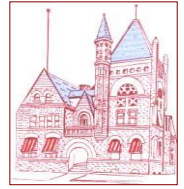




CITY OF WEST HAVEN, CONNECTICUT

PLANNING AND DEVELOPMENT

City Hall | 355 Main Street | West Haven, Connecticut 06516



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MEETING MINUTES OF PLANNING AND ZONING COMMISSION July 11th, 2023

The West Haven Planning and Zoning Commission held a Regular Meeting and Public Hearings on Wednesday, July 11 2023, in the Harriet North Room, 2nd Floor, City Hall, and 355 Main Street, West Haven, CT at 6:00 P.M.

Christopher Suggs: Okay, everyone. We are now back out of recess. We're back in session at 8:05 p.m. Our public session is still open. Our commissioners are here, and we will continue with anyone from the public who wishes to speak. Please, sir.

Mr. Lacroix: Hello. My name is Michael Lacroix. I live at 58 Thomas Street, West Haven. I'd like to find out a little more information in regards to the Debonair and in regards to the height restrictions. I know – as of right now through the rear of my home, I enjoy a nice ocean view because it's only a one-story building. I'm under no illusion that there'll be at least a two-story building there that will impede that view. However, I'm hearing talks about three- and four-story building and in regards to getting a special permit, I'd like to know what type of things that person would need to get that type of special permit. Is a special permit just a more expensive permit? What are the variables involved in that?

Christopher Suggs: Okay, so regarding – can we start with the height?

Mr. Lacroix: We could – yeah, in regards – and the reason why [because 1:23] the height is because I'm a solar panel customer. I know four of my rear neighbors are also solar panel customers, and once you start getting to that three, four height range, it will start to overshadow the houses behind, and that's what my concern is.

Christopher Suggs: Okay. So I'm looking – I'm looking for the height on this [thing 1:45], sorry.

Male: [The table? 1:47]

Christopher Suggs: Yes.

John Biancur: So...

Christopher Suggs: So in stories, it's two to four. Two as of right – and up to four with a special permit. I'm looking for where it tells you the...

Male: Thirty-five and forty-[inaudible 1:57].

John Biancur At the end.

Christopher Suggs: Thank you. So the maximum height, it's up to 45 feet.

John Biancur: That would be with special permit [if that were 2:06]...

Christopher Suggs: With a special permit.

John Biancur: ...to go to four.

Michael Lacroix: Right. What are the variables for that special permit? I'd just hate to see this huge building in the middle of this residential area.

Christopher Suggs: Okay.

John Biancur: [Greg has it 2:16] [inaudible 2:16].

Greg Milano: Mr. Chairman?

Christopher Suggs: Oh. Yes. [Referring to our regulations 2:19].

Greg Milano: So the difference between an as of right – so if something's as of right, any landowner could come with a site plan and it's basically landscaping, parking. It's pretty basic in terms of what we'd ask. We could influence conditions, we can talk to them, we can ask operating hours, we could make sure they're screening their trash. There's a lot of small things like that. In terms of – the difference between that and a special permit is that specific findings are required under 85.4 of our zoning regulations for a special permit specifically. And that includes such use [inaudible 3:03] as to draw a minimum vehicular traffic to and through local streets within any surrounding residential development. The architectural landscaping treatment of such use will blend harmoniously with the rest of the area. Provisions have been made to minimize any disturbances or nuisance to surrounding properties arising out of the creation of such use.

Reservoir space at vehicular entrances and exits are provided to prevent traffic congestion and – so essentially it asks a little bit more in terms of what your traffic count is and traffic study, and it asks more in terms of drainage, outside lighting, illumination, soundproofing, construction of fences, barriers, safety devices – it goes into a little bit more detail, and more specific findings are required by the commission. So we have to ask more questions. We have to put more on the record. They have to put a lot more detail into it because of the nature of the use is a little bit more substantial, so a three- and four-story building is a little bit bigger. You have more traffic, more cars, more people, all that stuff, so that's the idea. Does that generally make sense?

Michael Lacroix: Yes. So as of right now, my understanding is that a developer comes and wants to put up a three- to four-story building...

Greg Milano: Right.

Michael Lacroix: ...it won't take much [for them to do it 4:22], because I know the height requirement [inaudible 4:24] a lot about people. Like I said before, seeing this large building in this residential area...

Greg Milano: Right.

Michael Lacroix: ...I think would be kind of an eyesore.

Greg Milano: So if they're proposing a three- or four-story building, they would come before us under the special permit, the enhanced regulations that require more questions by us and more of a study of what they're doing.

Michael Lacroix: Would you have any type of public input in regards to this?

Male: Yes.

Male: Correct.

Greg Milano: Yes. So the big difference, again, site plan does not require a public hearing.

Catherine Conniff: Does not require a public hearing.

Greg Milano: And a special permit does require a public hearing. So absolutely. Big difference.

John Biancur: As for your solar panel, in the regulation it actually talks about that any development should minimize the impact to solar panels. We know that it won't always work, but it's to try to minimize it so that if somebody has them, that they would have to still be able to work.

Greg Milano: Just a quick example. So The Tides, which is right next to Chick's. Right now, as of right, you could build three stories. So their development is a three-story residential building that they came before us as of right with a site plan only with no public hearing because it wasn't a special permit. It was only site plan, right? So those extra specific findings that I just talked about, traffic and all that kind of level of review was not required.

Michael Lacroix: I can see that, but where the Debonair is, that's like dropping a building smack dab in the middle of a residential block.

Greg Milano: So now a three-story building like The Tides, if it was put on the Debonair property, would require a special permit.

Michael Lacroix: Okay. Thank you so much for your time.

John Biancur: Thank you.

Christopher Suggs: You're welcome. Thank you for your comments. Is there anyone else from the public who would like to comment? Please come forward. Please, ma'am. Yes.

June Turpin: Hello, my name is June Turpin. I live on Morse Avenue. I've lived there for many, many years, about 50 years now. I've lived in all different parts of West Haven – Anderson Avenue, East Avenue, Campbell, Washington, but when I was old enough, I bought a little house on Morse Avenue. And there were many houses on Morse Avenue at that time. Chick Celentano was in business. He bought up all the houses on my side of the street and put development, a parking lot all around me. So I understand development a little bit. I was the last house there in the parking lot. Decided to finally sell to Chick, but I bought a house across the street, and I now live at 28 Morse Avenue. I also bought the house next to me, 20 Morse Avenue, and I rent that. Now through the years, as I was a child, I remember Savin Rock, the rides, everything else. Much after that, no more Savin Rock development, so we had West Walk, we had the high-rises put in. Those are high-rises down there on Captain Thomas Boulevard. This is what I thought was going to go in across the street from me, maybe one of those big high-rises. Because if I was a developer, let's face it, that's the [bucks 7:50]. Get that little piece of land, the Debonair Motel, Chick's parking lot, and you go up. It makes more and more money.

So I was very pleased when I didn't get a big high-rise in front of my house. But it's not that good still. As we talk about change in the neighborhood, I have to deal now with four huge townhouses in front of me. You might say three stories, garage, first, and second. But you also have a huge gable, which really counts almost as four stories. Then you have the building in front of me, which is [down and it's 8:31], Morse Avenue goes down the slope. It's in a flood area with all the modified [inaudible 8:37] in the park. The last one had to be built up eight, ten feet. Into the ground, built up, so I've got like now five stories in front of me. Where the front of my house, I used to see the ocean. No more ocean. I knew that was probably going to happen. And now I don't even get any sunshine in the front of the house. Once these four are up, there's not going to be any sunshine. So development, even though it's two, three stories, affects the neighborhood, affects the residents. I have been through [many of it 9:14]. When I first owned this house at 28 Morse Avenue, there was woods behind me. All woods. They bought that up, mowed them down – I have parking lot all around me. Parking lot.

So I have cars going on and off at night, people, doors, trunks, whatever. That's okay. It's development. It's progress. I've got the condos down there. Nice people. Like them very much. It's development. I remember when next to Stowe's, that big high-rise with all the condominiums went up. Do you remember the fuss that went up then? California Street all upset they were going to lose their view and they were going to have this big building in front of them. I said, you know what? They bought land, not much we can do, especially because zoning let them do it as high up as they want. So when I got this notice in the mail, I said, who requested this zoning? Rezoning to Seaside Design – what are you going to design on my seaside over here? What are they going to do with my property? Is eminent domain coming in again? They took my right to the beach to make the bikeway and the walkway. Eminent domain, I didn't mind. The whole public now enjoys it. It's one of the best things in West Haven. That was eminent domain. The school around the corner, the whole block got taken. Eminent domain, but we have a nice brand new school. Noble School where I went now isn't a school, it's a senior center.

Development. It changes the neighborhood. So my point is, I got very suspicious when I got this notice. It says that they're going to change the zoning.

And I said, let's face it, you always wonder who's paying off who, what is crooked and all this. You people seem to be looking out for the residents, so I'm not accusing you all of being underhanded here. It sounds like you're really trying to make sure there's not ten-story buildings all over the place. So I appreciate that and I understand that. And I appreciate getting a notice from Miss Conniff. I [looked 11:37] – it said the attached map – there was no attached map. So I was able to get on the internet, find the attached map, see the area that was being affected and also find a draft of this ordinance. I read over everything. It seems legal. It seems reasonable. So I am happy about that. But I will tell you, right now I am dealing with four townhouses going up in front of my house. From 7:00 to 3:00, my house shakes. If my foundation does not crack, my walls do not crack, it will be a miracle. Okay? I'm dealing with that, and I understand when people talk about the noise level. I dealt with Chick's for years. Chick was very, very reasonable. I had trouble with trash, with seagulls getting all kinds of trash and leaving it on my roof. He was great. He enclosed the bins so the seagulls couldn't get at it. He was out there picking up the trash in the parking lot.

He did everything he could to try to make it reasonable. He shut down at a certain time, it quieted down. So I'm hoping that if a restaurant does go over there, that they do try to keep up the neighborhood to watch the noise situation. My new neighbors in the townhouses are also reasonable, and I now have a big U driveway in front of my house, so that's going to mean a lot with traffic. I mean, trying to get in and out of my driveway on this little one-way street was difficult in the first place. But again, that's development. So I want to thank this commission for trying to change the zoning to the benefits of the community. I appreciate that. And I hope it continues, because it really, really affects the residents beyond belief. Thank you.

John Biancur: Thanks, June.

Christopher Suggs: Thank you for your comments very much, Ms. Turpin.

Male: Thank you.

Greg Milano: Mr. Chairman?

Christopher Suggs: Yes?

Greg Milano: I just – addresses a few things.

Christopher Suggs: [All right 13:46].

Greg Milano: So June, just to address a few things that you talked about. You live in an area that I tried to do my best to consider. It's those side streets that have views down towards the water and specifically The Tides, that property. The way that John and I put this together was to specifically do our best to protect public views to the water and specifically the building orientation in Section

3 of our draft regulation. I just want to read this quickly. The following shall be maintained and enhanced wherever possible through careful design and sighting of structures. One is public views to and along water and two is public access to Beach Street as well as city-owned properties including parks, bike, pedestrian facilities, and beaches. And then there's also a setback regulation and so a lot – I think if this was in place when The Tides came before us, it would have been slightly different. You would've had a little bit better view. Maybe not perfectly. We wouldn't have completely said no to the development and I don't think that's what you're asking us to do, but this is, again, trying to address that potential effect on neighbors who are there already, right? And people who are not necessarily right on Beach Street. I just wanted to say that.

June Turpin: Thank you.

Greg Milano: Yes.

Christopher Suggs: Anyone else? Yes?

Rich Hebert: Good evening, ladies and gentlemen. I'm Rich Hebert. I live at 166 Blohm Street, and I want to commend everyone here for having these public hearings and the special session that you folks had. I think it was beneficial for the general public and for the developers. What you're trying to do here, from my understanding, is set the rules. Once you have the rules, then everybody has to play with the same parameters. If there's nothing in place, then anything goes, and I think we've have enough of anything goes around here. One of the things I'd like for you to consider, is maybe putting a provision in that we only allow pitched roofs; kind of eliminate any outdoor dining. It's just something that you could do if you're going to make these provisions, you could, in this area, it's like a historic area, that you can only have a pitched roof. Another thing I would like for you to consider is to have some sort of a blight provision. We've had – I'm sorry – Captain's Galley and the Debonair that have done nothing over the years. I've been here for a long time. They attract vermin and disease and illegal activities, and nothing seems to be able to be done about it. Is there anything that you gentlemen and lady can put in this area, something that would put a damper on that?

I mean, you drive by this, Captain's Galley was there abandoned for what, fifteen, twenty years? The Debonair, how many years has it been out of existence? I'm sorry, but that poor gentleman with his pets that have to be attacked by the vermin that are around here. That's just not acceptable. We're trying to build a new area here that will attract people. We have to – you folks with your wisdom here – can put something together to build in some sort of protection so that something can be done. If the place is abandoned, that maybe there's got to be some sort of a fineage, some provision that kind of deterioration that attracts vermin. I know we have [blight 18:06] people and everything else, but this has been going on for so many years. It's nice that we have it, but it's got to be enforced. If there's anything that you folks can do – I mean, other cities must have the same situation. I think there's something that if you put it in the provisions of what you're planning here that might help protect us. That's all I have. Thank you.

John Biancur: [Can I 18:33]...

Christopher Suggs: Mr. Hebert?

John Biancur: Rich.

Rich Hebert: Yes.

Christopher Suggs: We'd like to ask you some questions...

Rich Hebert: Sure.

Christopher Suggs: ...if you don't mind.

Rich Hebert: No problem.

John Biancur: [You want me to go? 18:39]

Male: [I don't have a 18:39] question.

John Biancur: All right. So unfortunately, the blight ordinance is outside of this commission's purview. It's a city-wide ordinance, and if there were a blight situation, we'd encourage you to call probably the office. It would probably be [inaudible 18:58].

Rich Hebert: I understand that [inaudible 18:58].

John Biancur: So we – but we wouldn't be able to build that into a regulation. That would have to flow through the City Council as an ordinance. But in regards to roofs, I just want to point out under, I think it's Section H, roof style. The shape of the roof will compare to the majority of roofs within the district. Pitched gabled roofs shall be broken up with dormered upper levels or towers. Rooftop mechanical equipment other than solar energy panels shall be concealed from all sides. So some of what you're talking about is absolutely correct. However, as I said, there is rooftop potential regulations that may be coming from the commission in the very near future. But at that point, we would also have a public hearing on it, Rich.

Rich Hebert: Okay. [Inaudible 19:50].

John Biancur: Thanks.

Rich Hebert: Is there anything – I know we have the blight provisions, but here we're trying to build something new. Something that's going to attract people. And what happens, everyone has the idea that you build something and everything's going to be wonderful and you'll make a bajillion dollars. Then they abandon it. And we're left with whatever is left. So is there anything in there that puts a restriction on that type of abandonment?

John Biancur: The regulation wouldn't be the appropriate place to build a blight ordinance, though. That would have to come from the City Council through an ordinance.

Rich Hebert: Okay.

John Biancur: But we – I understand and empathize with you with some of these issues and with some of the other residents that have spoken about it.

Male: Rich, you know what you can do? You can continue to show up at these meetings and tell these people that they're bad neighbors. That's what you can do.

Rich Hebert: Okay, thank you.

Greg Milano: Seriously.

Christopher Suggs: The next person who would like to speak during the public session? For a second time, is there anyone else who'd like to speak during the public session? For a third time, is there anyone who'd like to speak during this public session? I will bring it back to the commission. We've heard [staff of commission 21:17] any additional comments? Something we need to address? Something we want to elaborate on?

Catherine Conniff: Commissioner Suggs, I do have some more public input.

Christopher Suggs: From the public or...? I'm sorry, from...?

Catherine Conniff: From, yeah, it was...

Christopher Suggs: So did we receive it already in our – part of our application?

Catherine Conniff: No.

Christopher Suggs: Oh.

Catherine Conniff: This was sent today.

Christopher Suggs: Okay. Thank you.

Catherine Conniff: Okay, and it's written to myself. I live at 343 Beach Street, which is a six-story condominium building. It is a beautiful building and well-maintained, and the people who live here represent a diverse community. For over ten years now, we lived with the eyesores of the boarded-up Debonair Motel and Captain's Galley and Chick's. Then First Avenue. I personally think it is a disgrace to leave our city and particularly our shoreline looking rundown and unkempt for such a long period of time. I am certain that with the talent of our city government officials together with responsible developer builders, these areas should be transformed into a beautiful area on a more timely basis. I am concerned about any zoning change that further restricts the development from these rundown areas of our city. I believe we should encourage developers of these areas to allow upscale housing and restaurant development. I think another building like 343 Beach Street, four to six stories, would be fine on Beach Street. I also think a former Captain's Galley and Chick's properties would be a great location for a nice sitdown restaurant

on Beach Street. I am also very concerned that any zoning change would limit the rebuild of our six-story building at 343 Beach Street should the need arise. I understand there are some proposals before Planning and Zoning that would transform Beach Street into a very nice area.

I encourage the Planning and Zoning Board to seriously consider the benefits of the proposal, as we have lived on Beach Street for a long time with properties being further rundown with no improvements. I also think that any zone change could be put to a vote to the city resident-owners who live in the impacted zones and not left to vote [for a few 23:40]. That was Loraine Gargano Pennick of 343 Beach Street.

Christopher Suggs: Thank you.

Catherine Conniff: I do have – this was sent before from Dave Killeen.

John Biancur: We have that.

Christopher Suggs: That's in the record.

Catherine Conniff: He's also a resident on Second Avenue. I'd like to make sure that gets put into the record.

Christopher Suggs: Yes.

Catherine Conniff: And then I have from Hugh Scott, who owns the Debonair.

Christopher Suggs: That's part of the record.

John Biancur: We've got that.

Christopher Suggs: That's in our record.

Catherine Conniff: Okay.

Christopher Suggs: Thank you for acknowledging it.

Catherine Conniff: You want me to read [anything 24:17]?

Christopher Suggs: Uh-uh. Because it's already in there.

Catherine Conniff: Okay, but he also points out the Plan of Conservation and Development, and he puts all the pages that he doesn't believe that it conforms to.

Christopher Suggs: Thank you.

Catherine Conniff: All right. Also, Mr. [Borden 24:35] did write a letter that he already spoke about.

John Biancur: And we received a letter from [Chris Marone 24:44] as well.

Catherine Conniff: Mm-hm.

John Biancur: That's already in the record.

Catherine Conniff: Okay. That's all.

Christopher Suggs: Okay. So.

Male: [I have the applicant 24:55].

Christopher Suggs: Is there anything else that we want to say additionally in response to the comments that we've heard this evening?

John Biancur: Oh, if it's okay.

Christopher Suggs: Yes.

John Biancur: One of the comments that I've heard from a couple of the people that may not be particularly happy with everything in here is that we should hold this. I would just encourage the commission to take action tonight, and I think the way that the chair is setting this up to do the map and the table as one vote and then the regulation as another vote is certainly appropriate. The fact is, we have been discussing this for months now. It was not hastily done. There was plenty of time for not only the public to receive it, this was attached to one of our April minutes as a draft. It has been out there for over two months, and I think that it's time that we brought this to conclusion. I'm also going to tell you that this is just the beginning. Okay? This draft, although I'm very confident in what Greg and I put together for this commission and for the City of West Haven, I think is very good. It does not mean it cannot be amended over time. So I think that this is an extremely good beginning. I also believe that we will be working on other regulations to make them look more like this in the future because this type of detail is something that's been lacking in some of the regulations previously. So I just want to speak in support of this and support of voting on it tonight and not holding it.

Christopher Suggs: Does any other commissioner have any comments before we close our public hearing?

Male: No.

Christopher Suggs: [Inaudible 26:46], Greg.

Greg Milano: Yes. So I do want to echo a little bit of what Commissioner Biancur did say. I think there were a lot of really great points that deserve us to look at further as we see development come before us, as we see applicants, whether they are as of right, whether they're a special permit. We see a couple things come before us and we'll see whether these are working. The POCD is an active – it's a document that constantly should be changed and interpreted, and the zoning regulations are also the same. This is a breathing document and needs to be adjusted over time. It can't be stagnant, and I don't think this should be in concrete forever going forward. I think there was a lot of very good comments about whether developers want this or that. There are some really good suggestions about allowing more coverage if a developer does this, but

again a lot of that stuff is untested. It's not in any of our regulations. It requires consultants. It requires studies. It requires – what John and I have put together and what the commission has talked about is what we're comfortable right now doing. I think it's – we've put a lot of thought into it. A lot of it has come from other places, come from places that have – consultants have written, and time has tested some of these regulations already. We've seen the Village District test some of this language.

We've seen other designed districts be tested in our city, so this is not something we're just kind of writing out of the blue. I think – I agree with Commissioner Biancur. I think we should move forward tonight. I think there is, again, there may be some things we could do better going forward and there's some other regulations like the SCR that need a little bit more detail like this, but I think this is a really good happy medium, and trying to please everyone is not easy.

Christopher Suggs: Sir, are you done?

Greg Milano: Yes, thank you.

Christopher Suggs: Okay, thank you. Commissioner Taylor, any comments?

Michael Todd Taylor: No.

Christopher Suggs: Commissioner Rivera, any comments?

Sammy Rivera: Yeah, I've heard from everyone here and what I'm getting at is everyone wants change. Everyone wants positive change. They want the Debonair cleaned up. They want Captain's Galley cleaned up. They want it until it's time to do it, and then it's – but not that. I want this but not that. I want this and not that. But somebody at some point has to say by changing the regulations, by making them better, you're going to attract someone to come in to say, well, now, it's more feasible to come in and do it. It's been empty for two years, three years. That's been empty for fifteen years. But there's reasons behind that. You can't have a small group of people, and I'm not saying you guys are not important. Everybody here is important. You can't have a small portion of people saying I don't want that, and then the city stays stagnant and then when it comes to any time whether it's election time or anything, oh, this city can't attract people to come to West Haven. Well, there's a reason behind that, because you have so many people saying yeah, I want it, I want change, but not that. Not in my backyard.

So these regulations are a stepping stone moving forward to attract those people to come and clean up some of these things, and I think that, yeah, it needs some tweaking, but I think we need to consider moving forward. Some people, yeah, absolutely, they have good valid points. But so do the developers. That's it.

Christopher Suggs: Any comment from our legal counsel regarding?

Tom Cusa: No, as you've said, this matter's been under discussion for quite some time. I believe the commission has put many hours into this and other than that, I

don't believe – as Commissioner Rivera stated, certainty, I think, will probably be of more value than uncertainty.

Christopher Suggs: Thank you. So I will entertain a motion to close the public hearing.

Gene Sullivan: Make a motion.

Christopher Suggs: Made by Commissioner Sullivan.

John Biancur: I'll second.

Christopher Suggs: Seconded by Commissioner Biancur. All those in favor?

Speakers: Aye.

Christopher Suggs: Opposed? Abstained? The public hearing is now closed. We are voting on these two items separately, so I will entertain a motion [inaudible 31:44].

John Biancur: Can I do the regulation first? Would that be okay?

Brian Miller: I think the regulation should be done first because you shouldn't do [inaudible 31:54].

John Biancur: The map – before we have a regulation for it.

Brian Miller: If I may, just a point of minor procedure. I would put the schedules, the tables in with the regulation.

John Biancur: Okay, so what I will do is I will make a motion that we approve the Zoning Regulation, which is File #ZR 23-091, along with the Table 39.1, Summary of Table Uses in Residential Mixed Use, that has now changed – adds the SDD, along with the amended Table 36.1, which would add the SDD as well. And that way we can do the map on the next one.

Christopher Suggs: So we have a motion on the floor. Is there a second?

Michael Todd Taylor: I'll second it.

Christopher Suggs: Seconded by Commissioner Todd Taylor. Greg? Can you assist in the vote?

Greg Milano: Yes.

Christopher Suggs: And ask for a Roll Call vote? So the voting members are only the full members of the commission, which excludes Commissioner Rivera.

Greg Milano: Okay.

Christopher Suggs: So I'm asking for a Roll Call vote, so you can start with – save me for last – anyone you want to start with first.

Greg Milano: Okay. Commissioner Sullivan?

Gene Sullivan: Yes.

Greg Milano: Commissioner Biancur?

John Biancur: Yes.

Greg Milano: Commissioner Todd Taylor?

Michael Todd Taylor: Yes.

Greg Milano: Myself, yes. And Chairman Suggs?

Christopher Suggs: Yes. So that motion passes unanimously. So the zoning regulation along with the table is passed.

John Biancur: Okay, so now for discussion, I will make a motion that we approve the Zone Map Change, which is File #ZM 23-190. It's also labeled Proposed Area for Rezoning to Shoreline Design District, and it's dated June 14, 2023.

Christopher Suggs: Is there a second?

Michael Todd Taylor: I'll second it.

Christopher Suggs: Seconded by Commissioner Todd Taylor.

John Biancur: So just can I – just for discussion?

Christopher Suggs: Yeah.

John Biancur: Okay. So I just wanted to point out that our illustrious counsel did provide some information to us based on our last discussion on the map, which did occur in public, which would – there is that section that was the former Captain's Galley property. If we do not make this particular change the way that I'm reading this, and Attorney, please correct me if I'm wrong, it would revert back to an R2 district. Is that correct?

Tom Cusa: Whatever the current district is.

John Biancur: Right.

Tom Cusa: [As you say, 34:36] unless you're changing it, then yes, it will be, as of right now, as you said, based on what you've told me of the history of the property and the case law and the statutes that I've been able to find, then yes, that is [going to be 34:48] the case.

John Biancur: Okay. All right. I just wanted to make sure that that was entered into the record. That was of concern and some of the members of the public brought it up. I do want to say this, though. There were a couple people that said don't put that piece as well. If there were anything to happen in between the two, right, where the Captain's Galley property is and where the other portion the SRR appends, this would be much easier to bring that remaining area into SRR. Okay? So exclude the bird sanctuary from that part, but if that open

space ever became developable space, then I think that it would be appropriate to make that – make it appropriate to be SDD. I'm sorry, not SRR.

Male: Are you talking about the [FEMA wet area 35:32]?

John Biancur: So the area that would now include the ball fields now. So just if something were to happen there and let's say a ball field were to close, the skate park is closed, so I just wanted to put that into the record and that's my reason for voting yes on the entire map as it's proposed to us.

Christopher Suggs: Roll Call vote.

Greg Milano: Sorry, can I just make a comment?

Christopher Suggs: Oh, more comment? Sorry. Yes.

Greg Milano: So specifically on the Captain's Galley property, it's something I've gone back and forth in my head a little bit about of whether that should be incorporated. I've always gone back to the fact that we're changing it to a zone that would allow us more control. A restaurant could go there right now. It was a restaurant. It's giving it more – it's becoming more attractive, right? It's more likely to be improved if we change the zone, but also a three- and four-story by special permit on that piece of property, in my opinion, I would never vote for that. I just want to put that on the record. I would absolutely never vote for a three- or four-story by special permit development on that. I'm going to keep that because I think a two as of right residential and commercial combination is what I see as the most attractive, best use of that piece of property. Again, I don't have any insight into what people are planning for there. I'm really trying to stay as open-minded as possible and trying to improve that piece of property the best we can, and that would be making it the most attractive and most economically viable, right? Just by practicality. I just wanted to say that, and that's kind of where I'm going here. I'd prefer more control rather than reverting back to R2 where allowing just a restaurant. I just wanted to put that out there.

Christopher Suggs: [Are we ready 37:47] for the...

Greg Milano: Yeah.

Christopher Suggs: ...Roll Call vote?

Greg Milano: Happy to do roll call.

Christopher Suggs: Okay, Roll Call vote.

Greg Milano: Commissioner Sullivan?

Gene Sullivan: Yes.

Greg Milano: Commissioner Biancur?

John Biancur: Yes.

Greg Milano: Commissioner Todd Taylor?

Michael Todd Taylor: Yes.

Greg Milano: Myself, yes. And Chairman Suggs?

Christopher Suggs Yes.

Greg Milano: Passes unanimously.

Christopher Suggs: Thank you, so the motion passes. Okay.

John Biancur: Thank you all for your comments tonight, by the way, and for your involvement. We appreciate all the input.

Male: Okay [inaudible 38:43].

John Biancur: We got other business?

Male: Well, Staff Reports [inaudible 38:53].

Christopher Suggs: So Staff Reports, there was nothing. Is there anything you'd like to add? Something you're doing?

Catherine Conniff: You have two applications in the folder.

John Biancur: Wait a minute.

Catherine Conniff: The next [inaudible 39:04]. It's several applications.

Male: [Inaudible 39:06].

John Biancur: Oh, there are two.

Catherine Conniff: No, you can't open it right now.

Male: Okay.

Catherine Conniff: [Inaudible 39:10] I didn't get it.

John Biancur: And these are for the 25th, right? Okay.

Male: [Inaudible 39:17].

Male: [Inaudible 39:21].

Brian Miller: I was asked by Commissioner Biancur to take a look at the outdoor dining.

Christopher Suggs: Yes.

John Biancur: Yes.

Brian Miller: I put something [together 39:32], it's not a specific proposal, but it [inaudible 39:33] and thoughts. And I'll pass that out to everybody. [Inaudible 39:39] I'll ask [Chris 39:41] to send it out to everybody as well so that if you want to kind of discuss it at the next meeting...

John Biancur: So also, Cathy, if it's possible, if the Chair is in agreement, if we can add a discussion for outdoor dining, rooftop dining, etc., on the agenda for the 25th.

Catherine Conniff: Yes.

John Biancur: It looks like a light agenda. And then I can report back to Chris. I think there's certainly a need to probably address this probably sooner rather than later, so...

Brian Miller: It probably doesn't have to be all that complicated, [I don't think 40:17].

John Biancur: No, I don't think so either.

Brian Miller: [Inaudible 40:19] simple. But there are decisions the commission has to make. Yeah.

John Biancur: So...

Brian Miller: [That's right 40:32].

John Biancur: So Brian, is there a thought process about creating a distinction between rooftop dining and rooftop entertainment?

Brian Miller: Yes.

John Biancur: Okay.

Brian Miller: Well, I think I left that kind of open, but I think that certainly is a discussion. If you're going to do special permit for it, then you don't really have to make that distinction. You can tie it to the special permit, so you could say only music until 8:00 p.m. or something. The special permit gives you all sorts of flexibility even if it's not stated. But you can state it – this is the type of thing I want to – when you guys get discussions together, when we did those other things, I found that very helpful for me to draft it because I like to – I listen to the flow of ideas and it's very helpful. So maybe [inaudible 41:39].

Christopher Suggs: What's an example of rooftop entertainment? Like a practical example?

John Biancur: Think of, if you've ever been to a wedding and you're able to go up top, right? You weren't necessarily dining up there, right? There might be some like acoustic music for cocktail hour. So think of if this were – I'll just use the Debonair because it was brought up so much tonight. If they did build a hotel and they wanted a rooftop entertainment area where they could have a

cocktail hour to do a wedding, right? And then go down for the actual dancing on maybe the fourth floor.

Male: Okay.

John Biancur: Okay?

Brian Miller: Yeah, I think that even listening to that, because frankly, I hadn't gone there in my thought process. But you can make those distinctions too.

Christopher Suggs: I kind of ask because I'm aware of – I've been to an apartment, it's in New York, I'm not making a comparison, but there is a rooftop and there are grills up there along with nice patio furniture with –

Brian Miller: There's one in New Haven.

Catherine Canniff: New Haven has [them all 42:39].

Christopher Suggs: Oh, okay.

Catherine Canniff: Yes.

Christopher Suggs: Where residents are allowed to go up...

Brian Miller: [Right 42:42]

Christopher Suggs: ...and grill and have a cookout during the...

Male: Goodfellas, the restaurant [has that 42:46].

John Biancur: Brian, why don't you...

Male: [The City Social Club 42:48].

John Biancur: Brian, why don't you explain that you were in New York City on, what, the 35th floor of a building and it was a rooftop, right?

Brian Miller: I think that was the number, but they had – and then also you go again with the [green 43:01] rules. So some intelligent developer in New York City then will also perhaps give access to the rooftop to a couple of the units to barbecue or sit or sunbathe or whatever they want to do, which the people pay huge bucks for. So the roofs now – people in New York City where land is so precious, the rooftops are evolving into land. And there's different things because it won't likely – we heard about views tonight. That wouldn't really have an impact on views. We're allowed to put that other clutter on the roof, air conditioners and all that, but so this kind of – it's not a structure, it's a use. So there's that distinction in there, but yes, New York City, where, and I have no idea what their zoning regulations are. I would say it's about 3,000 pages. I don't really want to look in. But they do allow, in certain circumstances, being on the roof. And there's also a whole tradition in New York City. My daughter was in this walkup on the east side, and there was a door to the roof. It was only like on the sixth floor, and they put a couple

tables there, and I went up with her and everybody's drinking wine and eating cheese on the roof. Of course, the other buildings were like thirty stories.

There's all sorts of dimensions to it, but I think that that could be, talking about some sort of amenity that would be unusual or unique would really fit into the beachside type of situation. You could do it. And the other place I go is I know there's a restaurant, I forget the name of it, it's a Spanish restaurant or Mexican restaurant in New Haven, but the Elbow Room in West Hartford, it's only on the second floor, but people love it, and it's right downtown, so it doesn't have some of the issues. But it is there, and I think as we talk about it maybe we could come up with something that's a good thing and not a burden on the residents.

Gene Sullivan: Chairman? I'm sorry.

John Biancur: No, Gene, go for it.

Gene Sullivan: I think we should also consider what type of covering we would allow on this rooftop thing. Maybe someone would want to have metal covering that would be more of a permanent structure, or a glass covering, as opposed to just having umbrellas or something like that.

Brian Miller: Right.

Gene Sullivan: So we should probably make a decision as to what we would allow [inaudible 45:45].

John Biancur: So the initial conversation – and Brian, just so you know, the residential piece you've got is actually reversed. So it should be – at least what we've talked about, and we can decide whatever number.

Brian Miller: Okay [inaudible 45:58].

John Biancur: It should be 25% is permanent as a structure, okay? So think about if it's rooftop entertainment, chances are the Board of Health is not going to let somebody roll a cart out there as the bar, right? You have to have a full bar that has a sink and all that sort of stuff. So they'd probably have to build that. Now then you put into place the air conditioner units and all that sort of thing. That is a permanent structure. But as long as it's not more than 25% of the entire rooftop, one, we don't count it as a story, and two, we allow let's say rooftop dining or rooftop entertaining. Same thing on a residential structure. If 25% of it's permanent and not open – so if 25% of it was closed, so think of a widow's walk, it would have like a turret that you'd get up there, that would be 25% of it. The remaining 75% would be a deck around it. That could be allowed as not a floor.

Brian Miller: Okay. All right. See this is where we [inaudible 46:56].

John Biancur: Yeah. No, that's why I think it's good that we're talking about this.

Brian Miller: [Inaudible 46:59].

Greg Milano: So where would the max height fall there? Would it be like...

Brian Miller: Well, you would – I would imagine you would exclude that from the max height.

John Biancur: Yes.

Brian Miller: If you're limiting – just like you're excluding the other stuff that's on rooftops now from the maximum height.

Greg Milano: [Or there's a medium 47:14].

Brian Miller: The maximum height is also now it's kind of the midpoint, isn't it? Like on a gabled roof?

John Biancur: Yes.

Brian Miller: So yeah, again, that's why I didn't feel ready yet to put an exact proposal together because I think, again, this type of discussion – I don't know if you want to have it now or you want to have it later. I mean at another meeting.

John Biancur: We can have it at the next meeting. It's really up to Chris.

Christopher Suggs: Yeah, we can talk at the next one.

Brian Miller: Okay. I mean I think it's...

John Biancur: So I think that there's at least three distinctive uses, Brian, just as you're kind of thinking about this.

Brian Miller: Yeah, [inaudible 47:53].

John Biancur: There's outdoor dining, there's outdoor recreation, right? And then there's residential use, which is more of a passive recreational type of thing.

Brian Miller: Yeah. And that would be kind of the umbrella situation.

Male: [Right 48:04].

Brian Miller: I would imagine. And that's kind of the most benign, I think, of the uses.

John Biancur: But it could also be one of the more architecturally – it would add a lot of architectural character to a –

Brian Miller: It could.

John Biancur: – particular area.

Brian Miller: It certainly could. Yeah, give it a little pizzazz or something.

Greg Milano: I think we have to think about also the difference between a deck and a rooftop, like Stony Creek has a deck over a deck. Is that a rooftop?

Brian Miller: Well...

Greg Milano: It's above, it's outdoor, there's dining...

Brian Miller: No, that would go by the height.

John Biancur: Yes.

Brian Miller: Okay? So if you wanted to put a double deck on the side of a house, if it doesn't go over the maximum height, then we're not regulating it any differently than we are any other part of a building.

Greg Milano: Got it.

Brian Miller: I think the issue is – to me, the issue is what do you do about the height. Now, if somebody comes in with something a little lower, I don't know. I would think that the height is the governing thing. There's nothing that says that you could put up a natural structure above what the roof would be as long as you don't pierce the height limitation.

Greg Milano: So like a one-story building with a deck on the top doesn't hit the max two-story [inaudible 4:28]?

Brian Miller: Well, we're talking about the whole city now.

Greg Milano: Yeah.

John Biancur: Right.

Brian Miller: So yeah, whatever you [just did 49:32] today, that's a very small part of the city.

Greg Milano: That's true.

Brian Miller: And I think it'll be interesting to see if something happens downtown to kind of do that. That would be kind of [inaudible 49:44].

John Biancur: Actually, I have a feeling that this would very much affect some of the downtown restaurants and bars.

Brian Miller: I would think it would.

Male: I would if I owned a bar downtown.

Brian Miller: Then you don't have to worry about some of the concerns [about it 49:57].

Greg Milano: I know of a few places that are smooshed for space and would love some more space if they're allowed to do something like this.

Brian Miller: I think going – it's also cheaper space to go upstairs, right? I would think that a restaurant might want to do that. Cheaper space and now it's kind of a novelty.

Male: [Inaudible 50:17]

Brian Miller: Sit and watch the goings on [inaudible 50:19].

John Biancur: So...

Gene Sullivan: Do you remember...

John Biancur: Go ahead, no, no, Commissioner.

Gene Sullivan: Do you remember the place that's across from the old [Mike's Duchess 50:26] Diner?

John Biancur: Oh, yeah, down –

Gene Sullivan: When it was [McKenna's 50:30] maybe? They used to have a deck up on the roof.

John Biancur: I remember when they had a place up [top there 50:35].

Gene Sullivan: But I don't remember whether it was [McKenna's 50:37] or if it was...

John Biancur: It was a different place when I went there...

Gene Sullivan: ...after [McKenna's 50:36].

John Biancur: ...but yeah.

Gene Sullivan: But they had –

John Biancur: It was packed. It was packed.

Gene Sullivan: It was nice.

John Biancur: It was nice.

Male: [All right 50:43].

Gene Sullivan: And they just went in, they got a building permit and did it.

Brian Miller: I think –

John Biancur: Brian, the other piece, and this falls along the line of the sustainability part, that we had some of that conversation with the folks that were concerned about the SD District. We may want to talk about specifically about landscaping as a rooftop type of garden up there or something like that. And I'm not saying to make it overly specific, but if somebody had large planters

up at the top with green, flowing kind of slightly down the building, that might be a nice feature to it.

Brian Miller: [All right 51:20].

John Biancur: And I know that that's done in the city a lot. I know if you go to Goodfellas and go up on the roof, they've got three-quarter walls...

Male: Yes.

Brian Miller: [Inaudible 51:27].

John Biancur: ...with these huge planters with stuff coming out.

Brian Miller: Goodfellas, you could eat on the roof.

Male: [Yeah, I've been up there 51:31], as a matter of fact.

Male: Yes.

Brian Miller: I haven't eaten in that new Good— well, it's been there for twenty years or something, but I haven't gone into that one.

Male: It's [a chain 51:38].

John Biancur: Yes. It's actually — it's beautiful up there.

Brian Miller: It sounds like it should be one of my professional outings.

John Biancur: I think you might have to. Just don't expense it to the city.

Brian Miller: No, no, I'll put it on my — taxes.

Male: [Inaudible 51:52].

John Biancur: You may not want to release that information here tonight.

Male: It's research.

John Biancur: So Chris, you're okay with us adding...

Male: [Inaudible 51:58]

Male: [Inaudible 51:59] around here.

Christopher Suggs: Absolutely.

John Biancur: So...

Male: I'd be happy to go with you.

Brian Miller: Okay.

Male: Should we [notice a 52:03] a special meeting for it?

John Biancur: So just, for everybody, if there's any thoughts, if we could just send them to Brian [as always, 52:11] find out, follow the typical protocol. Don't put everybody on it and reply to all and all that sort of stuff. That'd be great.

Brian Miller: Also, I'll take some time and look and see what other communities have done with this sort of...

Male: [Inaudible 52:25].

Brian Miller: ...kind of the thought process and what do we do, but then I'll come back with some other stuff on that.

Christopher Suggs: Okay. [I believe that's it 52:35].

John Biancur: I'm good.

Christopher Suggs: Oh, and just for a point of order, at 6:03, our assistant city planner, Cathy Conniff was on the record. She was just absent when we did the roll call, but I wrote it down.

Catherine Conniff: That's okay.

Christopher Suggs: [Inaudible 52:47].

Catherine Conniff: I'm not usually – I don't get addressed by anyone.

Male: She was [inaudible 52:51].

Catherine Conniff: I'm just here physically to do whatever you guys want [me to do 52:53].

Christopher Suggs: [Just wanted to make sure 52:53].

Brian Miller: We know that's not true, so.

Catherine Conniff: Oh, it is.

Christopher Suggs: A motion to adjourn?

Tom Cusa: Well, I have just a quick [five-second 52:58]...

Christopher Suggs: Oh, I'm sorry. I apologize.

Tom Cusa: ...litigation update. Regard to Kaplow v Moore, which was the case against the ZBA. Mr. Kaplow withdrew his action effective July 3, 2023, so that matter is essentially dead. Again, 98 Orange Avenue was the whole drive-in matter we heard today. Again, that's –

John Biancur: What was the – Tom, what was the first one?

Male: Kaplow.

Tom Cusa: Kaplow, what is it – Kaplow v West Haven Zoning Board of Appeals and Richard Moore.

John Biancur: Which development was that, do you know the address or the...?

Male: I thought it was the Dawson Avenue property.

Catherine Conniff: It doesn't really pertain to [this 53:36].

Tom Cusa: Yes, it was an old bar.

John Biancur: Oh, okay. All right.

Tom Cusa: That basically it burnt – it caught fire.

John Biancur: Yeah, I know the...

Tom Cusa: [Inaudible 53:41] city foreclosed on it and then sold it to Mr. Moore, who wanted to turn it into a very large home. He wanted – it's a small parcel, so he was going to make I believe a three-story home. The gentleman across the street sued as an adjoining property owner, and it's just been going – it's been languishing for a while.

John Biancur: So he's withdrawn his app –

Tom Cusa: He's withdrawn the action, essentially.

John Biancur: Okay.

Tom Cusa: Yes. The Court – he tried to file an amended complaint adding some additional claims, more or less saying that the city should have put the property up for public bidding prior to selling to Mr. Moore. The Court basically said that's not really appropriate and you didn't follow the proper procedure to do the amended complaint in the first place, so they booted that out and shortly thereafter – and Mr. Moore was actually due to have his plaintiff's brief, and he's been acting as a pro se. There's been no – the only attorney involved in this case has been me. So I don't know whether he just gave up or he got frustrated...

Male: Okay.

Tom Cusa: ...trying to do a brief, but he's withdrawn the action.

John Biancur: All right. It wasn't us, so that was what – that's why I was confused.

Tom Cusa: Yes, [inaudible 54:52] the ZBA with the variances for the setbacks to where he can build his property – Mr. Moore could build his property he was looking at. Again, Bowl Drive-in was the case we heard today. It's still scheduled for a hearing on the twenty-seventh. We'll see whether or not anything new comes up or whether it's simply dismissed. RHM Realty,

regarding that matter, the plaintiff brief has been filed. I'm currently working on the defendant brief, which is due first of August. The 6 Rock Street cases dealing with basically Jimmies, those are basically because the New England Brewing Company is attempting to get a revised lease keeping the property within the current footprint of the old convention center. That case has still been continued out to July 31, 2023, but NEBCO is having mixed luck, I guess is the best way to describe it, trying to get a final lease put together. So we'll see what happens on that. And I believe that's all of them.

Male: Thanks.

Tom Cusa: And as you said, on Campbell Avenue, I don't think – [inaudible 56:04] we discussed that a while ago, but I don't know that anything new – signs of life on that [inaudible 56:09]. That's all I have for today.

John Biancur: Thanks, Tom.

Christopher Suggs: Thank you very much. So I will entertain a motion to adjourn.

John Biancur: So moved.

Christopher Suggs: All right. Second? I'll second. We're adjourned at 9:01 p.m.