

**CITY OF WEST HAVEN, CT
PANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON
TUESDAY, MAY 10, 2022**

The West Haven Planning and Zoning Commission held a Regular Meeting and Public Hearings on Tuesday, May 10, 2022, in the Harriet North Room, 2nd Floor, City Hall 355 Main Street, West Haven, CT at 6:00 PM.

Call to Order

The regular meeting was called to order at 6:00 PM by Chairwoman Kathleen Hendricks.

Roll Call

Kathleen Hendricks, Chairwoman	Present
John Biancur, Vice-Chairman	Present
Christopher Suggs, Secretary	Present
Steven R. Mullins, Commissioner	Present
Gene F. Sullivan, Commissioner	Present
Michael Todd Taylor, Alternate	Absent
Gregory Milano, Alternate	Absent
Joseph Vecellio, Alternate	Present
Christopher Soto, Director	Present
Ronald Quagliani, City Council Liaison	Present
Karen Kravetz, Deputy Corporation Counsel	Present

Pledge of Allegiance

Approval of Minutes

Chairwoman Kendrick noted corrections on the minutes from the April 26th meeting. It was not a special meeting; it was a regular meeting. Commissioner Biancur made a motion to approve the minutes with the change noted by the Chairwoman; seconded by Commissioner Mullins with discussion. Commissioner Mullins notes the ‘s’ in his last name is missing from the roll call list. Chairwoman Hendricks noted an additional correction in the title of minutes. It should read regular meeting, not special meeting. Given the additional corrections Commissioner Mullins rescinded his second and Commissioner Biancur rescinded his motion. Commissioner Biancur made a new motion that with the aforementioned changes to the titling and Commissioner Mullins’ name, that the minutes be approved; seconded by Commissioner Mullins. The motion passed unanimously.

Prior to beginning the public hearings, Chairwoman Hendricks reminded everyone that the first item on the agenda for 350 Frontage Road was continued to the next meeting on 5/24/2022.

There is an open public hearing on the application so there is still to be no discussion until we reconvene at the next meeting.

Public Hearings

1. **350 Frontage Road:** An application for a Special Permit to construct a 10,200 sq. ft. addition to an existing manufacturing facility for the primary purpose of chemical processing. Owner/Applicant: MacDermid Alpha File #SP22-116
 - a. Continued to 5/24/2022
2. **2 & 8 Ashburton Place:** These are two applications (being considered together) for a Special Permit, Site Plan Review, and Village District Review to construct a three-family dwelling on 2 Ashburton Place and two (2) three-family dwellings on 8 Ashburton Place together with required parking and associated site improvements. Owner/Applicant: Bert Qubes, LLC File #SP22-117
 - a. Vincent Falcone, Esq. 324 Main Street, West Haven is representing the applicant. There will be three, three-family homes. One at 2 Ashburton Place and two at 8 Ashburton Place. The three-family homes are as of right in the Central Business District Zone (CBD) per our regulations. The use of the homes is entirely residential and harmonious with surrounding uses, which are one-family, two-family, and three-family homes in the area. The Section 21 architectural review supported the application and he wanted to mention that for the record. There is a small lot line adjustment between 2 and 8 Ashburton Place, but it does not create any non-conformities and basically evens out the properties. All the CBD bulk requirements are met, and no variances are required whatsoever. He mentioned the Staff Report drafted by Director Soto and the applicant agreed with the recommendations.
 - b. John Wagenelatt, Principal of the LRC Group 160 West Street, Cromwell, CT. The property is located in the CBD Zone and is situated on the southwest corner of Ashburton Place and Ward Place intersections and on the west side of Ward Place Extension. Two parcels make up the development, number 2 and number 8 Ashburton. 8 Ashburton is a vacant lot, and 2 Ashburton has a former dwelling that is to be demolished. They are proposing to construct three 1,200 sq. ft. buildings, each three stories, and each containing three dwellings, for a total of nine. Two units are on 8 Ashburton, and one is on 2 Ashburton. There are 18 parking spaces with 1 handicap which meets the zoning. They do have a landscape plan. The draining calculations were submitted with the first set of plans, not the current set. Director Soto asked if they want to use the same calculations and are they okay with those calculations. He said yes. Chairwoman Hendricks said that she wants to see that request submitted in writing since the first application was withdrawn. Lighting will only be over the doors and none in the parking lot. There are no light stands. Chairwoman Hendricks questioned the lack of a water line connecting to building 3. Wagenelatt responded they are using the existing water connections. Director Soto noted that you can see the existing water line on the plans.
 - c. Chairwoman Hendricks read the staff comments and asked that they agree to the conditions. Director Soto stated that since they are not proposing any lighting in

the parking lot, that condition can be stricken. The Chairwoman stated how deplorable the condition of the property is. Attorney Falcone agreed with the conditions.

- d. The Chairwoman asked the Commission for questions from the applicant. Commissioner Mullins asked for the number of bathrooms and bedrooms in each dwelling. Wagenelatt replied they are each two bedrooms with 1.5 bathrooms each. The commissioner wanted to confirm there are 18 parking spots with 1 handicap spot and no lighting in the parking lot, only the building itself. Wagenelatt confirmed this.
- e. Commissioner Vecellio was concerned about the computer room and wanted to know what would stop them from making that a bedroom. Director Soto interjected that is the very reason he suggested a condition that there be no doors for that room.
- f. Commissioner Sullivan had the same concern. He brought up the plans previously submitted by the applicant. The plans were presented as a three-family house, but it was clear that it was a four-family house. Attorney Falcone responded that was due to a mistake in copying. The person making the copies took one of the floor plans made a mistake in copying so it looked like a fourth floor. Director Soto interjected to discontinue the direction of the conversation; conditions have been made and there is a mechanism for enforcement.
- g. Commissioner Mullins asked pending approval, what is the goal for a C.O. Attorney Falcone was not comfortable providing a date given the current supply chain issues.
- h. Commissioner Suggs questioned page GD-1 regarding the sewer and water mains. He asked for confirmation that each building is 1,200 sq. ft. Falcone stated the footprint of each building is 1, 200 sq. ft. Suggs stated each building had 3 apartments, so they are essentially 3, three-family houses and Falcone agreed. Since they are three-family houses, Suggs asked if that's the reason why they didn't include handicap accessibility. Wagenelatt responded they don't need an elevator for a three-family house. Suggs also questioned the sanitary sewer line and the water main going to building 3. Wagenelatt pointed out where they are on the plans. The Chairwoman mentioned that Frank Gladwin noted those things so a building permit will not be issued unless they are correct. Suggs questioned if they are building a manhole, and they confirmed that they are. Suggs questioned the size of the snow storage area and wanted to know if it's adequate, and the trash can area. Wagenelatt said the area is adequate for snow removal. The Chairwoman asked how a snowplow will get to the area. Suggs then added that Attorney Falcone stated there is no egress for Ward Place Extension, so he was going to ask about that. Wagenelatt suggested a change to the landscape plan to allow access to the snow area. The Chairwoman suggested we add a condition that the landscape plan will have to be approved by staff to ensure there is room for snow storage. Suggs questioned if the one dumpster is enough for all three buildings. Wagenelatt responded that the dumpster will be hand-held not a garbage truck dumpster because of access to the area. Commissioner Biancur noted that more than three dwelling units on a lot requires a dumpster. The

Chairwoman noted that at 8 Ashburton Place there will be six units and that requires a dumpster.

- i. Chairwoman Hendricks asked if trash will be private pick-up. Wagenelatt said that is correct. Hendricks wanted the owner to know that the trash pick-up schedule needs to be frequent enough to deal with the volume of trash. Commissioner Biancur added that the dumpsters must be enclosed per our regulations. Hendricks pointed out that they need to have enough room for a dumpster and snow storage at 8 Ashburton and they must re-do their calculations for open space.
- j. Director Soto asked if a garbage truck can pull in and have enough space to turn around. He asked because he wondered if they could reconfigure the parking to allow for garbage truck.
- k. Commissioner Biancur wanted to focus on the Village District Overlay, and he stated that he spoke to Commissioner Milano about the application. Biancur referenced 21.5.C.II Placement and Treatment of Entries and noted that the fake doors facing Ashburton need to be working doors in order for the application to pass through the VDO, per the regulations. Director Soto pointed out that he mentioned this in his staff comments. He asked the Commission if they are willing to concede the fake doors. Additionally, if the primary entrance isn't on Ashburton the fake doors may present an emergency response issue. There could be no doors at all. Hendricks said that no doors at all will be in violation of the VDO and if we concede anything they will need a variance. Biancur mentioned the applicability section. The placement of these proposed buildings are not like the existing buildings. These buildings are sideways and the parking is in the back. The scale of the buildings is not harmonious with the surrounding buildings. Biancur questioned the façade. After citing several VDO district non-compliance concerns, Director Soto stated that this would cause a substantial site redesign. Falcone replied that he is somewhat upset. He gets paid to win cases. He does not like to be ambushed and he doesn't mean to offend the Commission. He was presented with information tonight that he is not prepared to respond to. Chairwoman Hendricks stated that this owner has presented four applications for this property, with no disrespect, that seem to make a mockery. Chairwoman Hendricks, Commissioner Biancur, and Attorney Falcone apologized if any party felt offended by any comments that were made. Falcone stated that they may have to completely reorient the buildings given the VDO regulations covered that evening. He said that he is not going to try to plug the plan any further. Falcone asked that the application be continued for a month and keep the public hearing open. He asked that he have the opportunity for the application to be reviewed prior to coming before the Commission. Soto pointed out that nothing in the plans as presented triggered an automatic architectural review, but it can be done since they are requesting it.
- l. Chairwoman Hendricks wanted the Commission to continue the review of their application while they are still present because once it is continued, they will not be able to have any discussion on it. Hendricks suggests a change be made to the Village District so that any applicant in the VDO can ask for the same review as if there was a building height problem.

- m. Commissioner Sullivan has a concern about the side yard and how close it is to the property line.
 - n. The Chairwoman stated that the public hearing is remaining open and will be continued to June 14, 2022.
 - o. There was a five-minute recess from 7:33 – 7:38 PM. The meeting was back in session at 7:38 PM.
3. **297 Elm Street:** An application for Village District Review of proposed exterior changes to the façade of an existing commercial property. Owner: Shore Realty, LLC/Applicant: Elm Donuts, Inc. File #VDO22-118
- a. David Branco, Franchisee 297 Elm Street, West Haven. He has to do a required refresh, a required remodel. Dunkin requires that every ten years there is a required refresh. He was surprised that he was in the VDO, but he is required to bring the building up to date. Paint the exterior of the building to Dunkin approved colors, neutral, gray colors as shown on the plans. There are metal panels around the top and outside of the building that are being replaced with new materials. The outside is being replaced to reflect the new name, Dunkin. Chairwoman Hendricks mentioned that he has to come before the Commission because the changes are more than 30% of the façade so it cannot be approved administratively. Commissioner Biancur mentioned that everything they are doing matches the existing buildings and the new lights are better because they're LED.
 - b. Chairwoman Hendricks made three calls for anyone from the public to speak. There was no one. Commissioner Mullins made a motion to close the public hearing; seconded by Commissioner Sullivan. It passed unanimously.
 - c. Commissioner Mullins made a motion to approve File #VDO22-118 as it meets the requirements of the Village District Overlay; seconded by Commissioner Biancur. The motion passed unanimously.
4. **Affordable Housing Plan:** Discussion and adoption of plan
- a. Director Soto reached out to SCROG and made an edit to include multi-families. SCROG made the change and it's been posted on the city website. OPM left it up to the municipalities to adopt the plan. There is no requirement to take it to the City Council. They have not received any feedback from the public regarding the Affordable Housing Plan. By state statute the plan has to be adopted every five years.
 - b. Commissioner Biancur made a motion to approve the Affordable Housing Plan as presented to the Commission with the modifications discussed at the last meeting and posted on the city website, with discussion; seconded by Commissioner Mullins. Biancur stated that he views plans like this as if none of the current people were there and what would the next group of people do. That is why he was so particular about it. The Chairwoman likes that the plan came out of a regional setting. She agrees to approve it as it exists. Commissioner Sullivan questioned who can help with this. Soto replied that the department has asked for someone to help do that. They've also asked for an Assistant Grants Coordinator. CDA Department is another option. The motion passed unanimously.

Staff Reports: Director Soto sent some ordinances to the folks working on the bike and pedestrian plan, who got in touch with the people working on the GIS plan to address the mapping needs. He provided about 60% of what's been asked for. He mentioned one outstanding item is to come up with goals.

Other Business: Chairwoman Hendricks pointed out the article in the paper where West Haven was recognized by the Connecticut Economic Development Association and awarded Silver Certification. It exemplifies best practices in economic development and land use.

Adjournment: Commissioner Sullivan made a motion to adjourn; seconded by Commissioner Mullins. The motion passed unanimously. The meeting adjourned at 8:45 PM.