

**CITY OF WEST HAVEN, CT
PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING HELD ON
TUESDAY, JULY 25, 2023**

The West Haven Planning and Zoning Commission held a Regular Meeting and Public Hearing on Tuesday, July 25, 2023, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, Connecticut at 6:00 p.m.

Call to Order

Vice-Chairman Biancur called the meeting to order.

Roll Call

Christopher Suggs, Chairman	Absent
John Biancur, Vice-Chairman	Present
Gregory Milano, Secretary	Present
Gene Sullivan, Commissioner	Present
Michael Todd Taylor, Commissioner	Present
Joseph Vecellio, Alternate	Absent
Sammy Rivera, Alternate	Absent
Catherine Conniff, Assistant Planner	Present
Steve Hotchkiss, Zoning Enforcement Officer	Present
Ron Quagliani, City Council Liaison	Present
Thomas Cusa, Counsel	Present

Pledge of Allegiance

Approval of Minutes

Secretary Milano made a motion to approve the minutes from the regular and public meetings held on July 11, 2023. Commissioner Taylor seconded the motion. The motion passed by majority.

PUBLIC HEARING

1004 Orange Avenue: Application for approval of a Special Permit to allow for a pet grooming facility (non-boarding) on property located in the RB (Residential Business) District, under Table 39.2 and Sections 85 and 92 of the West Haven Zoning Regulations. Applicant: Alyssa Poplaski; Owner: Boston Post Properties, LLC. File # SP 23-188

Alyssa Poplaski, 201 Scott Road, Terryville, was co-owner of Coastal Canine Grooming and Boutique in Milford for 8 years and hoped to continue the same quality of services to her clients in West Haven.

Assistant City Planner Conniff stated for the record that the mailings were done. She noted the Ellington Fire Marshall was in support and that the Building Department stated the applicant was to provide the type of ventilation system, the type of drainage system for the dog washing, and the required GFC eye protection for the dog washing area at the time of the building application.

Commissioner Sullivan questioned the parking. Ms. Poplaski stated that the business is mostly done by drop-off and does not require much parking. She is currently the only employee. In response to Vice-Chair Biancur's questions, she stated that it is by appointment only and would be open at least five days a week. Vice-Chairman Biancur noted the requirements for the special permit were met.

Public Session: [Daniel Raponzo, 15 Power Road,] Newtown, the owner of the building, was in favor of the proposal. He agreed there would be no changes made to the outside of the building.

Vice-Chairman Biancur called three times to the public for additional speakers.

Commissioner Sullivan made a motion to close the Public Hearing, seconded by Commissioner Taylor. The motion passed unanimously.

Commissioner Taylor made a motion to approve File # SP 23-188, seconded by Secretary Milano. The motion passed unanimously.

228 Washington Avenue: Application for Special Permit to allow parking in the front yard. Owner/Applicant: Jose A Hernandez. File # SP 23-189

The applicant for 228 Washington Avenue was not present. Commissioner Sullivan made a motion to continue File # SP 23-189, seconded by Commissioner Taylor. The motion passed unanimously. The application will be continued to the next meeting, August 8, 2023, at 6 p.m. in the Harriet North Room.

Staff Reports

Assistant City Planner Conniff stated the next applications are going to be the softball field at the high school and a biotherapy salon coming at 415 Main Street.

Attorney Cusa gave several updates. The case regarding the application from the last meeting, 98 Orange Avenue, was still pending with a hearing scheduled for August 31. He stated he was working on the brief for 36 East Avenue, RHM Realty, regarding a driveway in the side yard. The multiple cases for 6 Rock Street were currently scheduled for a conference on July 31. Regarding the Campbell Avenue property, there was a technical issue with Inland Wetlands that led to a denial, requiring the applicant to reapply through Inland Wetlands.

Other Business

Vice-Chair Biancur asked for feedback on rooftop dining in order to draft into a regulation to be reviewed in August. He felt there would be a need for uses for entertainment venue purposes,

beyond restaurant use. There was discussion about current uses and whether those uses would potentially use rooftop space, such as nightclubs, taverns, cafes, or bars; restaurants; banquet halls; convention centers. The entire roof could be used for seating, entertainment, etc. If less than 25% of the rooftop fixtures were permanent, including HVAC systems, then it would not be counted as a separate floor of the structure.

Secretary Milano believed rooftop use should be regulated the same as a patio for residential use and the same as outdoor dining for commercial use if it is not above a certain height and that the category of use, such as outdoor entertainment, should trigger a review. Vice-Chair Biancur noted there would be no way to know that; if the building was not at the maximum height and it was allowed as of right, there was nothing to stop someone from having outdoor entertainment except a noise complaint later on. He suggested to focus on multifamily apartments and commercial and come back to residential single-family later on. Assisted City Planner Conniff added that if it was done by special permit, it could be limited to a certain amount of tables, done at 10 p.m., floor plan needed, and if they go out of that purview, it would be shut down.

Commissioner Sullivan felt 25% coverage of the roof seemed appropriate without adding another story, and it would likely not be used a lot of the year. He did not want to allow much more than that. Vice-Chair Biancur stated outdoor dining had always been designed for ground level, and the percentage of use for rooftop dining could be vastly increased, up to 75% of the usage of the rooftop with the remaining 25% permanent structures. Secretary Milano suggested that the larger percentage might have effects on noise.

Commissioner Taylor wanted to allow residents in the area to explain their position and be detailed about what they want to do. He did not believe it should be as of right. Secretary Milano suggested several rooftop uses that should be regulated, such as live entertainment, weddings, brewery, alcohol use. He stated he would regulate it more if there was a bar rather than just dining. Commissioner Sullivan believed there would be problems with parking in the Shoreline District no matter the use. He suggested that it be as of right that it could be done but that it would require a special permit.

Vice-Chairman Biancur planned to draft something for future review.

Commission Taylor made a motion to adjourn, seconded by Commissioner Sullivan.

Adjournment: 7:00 p.m.

/ab