

MINUTES OF PLANNING AND ZONING COMMISSION
OCTOBER 8, 2019

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, October 8, 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, Sullivan, Suggs, Mullins, Milano, Johnson, ZEO Conniff, Commissioner of Planning and Development Messore, Corporation Counsel Tiernan and Paula Anthony from Berchem Moses PC. Absent was David Killeen Assistant City Planner

PLEDGE OF ALLEGIANCE

Moment of Silence for Deputy Fire Chief John Patry

APPROVAL OF MINUTES: Commissioner Suggs made a motion to approve the meeting minutes for September 19, 2019 Special Hearing and Meeting, seconded by Commissioner Sullivan and passed. Commissioner Suggs made a motion to approve the meeting minutes of the Regular Hearing and Meeting of September 24, 2019, seconded by Commissioner Mullins and passed.

Public Hearing

1. **Proposed Amendments to Zoning Regulations.** Proposed amendments to the City's Zoning Regulations to establish a new use "Active Adult Community" as a Special Permit use in the R-1 (Single Family) Residential District and to establish standards for approval of this use, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: BLLT LLC. File # ZR-19-031. *(Continued from August 13, 2019 and September 24, 2019 Hearings.)*

Based on a request from the applicant, this item was continued to the October 22, 2019 hearing of the Planning and Zoning Commission to be held at 7:00 PM in the Harriet North Room, 2nd floor, City Hall.

2. **461 Derby Avenue.** Applications for Special Permit approval of a vehicle repair shop in the Regional Business District, pursuant to Table 39.2 and Sections 44 and 85 of the West Haven Zoning Regulations. Applicant: Astro Auto Repair, LLC. Owner: SKF Automotive, Inc. File #SP 19-035, SR 19-036 and CAL 19-037.

Attorney Mary Androski is representing the applicant tonight. There will be no other changes to the property for this special permit request. Commissioner Biancur reviewed staff comments with Attorney Androski, which Attorney Androski said were not received. ZEO Conniff stated she tried to send the comments but it came back. After reviewing, Attorney Androski agreed with all comments. All mailings were submitted to file. Comments were read into the record from the Building Official and Fire Marshal. Michael Farwar, New England Collison, stated they are waiting for UI. Everything is complete.

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

Commissioner Mullins made a motion to close the public hearing on Files #SR 19-035, SR 19-036 and CAL 19-037, seconded by Commissioner Biancur and passed.

- 3. 82 Campbell Avenue.** Application for Special Permit approval of a Pet Grooming shop in a Central Business District, pursuant to Table 39.2 and Section 85 of the West Haven Zoning Regulations. Applicant: Heather LeClaire. Owners: James/Anita Diglio. File # SP 19-039.

Heather LeClaire, Derby, CT., stated this application is for a small dog grooming shop. She has been in the business for 20 years. It will be by appointment only and there will be no dumpster. Comments were read into the record from the Building Official and Fire Marshal.

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.

Commissioner Biancur made a motion to close the public hearing on File #SP 19-039, seconded by Commissioner Suggs and passed.

- 4. 81 Farwell Street.** Application to modify conditions of an existing Special Permit to allow waste consolidation and container cleaning for a medical waste handling facility in the Industrial Planned Development District, pursuant to Section 85 of the West Haven Zoning Regulations. Applicant: MedXWaste-NY LLC. Owner: JPSF Properties, LLC. File # SP 19-040.

Sean Frederickson stated this application is for waste consolidation. Applicant explained the waste disposal, sanitation process and trucked out. Nothing will be brought into the facility as of yet. Another approval by DEEP would have to be obtained for this. They have DEEP approval for transit only at this time. Mailings were submitted to file. Comments from Building Official Gladwyn and Fire Marshal were read into the record. Attorney Tim suggested placing a condition about time waste can be held. Mr. Frederickson stated this will not be a hazardous waste transport. Hours will be till 6 p.m.

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

Robbin Hamilton, 92 Bedford St., represents the district this business is located. She is concerned that it can be a future disaster.

Fred Brown, 23 Smith St., concerned about the opening of these containers and what could happen.

Applicant is happy to show anyone the process to alleviate their concerns. It is a lot safer than it seems. Most of the issues that could occur are with the generator of the waste. This company has two other locations.

Commissioner Sullivan made a motion to close the public hearing, 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

Commissioner Milano recused himself from this application. Commissioner Hendricks brought the public up to date and the process. She stated that deliberations would begin after a motion has been made on this application. There has been no additional information since public hearing is closed. The Commission will be considering only the plans for the applicant's property and will not be considering the area across the street (the parking lot or marking of street), which is not part of this application so there will be no vote on those two items.

Commissioner Biancur made a motion to deny these applications based on the following reasons:

1. Application is not in keeping with our Plan of Conservation and Development.
2. The application does not blend harmoniously with the neighborhood.
3. The intensification of the use of the existing structure would not minimize any disturbances on surrounding properties.
4. The public overwhelmingly spoke against this application (by count 30 to 9), mainly regarding the quality of life of the neighborhood.
5. The application may have a negative impact to the value of current residential properties in the neighborhood.

Seconded by Commissioner Mullins.

Commissioner Biancur stated he researched the Plan of Conservation and Development (POCD) on the negative impact on neighborhoods. The POCD states it seeks business development but with the purpose to connect other neighborhoods, and not be intrusive into the quality of life. He feels that this application does not do that. Commissioner Mullins stated he is not comfortable with this application since there quite a number of residents opposing this application. Commissioner Sullivan does not think there is enough overflow parking and will impact the neighbors. Commissioner Hendricks stated this is a 24 hour facility, which will add beds meaning more staff and more medical employees coming and going at all hours. There are likely to be more emergency vehicles due to the increase in beds. She is concerned about the effect on the quality of life for the neighbors due to the density of the neighborhood. Commissioner Messore stated this application is part of the neighborhood and asks the commission to consider approval citing concerns for neighbors. Commissioner Hendricks

Roll call was called. Motion to deny carried on a 5 – 0 vote.

- b. **Proposed Amendments to Zoning Regulations.** Proposed amendments re: "Active Adult Community." Applicant: BLLT LLC.; File #ZR-19-031.

This item was continued to the October 22, 2019 Planning and Zoning Meeting to be held at 7:00 PM in the Harriet North Room, City Hall.

- c. **461 Derby Avenue.** Application for Special Permit for a vehicle repair shop in the RB District. Applicant: Astro Auto Repair, LLC. Owner: SKF Automotive, Inc. File # SP 19-035, SR 19-036 and CAL 19-037

Commissioner Biancur made a motion to approve Files #SP 19-035, SR 19-036 and CAL 19-037, seconded by Commissioner Suggs and passed.

The conditions of approval are as follows

1. No repairs shall be conducted outside
2. There shall be no outdoor storage of vehicle parts, tires, batteries or containers.
3. Landscaping should be enhanced with plans to be reviewed by staff
4. Signs to be permitted by staff

- d. **82 Campbell Avenue.** Application for Special Permit for a Pet Grooming shop in a CBD District. Applicant: Heather LeClaire. Owners: James/Anita Diglio. File # SP 19-039.

Commissioner Biancur made a motion to approve File #SP 19-039 as it meets the requirements for a Special Permit approval and is consistent with the Plan of Conservation and Development, seconded by Commissioner Suggs and passed.

- e. **81 Farwell Street.** Application to modify conditions of an existing Special Permit for a medical waste handling facility in the IPD District. Applicant: MedXWaste-NY LLC. Owner: JPSF Properties, LLC. File # SP 19-040.

Commissioner Biancur made a motion to approve File #SP 19-040 with the following conditons:

1. Applicant shall maintain operations as described in the application granted on January 23, 2019 and the amended application. Any variation of this operation will be subject to the review and approval of the Planning and Zoning Commission.
2. The Commission finds that this proposal meets the requirements for Special Permit approval and Site Plan.
3. The time any medical waste may stay in in the facility falls under State guidelines.
4. Any reports or notifications to the State DEEP shall be copied to the City's Zoning Enforcement Officer.

Motion seconded by Commissioner Mullins and passed 4 – 1 (Suggs opposed)

2. **93 Campbell Avenue.** Request for approval of weekly special event at Charlie and James Place – Request for Wednesday night poetry readings and/or karaoke. Commissioner Hendricks suggested keeping the door closed during this time. Commissioner Biancur made a motion to approve this request with the door to be closed, seconded by Commissioner Suggs and passed.
3. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)** - continued

4. **Staff Reports** – continued
5. **Other Business** - continued
6. **Adjournment:** 8:05 p.m.
Commissioner Biancur made a motion to adjourn, seconded by Commissioner Mullins and passed.