

MEETING MINUTES FOR PLANNING AND ZONING COMMISSION
JULY 23, 2019

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, July 23, 2019, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Biancur, Mullins, Sullivan, Suggs (7:31 p.m.), Johnson, Milano, ZEO Conniff, Assistant City Planner Killeen.

PLEDGE OF ALLEGIANCE

Commission Chair Hendricks informed the public of the approval of two items on the City Council agenda that affect The Haven development and stated The Haven now has all approvals it needs from the City to move forward. She thanked the commission for all their support in working together especially with regards to The Haven.

APPROVAL OF MINUTES: Commissioner Mullins made a motion to approve the meeting minutes of July 9, 2019, seconded by Commissioner Sullivan and passed.

Public Hearing

1. **588 Ocean Avenue.** Applications for approval of Special Permit, Site Plan Review and Coastal Site Plan Review, including Resource Removal, Filling and Grading, and Erosion and Sedimentation Control to allow the expansion of an existing rest home facility consisting of a 13,358 sf building addition plus associated site improvements, located in the R-2 (Single Family) Residential District. Applicant/Owner: Seacrest Retirement LLC. File #SP 19-032, SR 19-033 and CSPR 19-034.

Mr. Killeen stated on July 18 a letter was received from Attorney Porto requesting a continuation to the August 27, 2019 hearing.

2. **Proposed Amendments to Zoning Regulations.** Proposed amendments to the City's Zoning Regulations to create greater consistency with procedural requirements of the CT General Statutes. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-025.

Mr. Killeen explained that over the last few months the commission reviewed elements of the state statutes that provide enabling legislation for the commission to adopt its own regulations. Some of the West Haven Zoning regulations are inconsistent with state statutes. This amendment would bring WH zoning regulations more in compliance with the state requirements. Mr. Killeen reviewed what regulations are affected.

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

Commissioner Mullins made a motion to close the public hearing on File #ZR 19-025, seconded by Commissioner Biancur and passed.

3. **Proposed Amendments to Zoning Regulations.** Proposed amendments to the City's Zoning Regulations regarding stormwater management/drainage control related to compliance with state MS4 requirements. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-026.

Mr. Killeen stated these amendments are for compliance with State MS4 requirements to recognize new standards and requirements for managing stormwater runoff from DEEP. Mr. Killeen reviewed the amendments that will be affected. The most significant change was in the site plan review requirements. There were no comments or responses from the required outside agencies.

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

Commissioner Mullins made a motion to close the public hearing on File #ZR 19-026, seconded by Commissioner Sullivan and passed.

4. **Proposed Amendments to Zoning Regulations.** Proposed amendments to the City's Zoning Regulations regarding outdoor dining requirements in commercial districts. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-027.

ZEO Conniff explained it was difficult for small restaurants to have tables outside. The regulations therefore have been changed to allow up to four outdoor tables or less for smaller or take out restaurants, with no more than 16 chairs. This would require no application to the P & Z, but it will require an annual administrative approval by the staff. ZEO Conniff read into the record comments from Keith Flood, Center Fire Department. ZEO Conniff stated this will take effect next year April 1 thru Nov 1, since this is a seasonal regulation. However, restaurants that have outdoor dining will not be cited.

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

Commissioner Sullivan made a motion to close the public hearing on File #ZR 19-027, seconded by Commissioner Biancur and passed.

5. **Proposed Amendments to Zoning Regulations.** Proposed amendments to the City's Zoning Regulations regarding Short Term Rentals (such as Airbnb and VRBO) in certain districts. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-028.

Mr. Killeen stated the commissioners have received the revised version of this amendment, based on the discussion at the Commission's June 25 meeting. Short term rental has been defined as requiring a minimum stay of seven days under the proposed amendment. He also reviewed the regulations with regards to short term rentals and parking. This will require a Special Exception use application to the Zoning Board of Appeals, much like Accessory Apartments are now considered. Comments were received from Keith Flood, Center Fire District and Fire Marshal Esposito. Commissioners discussed the enforcement of these regulations and how each property would be contacted. Commissioner Sullivan suggested a press release informing the public about these regulations as well as the outdoor dining regulation.

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

Nancy Kelly, 233 First Ave., is in favor of Airbnb and feels it could bring a lot of revenue to the city.

William Kane, 9 Lucy Ave., is concerned with absentee landlords and inspection/enforcement procedures and agrees with the seven day requirement.

Linda Perrone, 56 East Brown St., agrees with the four unrelated people as stated in the regulations and questions the enforcement of all these rentals.

Commissioner Biancur made a motion to close the public hearing on File #ZR 19-028, seconded by Commissioner Mullins and passed.

Regular Meeting

1. Deliberation on Public Hearing Items

- a. 588 Ocean Avenue.** Applications for Special Permit, Site Plan Review and Coastal Site Plan Review, to allow the expansion of an existing rest home facility in the R-2 Residential District. Applicant/Owner: Seacrest Retirement LLC. File #SP 19-032, SR 19-033 and CSPR 19-034

At the request of the applicant, this item was continued to the public hearing on Tuesday, August 27, 2019 at 7:00 PM in the Harriet North Room, City Hall.

- b. Proposed Amendments to Zoning Regulations.** Proposed amendments re: procedural requirements and the CT General Statutes. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-025.

Commissioner Biancur made a motion to approve File #ZR 19-025 stating the commission finds the proposed amendments are consistent with the goals of the Plan of Conservation and Development, that City Departments had no significant concerns over the adoption of these amendments, the Regional Planning Agency has found that the proposed amendments will not have inter-municipal impacts and these amendments will help to bring the City into better compliance with State Statutes, seconded by Commissioner Johnson and passed. Commissioner Hendricks stated that any applicant that was approved last year will be grandfathered for the five years.

Commission Chair Hendricks commented that anyone who has been approved in the last year should be grandfathered into this amendment which allows them up to five years to complete an approved subdivision.

- c. Proposed Amendments to Zoning Regulations.** Proposed amendments re: stormwater management/drainage control and state MS4 requirements. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-026.

Commissioner Biancur made a motion to approve File #ZR 19-026 stating the commission finds the proposed amendments are consistent with the goals of the Plan of Conservation and Development, that City Departments had no significant concerns

over the adoption of these amendments, the Regional Planning Agency has found that the proposed amendments will not have inter-municipal impacts and these amendments will help to bring the City into better compliance with State Statutes, seconded by Commissioner Johnson and passed.

Commission Chair Hendricks asked staff to forward a copy of the updated regulations to Jim Fuda on behalf of The Haven applications.

- d. **Proposed Amendments to Zoning Regulations.** Proposed amendments re: outdoor dining. Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-027.

Commissioner Biancur made a motion to approve File #ZR 19-027, stating the commission finds the proposed amendments are consistent with the goals of the Plan of Conservation and Development, that City Departments had no significant concerns over the adoption of these amendments, aside from the Fire Marshal, and the Regional Planning Agency has found that the proposed amendments will not have inter-municipal impacts, seconded by Commissioner Mullins and passed.

Commission Chair Hendricks agreed that this regulation should be implemented over the next year to give the City Council time to set appropriate fees and staff to prepare application materials. She also asked that staff contact restaurants that had inquired about the outdoor dining regulations over the last few months (e.g. Louise's, Prospect Beach House, Tom and Pat's, Casa Bianca, etc.).

- e. **Proposed Amendments to Zoning Regulations.** Proposed amendments re: Short Term Rentals (Airbnb and VRBO). Applicant: City of West Haven Planning and Zoning Commission. File #ZR 19-028.

Commissioner Biancur made a motion to approve File #ZR 19-028 stating the commission finds the proposed amendments are consistent with the goals of the Plan of Conservation and Development, that City Departments had no significant concerns over the adoption of these amendments, aside from the Fire Marshal, and the Regional Planning Agency has found that the proposed amendments will not have inter-municipal impacts, seconded by Commissioner Mullins and passed.

Commission Chair Hendricks asked staff to notify the Fire Marshals that the regulation was adopted and that the Commission felt that any regulation was better than none. She also asked staff to notify the applications/brokers for Short Term Rentals of the new regulation and ask for confirmation back. She stated that the City should monitor what is happening with these regulations on a state and national level as well.

2. **500 Derby Avenue** Application for Site Plan Review approval to extend an asphalt driveway to the north side of an existing building to serve a standby generator located on the west side of the building, in a Regional Business (RB) District, pursuant to Section 75 of the West Haven Zoning Regulations. Applicant: Rose M. Gavrilovic, P.E. Owner: South Central Connecticut Regional Water Authority. File # SR 19-029.

Joe Popielarczyk, Tighe and Bond, stated the exterior work is an extension of the driveway to provide regular access for fuel deliveries for a generator that is existing on the site. There will be some minor electrical trenching that will be back filled and seeded. Comments from Frank Gladwin were read into the record and will be addressed when the applicant obtains permits.

Commissioner Biancur made a motion to approve File #SR 19-029 and stated the Commission finds the proposed amendments to be consistent with the goals of the Plan of Conservation and Development and finds that this proposal meets the requirements for Site Plan approval, seconded by Commissioner Suggs and passed.

3. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)** – Commission Chair Hendricks stated there will be a workshop next week for the proposed Village District Regulation. She reviewed the six tables and the topics that will be discussed at each table. The public should answer whether its cost effective, any items missed, too comprehensive, etc. Mr. Killeen stated this has been advertised on the website.
4. **Staff Reports** - none
5. **Other Business** – Commissioner Milano stated as a recipient of a notification he feels that continuations, updates to the application or updates to the property that there should be some kind of public notice that an application is cancelled or continued. Otherwise the public will not know and show up at a meeting when the item is not on the agenda or not show up at a continuation meeting. There was some discussion of alternatives that could be considered, but no specific action was taken and it was agreed the Commission should discuss this issue in greater detail at some point.
6. **Adjournment:** 8:59 p.m.
Commissioner Biancur made a motion to adjourn, seconded by Commissioner Mullins and passed.