



CITY OF WEST HAVEN, CONNECTICUT

Planning and Zoning Commission

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CITY HALL 1896 -1967

Christopher Suggs Chairman
John Biancur, Vice-Chairman
Greg Milano, Secretary
Gene F. Sullivan, Commissioner
Michael Todd Taylor, Commissioner

Joseph Vecellio, Alternate
Sammy Rivera, Alternate
Vacant, Alternate
Brian Miller, Consultant
Catherine Conniff, Asst. City Planner

MEETING MINUTES OF PLANNING AND ZONING COMMISSON **SEPTEMBER 12, 2023**

The West Haven Planning and Zoning Commission held Regular and Public Hearings on Tuesday, September 12, 2023, in the in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 6:00 P.M.

PRESENT: Commissioners Suggs, Biancur, Milano Sullivan, Rivera, Taylor, ZEO Hotchkiss, Assistant Planner Conniff, Consultant Brian Miller and Corporation Counsel Kravits. Absent were Commissioners Vecellio.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Biancur made a motion to approve the minutes of the Regular and Public Meetings of August 8, 2023, and August 22, 2023, seconded by Commissioner Taylor and passed.

Continuation:

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

Attorney Vincent Amendola, Jr., is representing the applicant tonight and stated Hwa Kim is present tonight. Attorney Amendola gave a history of the company and gave past uses such as a medical office and law firm. This particular use fits the use for this building. It is in the Central Business District and the use is consistent with the Plan of Conservation and Development. The architecture has not changed that much over the years and this use will not change that. The layout is only making use of the first floor, reception area and two therapy rooms. It will be on appointment basis only and no walk-ins. It will be variety of different types of massage therapy. Appointments will be an hour to two hours apart and create minimal traffic.

The vegetation has been there historically and it will buffer the adjacent properties. There is no issue with storm runoff or lighting because nothing is changing with the site. Hwa Kim, New Jersey, explained what the service that will be offered such as what types of massages including biotherapy. Ms. Kim is offering her expertise to her friend to get the business up and running. Commissioner Suggs questioned the operating hours which will be Monday thru Sunday, 9 a.m. to 10 p.m., 7 days a week, which is out of the norm compared to other types of businesses. Attorney Amendola stated this is to see how the business grows and possible hours may be adjusted. Commissioner Biancur stated this application fits into the CBD and POCD and questioned whether the sign will remain. He also brought up the color of the building being in conformance with the Village District requirements, which is not part of this application but should be reviewed in the future. Commissioners discussed the hours and suggested 9 p.m. Monday thru Thursday and Sunday at 8 p.m. Friday and Saturday can remain the same, 9 a.m. to 10 p.m.

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

Commissioner Sullivan made a motion to close the public hearing on File #SP 23-190, seconded by Commissioner Taylor and passed.

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

Commissioner Biancur made a motion to approve SP #23-190 with the following condition that operating hours will be changed to 9 a.m. to 9 p.m. Monday thru Thursday, 9 a.m. to 10 p.m. Friday and Saturday and Sunday 9 a.m. to 8 p.m., seconded by Commissioner Milano and passed.

93 Campbell Ave: A Special Permit application for approval for a Restaurant Liquor Permit in the CBD (Central Business District) pursuant to Table 39.2, Section 45 and 86 of the West Haven Zoning Regulations. Owner Jaime Caballero / Applicant Curtis Cobb File # SP 23-197

Commissioner Milano has recused himself and Alternate Rivera will be voting. Commissioner Suggs stated this application was continued but was not discussed. Mr. Cobb, applicant, stated he is here to apply for a special permit for a liquor permit. Commissioner Suggs stated it was continued due to obtaining information from the Police Department with respect to the applicant's prior conviction. He read into the record information that was sent stating prior conviction is not an automatic refusal and he feels the State will handle anything beyond granting the liquor permit. Hours of operation will be Monday thru Thursday, 3 p.m. 12 a.m.; Friday & Saturday, 3 p.m. to 2 a.m. & Sunday, 11 a.m. to 12 a.m.

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

Commissioner Biancur made a motion to close the public hearing on File #SP 23-197, seconded by Commissioner Taylor and passed.

Deliberation on Public Hearing Item 93 Campbell Ave File # SP 23-197

Commissioner Taylor made a motion to approve File #SP 23-197, seconded by Commissioner Rivera and passed.

Staff Reports: Ms. Conniff stated there are no applications at this time.

Other Business: Discussion on the Rooftop Dining and
Plan of Conservation and Development

Mr. Miller explained the changes he made from the original was a clarification on 25% on Section 58.2.3. Commissioners discussed what should be included as 25% such as structures and gardens/plantings. Commissioner Sullivan questioned the 25% including structures and mechanicals. He was under the impression that it would be for coverings. Commissioner Biancur explained the closer it gets to 50% it becomes another floor. Attorney Kravitz also brought up the discussion of cell tower emissions on diners. Railings will come under the purview of the building department but screenings should be reviewed with respect to line of site. Greenhouse type structures would count toward the 25%. Mr. Miller suggested to the commission between Commissioner Biancur and himself that they come up with a regulation so it would move it along. Commissioner Biancur stated he would go to 30% for structures. Attorney Kravitz brought up the possibility of providing an elevator. Ms. Conniff stated when she receives it, she has 35 days to refer it out to SCROG. Commissioner Biancur stated they will try to get it to Ms. Conniff my Monday, September 18th so a public hearing can be held on October 24th.

Plan of Conservation and Development – Mr. Miller stated there are still some things left to do with the POCD. He suggests marking up the changes and giving the commission an updated list at the next meeting. Ms. Conniff suggests going to OPM and informing them to extend it for another ten years. Commissioner Milano stated we can make any changes within the 10 years. There are still four years left on the original 10 years.

ADJOURNMENT: 7:38 P.M.

Commissioner Rivera made a motion to adjourn, seconded by Commissioner Biancur and passed.