, Gordon Group and partner in this project introduced the following team:

John Dionis, project leader, Simon Properties; Chris McKeon and Ray Bershtein, Bershtein, Volpe & McKeon; Jim Fuda, project manager, Ryan Scrittorale, civil engineer; Steve Ulman, traffic engineer; Jay Valgora, architect, and Martin Harwood, landscape architect.

Mr. Armstrong gave a presentation showing an aerial photo of the existing property and a conceptual view along Elm St. from the bridge. Mr. Fuda gave an overview of the process that was undertaken to present this application and stated many meetings were held with staff who were very helpful in the process. After a meeting with the department heads, they were all very supportive and their comments have been addressed. All area and zoning requirements have been met and all design standards have been met. This site also conforms with the Plan of Conservation and Development. Parking has been provided for 1259 spaces. The entire square footage of the project entails restaurants and retail. There will be no housing. It was very important for The Haven Group to have waterfront access through this site as well as Elm and Main St. Jay Valgora, architect, described the layout of the project such as the green roof, canopies, walkways, street views with tree landscaping, and sidewalks. He showed samples of materials to be used on the buildings. Martin Harwood, senior landscape architect, described the three-acre park along the shoreline, promenade, the coastal connections from Richards Place, Center and Elm St from the retail area to the park, and the peninsula area with pavilion and playground. He showed some of the hard-scape materials they intended to use. Ryan Scrittorale, engineer, described the existing and proposed drainage on and for the site and the location and size of the pipes. Asphalt and pavers will be installed and stormwater will be

collected, cleaned and discharged to the sound. Steve Ullman, traffic engineer, described the traffic flow on the site. The majority of traffic will come from I-95 down Elm St. No traffic will be directed to local streets. Bayview will be a two-way street with a bump out and signage to discourage traffic entering. The main access drive will have speed bumps and stop signs to reduce speeding. Mr. Fuda summarized that this development will be an environmentally controlled development. This is a first-class development and will be a hallmark to the community to redevelop a former industrial site into a waterfront retail destination. All departmental requirements have been met.

Recess: 9:32 p.m.

Resumed: 9:39 p.m.

In response to commissioners' questions:

- The playground will be maintained by the developer.
- The retail/restaurant buildings are elevated to provide views to the water.
- Restaurants will have outdoor seating with direct views over the parked cars.
- Food trucks will be allowed.
- Alternate Milano suggested a bike sharing program between the train station and The Haven
- Police presence/substation might be considered but private security is usually sufficient.
- Art consultant will be engaged to consider public art for property
- All utilities within the project boundaries will be underground.
- Along First Ave telephone poles are a responsibility of UI.

Mr. Killeen read into the record a letter received by Mayor Rossi supporting this project, a memo from the Harbor Management Commission and comments received from Fire, Police, Building, Engineering, Planning and Development and the CT DEEP. Each department looked at the various public aspects of this plan, including public safety and potential impact on the waterfront. Letters were received from William and Elizabeth Ladutko and Nancy Kelly who are concerned about the proposed abandonment of Main St and the redirection of traffic on Bayview Place.

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

Rose Cambino, 93 First Ave., is concerned about the location of the dumpsters and the cleanliness of the gas station.

Nancy Kelly, 233 First Ave., is concerned about traffic on Bayview, not enough trees according to the regulations, buffers to residential properties, noise from the proposed amphitheater, and she disagrees with the proposed abandonment of Main St.

Ash Lager, 233 First Ave., would like to see the water use utilized more by adding restaurants along the water.

Paul Podesva, Prospect Place, does not agree with the two-way traffic on Bayview and would like to see it closed off.

Michelle Gregoria, First Ave., asked about demolition of houses.

Jane Whelan, 100 Ames St., asked about shuttle from train station to The Haven

Raymond Lemley, Representing Mr. and Mrs. Santore, 90 Bayview Place, would like Bayview to remain one way.

David D'Ambrose, Curtis Ave., asks about boat access or docks.

Brenda D'Ambrose, Curtis Ave., questions the truck loading from First Ave

Mr. Ahzid, 253 First Ave, asked if there would be more public hearings.

Ed O'Brien, 36 Platt Ave., thanked all staff and department heads for working on this project for many years. Over the years residents have been concerned about Bayview and suggests making it a dead end. He also requested streetscaping on the other side of First Ave.

Aaron Charney, 146 Union, Councilperson for the third district, stated the biggest concern of his district is Bayview and Prospect, traffic on First Ave, delivery of Sysco trucks, and food waste.

#### Rebuttal

- Matt Armstrong – water access for boats is under the purview of the Army Corps of Engineers and would take years to dredge.
  - The project is flood proofed and is built above the flood plain. However, restaurants cannot be built closer to the water. They are elevated and water views will be visible.
  - More trees are being provided than the zoning regulations require.
  - Proposed buffers meet the zoning regulations.
  - Traffic will be directed from I-95 to Elm St. The percentage of car trips is fairly accurate
- Bayview will be considered when speaking to the Police Dept.

Commissioner Messoro would like to see charging stations installed.

Commissioner Milano would like to see electrical hookups rather than generators for the food trucks. Assistant City Planner Killeen was asked to read potential conditions for this development into the record.

After some additional discussion, Commissioner Mullins made a motion to approve File #SR 18-021 and CSPR 18-022 with the following conditions:

1. There will no glare onto any public right-of-way or light levels in excess of .1 foot candles onto any adjacent residential uses, as required by Section 60.21 of the Zoning Regulations. (Reference Plan Sheet LP-002C and Plan Sheet LP-002G for examples.)
2. Applicant's final plans for the public access area shall include a drinking water fountain for the play area, electrical outlets at key locations in the public access area, and trash receptacles along the walking path or at the entrances, as recommended in the letter from the CT DEEP, dated July 10, 2018.
3. Final stormwater management plans for this development must be designed to fully comply with the retention requirements (1") of the State's stormwater general permit.
4. Applicant should employ Best Management Practices during demolition and construction to ensure that the proposed work, including removal of debris, does not cause any

significant adverse impacts on environmental quality, including water quality, on the Harbor Management Area.

5. Applicant shall address the distribution of handicap parking spaces as included in the July 5, 2018 email of Building Official Frank Gladwin.
6. The Police Department (Traffic Division) shall be notified two weeks in advance of the beginning of the demolition phase and once the construction phase is substantially complete, as requested in the July 05, 2018 memorandum of Sargent Joseph D'Amato.
7. The distance between sanitary manholes on the property shall be 300 feet or less, per the email of City Engineer Abdul Quadir, dated July 10, 2018.
8. The southern underground detention system will be lowered or the grade will be adjusted to provide adequate cover, as stated in the email of City Engineer Abdul Quadir, dated July 10, 2018.
9. Streetscape improvements shall be provided within the public right of way, along the western side of First Avenue from Main Street to Elm Street and shall consist of sidewalk replacement and street trees.

seconded by Commissioner Biancur and passed. Roll call was called (Suggs, Biancur, Sullivan Mullins, Hendricks in favor). Motion passed unanimously 5 – 0.

**3. Other Business** - none

**4. Adjournment:** 11:43 p.m.

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

**Appendix A**

**RESOLUTION APPROVING APPLICATION FOR CHANGE TO ZONING MAP**

**RESOLUTION** of the West Haven Planning and Zoning Commission approving changes to the Zoning Map for four properties currently located in the R3 and R4 Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations.

**WHEREAS**, the Applicant has proposed changes to the Zoning Map for four properties currently located in the R3 and R4 Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations, such properties being located in the City of West Haven and known as:

52 Main Street  
275 First Avenue  
271 First Avenue  
269 First Avenue;

**WHEREAS**, the Applicant has complied with all notice requirements in connection with the proposed changes;

**WHEREAS**, the City of West Haven Planning and Zoning Commission has evaluated such proposed changes to the Zoning Map, along with previous similar changes requested by Applicant and approved by the City of West Haven Planning and Zoning Commission, with consideration to the City's Plan of Conservation and Development;

**WHEREAS**, after considering testimony and evidence presented regarding the proposed changes to the City's Zoning Map, the West Haven Planning and Zoning Commission finds that the proposed changes are consistent with the City's Plan of Conservation and Development by, among other things:

1. Creating an area of sufficient size to promote economic development and to attract and retain business;
2. Promoting recreation, business and employment opportunities and supporting quality of life improvements;
3. Contributing to the redevelopment of the area consisting of attractive retail and recreational areas;
4. Providing additional acreage to the Waterfront District needed to create an attractive and vibrant gateway into the City of West Haven from New Haven;
5. Providing for sufficient area which can accommodate appropriate parking, loading, turning and landscaping buffers necessary for a commercial development near coastal areas; and

6. Facilitating anticipated development patterns that will be consistent with the proposed redevelopment project along the shoreline;

**WHEREAS**, the proposed Zoning Map changes will modify and increase the Waterfront Design District by adding to it four adjacent properties presently zoned as residential;

**WHEREAS**, the City of West Haven Planning and Zoning Commission finds that the proposed changes are not detrimental to either the community at large or the surrounding neighborhood, and will instead foster improvement and redevelopment of the City as a whole; and

**WHEREAS**, the West Haven Planning and Zoning Commission has considered the proposed changes to the Zoning Map, and has rendered the foregoing findings and determinations in connection therewith.

**NOW THEREFORE BE IT RESOLVED** by the West Haven Planning and Zoning Commission that the Zoning Map be changed to include the following properties in the Waterfront Design District:

- 52 Main Street
- 275 First Avenue
- 271 First Avenue
- 269 First Avenue;

These properties which are currently shown as located in the R3 and R4 will all instead be located solely in the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations. The Commissioner of Planning and Development being hereby instructed to implement and promulgate such changes immediately.

## **APPENDIX B**

### **RESOLUTION APPROVING APPLICATION FOR SPECIAL PERMIT**

**RESOLUTION** of the West Haven Planning and Zoning Commission approving Resource Removal, Filling or Grading.

**WHEREAS**, the Applicant has filed Application #SP-020 proposing Resource Removal, Filling or Grading under Section 73 of the West Haven Zoning Regulations, related to the 261,182 square foot luxury retail outlet shopping center with restaurants in a Waterfront Design (WD) District upon property identified as 20 Elm Street, which is a 26-acre parcel bounded by Elm Street, First Avenue, Bayview Place and the New Haven Harbor and is comprised of 57 parcels;

**WHEREAS**, the Applicant has complied with all referral and notice requirements in connection with the Application, including without limitation, the alternative notification approved by the City of West Haven Planning and Zoning Commission at its June 12, 2018 meeting;

**WHEREAS**, the Applicant has complied with all requirements in connection with the Application for Special Permit, including those set forth in Sections 73 and 85;

**WHEREAS**, City of West Haven Planning and Zoning Commission has evaluated such Resource Removal, Filling or Grading under Section 73 of the West Haven Zoning Regulations, with consideration to the City's Plan of Conservation and Development;

**WHEREAS**, after considering testimony and evidence presented regarding the proposed Resource Removal, Filling or Grading, the West Haven Planning and Zoning Commission finds as follows:

1. Such excavation or removal, filling or grading will not result in the creation of any sharp declivities, pits, depressions, soil erosion, or fertility problems, depressed land values, or create any drainage or sewer problems or other conditions which would impair the use of the property and adjoining properties in accordance with the West Haven Zoning Regulations;
2. Such excavation or removal, filling or grading will be in harmony with the general purpose and intent of the West Haven Zoning Regulations;
3. The completed work shall not impair the future use of the property in accordance with the Zoning Regulations of the City of West Haven, and
4. The slopes and banks will not impair development and safe use of the property or adjacent property.

**WHEREAS**, the West Haven Planning and Zoning Commission has considered the proposed Resource Removal, Filling or Grading, and has rendered the foregoing findings and determinations in connection therewith.

**NOW THEREFORE BE IT RESOLVED** by the West Haven Planning and Zoning Commission that in accordance with Sections 73 and 85 of the Zoning Regulations of the City of West Haven, Applicant is hereby granted a Special Permit for Resource Removal, Filling or Grading for one (1) year subject to all relevant and applicable Mandatory

Conditions of Approval set forth in Section 73.4 of the Zoning Regulations of the City of West Haven.