

**MEETING MINUTES OF PLANNING AND ZONING COMMISSION
SEPTEMBER 11, 2018**

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, September 11, 2018, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Biancur, Sullivan, Suggs, Milano, Johnson, Mullins (7:28 p.m.), Assistant City Planner Killeen, ZEO Conniff, Corporation Counsel Tiernan and Commissioner of Planning and Development Messoro.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE FOR VICTIMS OF SEPTEMBER 11, 2018.

Congratulations were given to Commissioner Milano for his re-appointment to this commission.

APPROVAL OF MINUTES: Commissioner Biancur made a motion to approve the meeting minutes of August 14, 2018, seconded by Commissioner Sullivan and passed.

Public Hearing

1. **261 Platt Avenue.** Applications for approval of Special Permit, Site Plan Review and Coastal Site Plan Review to renovate an existing automobile service station into a gas station with convenience store, in a Neighborhood Business (NB) District, pursuant to Table 39.2, and Sections 71, 75, and 85 of the West Haven Zoning Regulations. Applicant: United Energy Company. Owner: Wischert Management, LLC. File # SP 18-024, SR 18-025, and CSPR 18-026. *(Continued from the August 14, 2018 hearing.)*

Mark Smith, CMG Environmental, stated a presentation was given at the meeting of July 24, 2018 but was continued for DOT information regarding the strip of their property and a portion of a drive lane that encroaches on DOT property. The applicant met with DOT in August, and a letter was received from DOT on September 7, 2018. Plans have been revised to reflect their comments. DOT has indicated that they are willing to lease this space (under the encroachment) to the applicant. The applicant still has to work with the DOT regarding the size of the tankers and turning radius relative to the southern curb cut. Attorney Tiernan stated since information has been a late submission, the commission has the option to continue this hearing. He suggests the following options: denial, approval with conditions on obtaining an encroachment permit or for applicant to come back at a later time when the encroachment permit has been obtained and when the issue of the southern curb cut has been resolved. Attorney Tiernan would also like a traffic review done by the Police Department. Applicant was advised that a sidewalk variance would need to be approved by ZBA. Saleem Muhammed, United Energy, stated the tanks need to be removed by the end of the month, otherwise the project will not go forward.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application. There was no one present to speak for or against this application.

Mr. Smith wanted assurance that the tanks can be removed from the ground at this time. Attorney Tiernan stated the applicant can go forward with tank removal since the use is not

changing until the Site Plan has been approved, including any necessary variances and State permits.

Commissioner Mullins made a motion to close the public hearing of File# SP 18-024, SR 18-025, and CSPPR 18-026, seconded by Commissioner Sullivan and passed.

2. **2-8 Ashburton Place.** Applications for approval of a Special Permit and Site Plan Review, including an Erosion and Sediment Control Plan, to permit the construction of a 16-unit multi-family housing development, pursuant to Tables 20.1 and 39.2 and Sections 74, 75 and 85 of the West Haven Zoning Regulations, in the Central Business District (CBD). Applicant/ Owner: Bert Qubes, LLC. File # SP 18-033 and SR 18-034. *(Continued from the August 14, 2018 hearing.)*

John Waganblatt, architect, is representing the applicant tonight. He stated Attorney Shansky could not make it tonight. A letter was sent to the Commission by Attorney Marjorie Shansky dated September 9, 2018 and was made part of the record. Mr. Waganblatt read some points that he wanted to emphasize in the letter regarding right of way, easements and access. The site is 18,899 sq. ft. and is composed of three parcels, consisting of two vacant parcels and a third parcel with a dwelling on it. This proposal is for a new three story structure with infrastructure, storm, lighting and landscaping occupying the three parcels, which were described in detail by Mr. Smith. Access to the site will be on the east side of the building with a 24 ft. paved access. All the stormwater will be kept on site and treated on the site. A six foot fence will be installed along the rear of the property. Staff comments were addressed in the revised plans. During construction Ward St. Ext residents will have access to their properties. Jim McMahan, owner, explained the snow shelving and the parking. Comments were read into the record from the City Engineer and the Fire Marshal. The first floor will have two apartments and two community rooms, and second and third floors will have seven apartments each. Mr. McMahan stated the storage bins should be plastic and see through and management should supply the locks. Commissioners questioned how this structure will fit in with the existing neighborhood. Most of the homes are single and two family homes. Mr. McMahan stated the CBD district already existed when the majority of the homes were bought. Attorney Tiernan brought up the fact that the building opens up to the rear of the property and does not make it conducive to pedestrian traffic as recommended in the City's Plan of Conservation and Development. Chairman Hendricks noted there is no front entry, and she questioned whether the units would be accessible during emergencies. Mr. Killeen addressed Attorney Shansky's comments and brought up the fact that she had discussed the properties on Ashburton Street leading to the subject property from Campbell Avenue, which were a mix of uses including commercial, office and residential uses. He pointed out that other uses along Ward Place after you exit the subject property (the streets are one-way only) are not included in her letter, and those uses are mainly one family homes with a few two and three family homes. He handed out a summary of properties and provided definitions of local, collector and arterial streets, concluding that Ashburton and Ward St. are local streets.

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

Attorney Anne Leavitt, West Haven, CT., represents residents Michael and Pamela Heaphy, 26 Ward Place Ext., who oppose this project since it does not fit into the neighborhood. She read a statement into the record. This development will affect their driveway access to Ward St. Ext and they feel that this is spot zoning and it does not benefit the city. It is located on a local street and doesn't comply with Special Permit requirements.

Pamela Heaphy, 26 Ward St. Ext, is also one of the owners of 28 and 30 Ward St. Ext, and she submitted a letter to the record dated September 11 2018. Snow removal has never been pushed into the city street.

Mr. McMahon said each apartment will have its own electric heating/cooling units. Commissioner Sullivan is concerned about the parking if two adults each have a car as well as the height of the proposed structure. Mr. McMahon asked, since his lawyer was not able to make it tonight, that he would like a continuance of this hearing if the Commission is agreeable. Commissioner Hendricks stated Attorney Shansky's letter was representative of her presentation and she is not in favor of a continuance and does not want to have the public come back again, since this would be the second time they had to come back. Commissioners are in favor of voting tonight. Attorney Tiernan noted that Attorney Shansky's recent letter was dated just two days before this hearing, and she did not request a continuation in her letter.

Commissioner Mullins made a motion to close the public hearing on File # SP 18-033 and SR 18-034, seconded by Commissioner Suggs and passed

Regular Meeting

1. Deliberation and Action on Public Hearing Items:

a. 261 Platt Avenue. Special Permit, Site Plan Review and Coastal Site Plan Review applications to renovate an existing automobile service station into a gas station with convenience store, in an NB District. Applicant: United Energy Company. Owner: Wischert Management, LLC. File # SP 18-024, SR 18-025, and CSPR 18-026. *(Continued from the August 14, 2018 hearing.)*

After some discussion, Commissioner Mullins made a motion to approve Files SP 18-024, SR 18-025, and CSPR 18-026, seconded by Commissioner Suggs with the following conditions:

1. Review of the current Site Plan by Police Department to assure they are comfortable with the proposed traffic layout.
2. Prior to issuance of a Building Permit, applicant shall submit a Landscape plan subject to the approval of the Planning and Zoning staff.
3. An encroachment permit shall be obtained from the CT DOT.
4. Approval is subject to posting of a performance bond in an amount to cover erosion and sediment controls, submission of an As-Built Survey to the satisfaction of the City Engineering Department, and the completion of any City-required improvements at this location.
5. The Commission is aware that the applicant will be seeking a waiver of the sidewalk requirements from the ZBA and did not approve the site plan in reliance of a presentation that sidewalks would be built (Sect. 50.5).

Motion passed 5 – 0.

b. 2-8 Ashburton Place. Applications for approval of a Special Permit and Site Plan Review to permit the construction of a 16-unit multi-family housing development in the Central Business District. Applicant/Owner: Bert Qubes, LLC. File # SP 18-033 and SR 18-034. *(Continued from the August 14, 2018 hearing.)*

Commissioners discussed whether the application complies with the special permit requirements of the regulation. Motions were made by Commissioner Suggs and Mullins but were rescinded to include appropriate sections with which this application is not consistent (vehicular access, vehicular traffic, architecture and landscaping to blend harmoniously with the rest of the area) .

RECESS: 10:10 P.M.

RESUMED: 10:12 P.M.

Attorney Tiernan suggested that the denial of the Special Permit should take into consideration Section 85.3.1 which requires that Special Permits be denied if the use is contrary to the Plan of Conservation and Development. In this case, the design will not promote pedestrian access in the CBD as recommended by the City's POCD.

Commissioner Mullins made a motion to deny File # SP 18-033 and SR 18-034 because the project does not meet the Special Permit requirements of Sections 85.4.1, 85.4.2, 85.4.3 and 85.3.1 of the Zoning Regulations, seconded by Commissioner Biancur. Roll call 5 – 0. Motion to deny passed 5 – 0.

c. 857 Boston Post Road. Applicant seeks Special Permit approval for Outdoor Dining in an RB District. Applicant: Quinne Wright. Owner: Bart Realty. File # SP 18-023. *(Continued from the June 26, 2018 hearing, no hearing held on August 28, 2018.)*

Commissioner Hendricks stated that Quinne Wright notified us he no longer works for the Lotus Lounge, and when contacted he said he didn't care what happens to the application and does not represent the owner anymore. Additionally, the owner has not been in contact with staff. Commissioner Hendricks suggests sending a letter to the applicant.

Commissioners disagreed. Commissioner Suggs made a motion to deny File SP 18-023 on the grounds that the owner has not shown up for two meetings and the applicant no longer works for the owner, and the applicant has made no attempt to contact the office. Therefore, the Commission feels the application is null and void, seconded by Commissioner Sullivan and passed. Roll call 5 – 0. Motion to deny passed 5 – 0.

2. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)**

-Discussion held till next meeting

3. **Staff Reports**

a. Discussion of Draft Regulations re: Marijuana Dispensaries/Facilities

-Discussion held till next meeting

4. **Other Business** -- None discussed.

5. **Adjournment:** 10:25 p.m.

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