

**CITY OF WEST HAVEN, CONNECTICUT
PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING
TUESDAY, AUGUST 8, 2023**

The West Haven Planning and Zoning Commission held a Regular Meeting and Public Hearing on Tuesday, August 8, 2023, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, Connecticut, at 6:00 p.m.

Call to Order

Chairman Suggs called the meeting to order.

Roll Call

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

Pledge of Allegiance

Approval of Minutes

Chair Suggs requested a motion to approve the minutes from the regular and public meetings held on July 25, 2023. The motion was moved by [REDACTED]. [REDACTED] seconded the motion. The motion passed by majority with Chair Suggs abstaining due to having been absent and not listening to the tape.

PUBLIC HEARING

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

Chair Suggs declared this was a continuation of a public hearing. The applicant was not present. Chair Suggs announced that the motion to continue would be delayed until the applicant was in attendance.

415 Main Street: An Application to open a Bio Therapy establishment in the CBD (Central Business District). Pursuant to Table 39, 85 and 92 of the City of West Haven Zoning Regulations. Owner West Haven Professional Services, LLC / Applicant H & M Bio Therapy Inc File # SP 23-190

Deliberation on Public Hearing Item: 415 Main Street File # SP 23-190

Attorney Vincent Amendola, Jr., represented the applicant who was not in attendance. He requested the item be presented later in the agenda or at the next meeting.

Chair Suggs affirmed [inaudible].

1 Circle Street: Application for a Site Plan Review with a Coastal Site Plan Review to reconstruct a new softball field to an all-weather synthetic turf field. Pursuant to section 75 and 92 of the City of West Haven Zoning Regulations. Owner/Board of Education -Neil Cavallaro/ Owner West Haven High School File #SR-191 and CSP 23-192

Deliberation on Public Hearing Item: 1 Circle Street File #SR 23-191 and CSP 23-192

Chris Hulk, Licensed Engineer and Director of Design and Construction for FieldTurf, represented the applicant. He voiced that the project was to renovate and replace the existing grass softball field at West Haven High School. He presented a map of the softball, stadium, and baseball fields showing the Coastal Area Management area and existing softball site conditions, which had drainage issues and did not meet the school's programmatic needs. He outlined the reasons for converting the field to synthetic turf. He discussed the dimensions of the new field, fencing, elevations, grades, catch basins, drainage, and construction time frames, which had been submitted to the City for review. He did not think there had been any comments to date other than what had been received from the State related to the Coastal Area Management and needing to maintain current regulations, and they were in compliance with drainage needs.

Commissioner Sullivan asked what would be the life expectancy of the field [as opposed to] the football field. Chris Hulk answered that the synthetic turf would last 10 to 15 years with it being properly maintained, which the City had the equipment necessary to do such, and the warranty was for 10 years. He noted that baseball and softball fields had high-use areas, which were replaced every three years. Commissioner Sullivan asked if the bleachers and batting cages would be redone and if the outfield would be the same distance. Chris Hulk described the proposed changes to the batting cages and the dugouts and stated the outfield would have a radius of 200 feet. Chris Everone, Director of Facilities for the Board of Education, clarified why the dugouts would be relocated. Commissioner [redacted] asked what maintenance entailed. Chris Hulk described typical maintenance. Vice-Chair Biancur questioned if this had to be addressed by Inland Wetlands. Staff commented that it had been approved as submitted. Commissioner Milano inquired if there would be changes to lighting. Chris Hulk answered there would be no changes to the lighting system. [redacted] declared that the applicant would need to comply with all local flood plain management development regulations and all conditions set forth in a local flood plain development permit, and the Flood Plain Application would be reviewed. She asked that the West Haven Building Department be contacted if the turf installation had any impact on

existing systems, such as electrical or storm drainage, and that they be contacted for any new systems or alterations to existing systems, such as lighting. She stated that Fire Marshall Sicotte had no comments related to the reconstruction of the softball field.

Chair Suggs asked for public comment. There was no public comment.

Chair Suggs asked if dirt would be brought in or if there would be removal of dirt. Chris Hulk noted that topsoil would be removed, which would be more or less replaced with stone base.

Chair Suggs entertained a motion to close the public hearing. It was moved by [REDACTED] and seconded by [REDACTED]. The motion passed unanimously, and Chair Suggs declared the public hearing closed.

Vice-Chair Biancur motioned to approve File #SR-191 and CSP 23-192 as submitted, which complied with Sections 75, 92, 71, and 38. The motion was seconded by Commissioner Rivera. The motion passed unanimously.

415 Main Street: Chair Suggs returned to this item. Attorney Amendola requested the item be continued to the next meeting. Counsel Kravitz stated the public hearing had not commenced and would have to be done within 65 days of the application date. Chair Suggs declared the item would be continued on Tuesday, September 12, 2023, at 6 p.m. [REDACTED] asked that Attorney Amendola provide a letter for the file. [REDACTED] noted that September 12, 2023, would be over 65 days from the application date, which Attorney Amendola needed to consent to in the letter for a continuation.

228 Washington Avenue: Assistant City Planner Conniff noted that the application date was June 14, 2023. Counselor Kravitz expressed the item would have had to be commenced by August 11, 2023. Assistant City Planner Conniff voiced that the public hearing had not yet been opened. Counselor Kravitz stated the application could be denied without prejudice or [REDACTED] without the applicant being at the meeting to consent to a continuation. Chair Suggs motioned to deny File #SP 23-189 without prejudice. It was seconded by Vice-Chair Biancur. The motion passed unanimously. Chair Suggs declared that the application was denied without prejudice.

Staff Reports

Assistant City Planner Conniff indicated the next meeting would include four applications – 5 Kimberly Avenue for the car rental place, which was a service rental [inaudible]. Commissioner [REDACTED] asked if 5 Kimberly was AKA 9 Kimberly. Assistant City Planner Conniff confirmed that was correct.

Assistant City Planner Conniff stated there were also two applications to apply siding at 445 Main Street and 338 Center Street, which was in the Village District, and an application for 93 Campbell Avenue for a restaurant.

Assistant City Planner Conniff commented there was a person interested in a hookah lounge. There was one in town in the CBD, and she had recommended he make regulations for it because

she did not think it was a top priority for P&Z, and he was considering it. She stated it was [inaudible] retail. She did not know the difference between a cigar lounge and a hookah lounge. Commissioner [] noted that [inaudible] had provided an explanation previously. Discussion ensued related to the definition of a hookah lounge. Assistant City Planner Conniff noted there had been no complaints related to the existing hookah lounge, which had been open for about four years and which P&Z had approved. She indicated it was separate from marijuana and regulations would have to separate a smoking establishment from [].

Chair Suggs inquired how the Bike and Pedestrian Plan would be made official. Assistant City Planner Conniff indicated that she had been sent it to Mike Walsh, and she had called City Hall. She was trying to determine who the letters/notices should go to. She had also called the State and left voicemails for return calls. She would call [Charlie D'Amato]. Discussion ensued regarding paving streets, traffic, and gas lines and who should receive notices. Chair Suggs specified the Bike and Pedestrian Plan was not a Complete Streets Policy and would not require the implementation of anything and would be something that would be reviewed as a potential guide/recommendation. He noted a City ordinance needed to be adopted, which was the Complete Streets Policy, which would mandate the State to look at City documents, and there should first be a Bike and Pedestrian Plan and then a Complete Streets Policy referencing it as a guiding document. Commissioner [] indicated that as soon as the rooftop regulations were completed, then the Commission should resume the Complete Streets Policy as the open discussion portion of the meeting. Chair Suggs indicated the City Council Liaison should [handle it] and put it on the agenda for discussion and prep the Council for a discussion and that it could potentially happen before a turnover of government. Counsel Kravitz asked it would be helpful for the Commission to share a background memo on the process and what would happen after adoption. Chair Suggs remarked he wanted to see how other cities had adopted it in order to determine the requirements for adoption. He suggested there be Commission and/or staff representation when presented to City Council for a vote. Assistant City Planner Conniff stated she would do that and then request City Council comments and then do a final presentation.

Other Business

Vice-Chair Biancur addressed [rooftop][inaudible] and past conversations considering ideas. He provided the Commission a draft for review. He had visited surrounding towns and could not find much on rooftop being passive or active. He stated that New York City had a list of memos, some of which applied and some which did not. He read a portion of the draft related to height requirements, which stated if the height did not exceed existing height requirements or maximum stories, it would be allowed with a site plan review, which was meant more for residential, and if a rooftop exceeded height requirements, it may be granted by special permit only. He had considered different requirements for different parts of town. He defined different conditions of passive versus active related to floor space and permanent fixtures, which also included sight lines, uses, load occupancies, and additional required exits. Commissioner [] asked if the Fire Marshall would review required exits. Vice-Chair Biancu stated the Fire Marshall would review; however, if it was allowed through a site plan review, he did not know if it would go through a process with the fire departments. Assistant City Planner Conniff clarified that there would be a Fire Marshall review for any building permit. Vice-Chair Biancur noted he had included swimming pools, terraces, permanent fixtures, green spaces, non-walkable paving

surfaces, rooftop gardens, terraces for table services and enclosure requirements, furniture, decorative material anchorage, and height allowances for architectural amenities, such as clock towers, chimneys, antennas, etc. He had sent the draft to Consultant Brian Miller and [Chris].

Assistance City Planner Conniff stated she would reach out to Frank Gladwin, the Building Official, for him to reach out to all the Fire Marshalls for their review, and she would probably have a meeting with all the Fire Marshalls and the Building Department. Vice-Chair Biancur supported less regulation. Commissioner Milano questioned if the conditions would apply to a site plan or [inaudible] or if certain conditions would apply more for a special permit rather than just a site plan. Vice-Chair Biancur intended it to be special permit versus site plan review; however, a couple items referred to more passive recreation rather than something more active. If it was to be divided out into site plan review, he asked to make sure the conditions would be met, special permit [inaudible]. Discussion ensued related to special permit and stricter requirements, unoccupied rooftop uses, occupied floors and amenities, site plan review, heights, residential uses versus all uses, needed variances, permanent versus removable structures, what would be included in the maximum height requirement, and sight lines for neighboring residences. Assistant City Planner Conniff would ask the Building Official what would be considered another story and what would be considered in the maximum height requirement. Commissioner [] expressed that the sight line issues would be subjective. Discussion ensued regarding sight lines. Vice-Chair Biancur asked Commission members to send him suggestions for language nuances. Assistant City Planner Conniff ask Counselor Kravitz to investigate case law related to sight lines. Commissioner [] commented that there could be amendments over time. Commissioner [] asked what percentage of a dining establishment could be outdoor dining. Commissioner [] answered that less than 40% of indoor capacity could be total outdoor dining, which included outdoor ground and rooftop level. Discussion ensued whether more than 40% should be allowed if there was to be ground-level and rooftop-level dining, which the Commission would consider addressing. Discussion ensued regarding parking and special permits.

Vice-Chair Biancur asked that Consultant Miller be contacted with any requested changes.

Commissioner [] asked if the next meeting should be held at a restaurant that had outdoor dining. Discussion ensued as to who had outdoor and rooftop dining.

Vice-Chairman Biancur entered a motion to adjourn. It was seconded by Commissioner []. The motion passed unanimously.

Adjournment: 7:20 p.m.

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