

**CITY OF WEST HAVEN, CT  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE REGULAR MEETING HELD ON  
TUESDAY, MAY 24, 2022**

The West Haven Planning and Zoning Commission held a Regular Meeting and Public Hearings on Tuesday, May 24, 2022, in the Harriet North Room, 2<sup>nd</sup> 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	Present
Gregory Milano, Alternate	Present
Joseph Vecellio, Alternate	Present
Christopher Soto, Director	Present
Karen Kravetz, Deputy Corporation Counsel	Present

**Pledge of Allegiance**

**Approval of Minutes**

Chairwoman Hendricks noted corrections on the minutes from the May 10<sup>th</sup> meeting. Her last name is spelled wrong, and also under number 2 paragraph k, architectural review should say meeting of joint committee. Commissioner Biancur made a motion to approve the minutes as amended; seconded by Commissioner Sullivan. The motion passed unanimously.

Chairwoman Hendricks stated that at the request of the applicant, 1115 Orange Avenue will be carried forward to the June 14, 2022 meeting.

**Public Hearings**

1. **1115 Orange Avenue:** An application for a Special Permit for retail sale and dispensary of adult-use cannabis pursuant to Connecticut Public Act 21-1. Owner: DHI Enterprises, LLC. Applicant: Thomas Macre. File #SP 22-108
  - a. Carried forward to 6/14/2022

2. **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 and Applicant: MacDermid Alpha File #SP 22-116
  - a. The applicant was not present so the application was held for later in the meeting.
3. **98 Orange Avenue:** An application for a Special Permit and Coastal Site Plan Review for a 94,850 sq. ft. Self Storage Facility with associated site improvements. Owner: Eighty Eight-Ninety Eight Ave, LLC. Applicant: BDC Holdings, Inc. File #SP 22-119
  - a. Robert Pryor, Professional Engineer Land Surveyor, Solli Engineering Associates 501 Main Street, Suite 2A Monroe, CT 06468. The members of his team were still in route so he asked to heard later in the meeting.
4. **634 Orange Avenue:** An application for a Special Permit, Site Plan Review, and Resource Removal Filling and Grading for the construction of the Allingtown Branch of the West Haven Public Library. The building will be a two-story 14,748 sq. ft. building. Owner: One Up Investments, LLC. Applicant: Village Improvement Association of West Haven, Inc. File #SP/SR/RFG 22-120
  - a. Attorney Stephanie Cummings w/Carmody Torrance Sandak & Hennessy 50 Leavenworth Street Waterbury, CT 06702, representing Village Improvement Association of West Haven. She stated the notices of mailing were submitted to the city on May 12<sup>th</sup> and also mailed on May 12<sup>th</sup>. Proof that their sign was posted on May 13<sup>th</sup> and their notices were posted in the New Haven Register on May 13<sup>th</sup> and May 20<sup>th</sup>, satisfying all notice requirements. The VIA is under contract to purchase the property, and this project seeks to remedy 1 Forest Road being sold for development.
  - b. Colleen Bailey Executive Director for the West Haven Library. She went over some of the things they do at the library and how they help the community; help with resumes, technology, loaning out books and DVD's, community space that provides story times, book clubs, intellectual programs and how-to programs, collaborate with other groups in town such as the West Haven Prevention Council, Community House, HUD lectures, school visits. With the new library they are looking at what they didn't have before and adding that to the new library such as a teen space, historical room, study rooms. They've received state and national grants for helping people with digital equity and making sure all citizens have access to internet, hot spots, and computers. Having a library in Allingtown will provide immediate access to people in Allingtown. The parking at this location will have more than the main library has.
  - c. Stephanie Cummings stated that this site has three frontages; Orange Ave, Smyrna St, and Daytona St. The topography is challenging. The westerly abutter is the Epping Corporation which back in 1995 had a gasoline leak with lead to a deep remediation. The property is vacant and overgrown. The last actual use was Sammy's Pizza back in 1998. This project will turn an eyesore into an opportunity.
  - d. Joe Codespoti Professional Land Surveyor Codespoti & Associates, PC 504 Boston Post Road Suite 202 Orange, CT 06477. The parcel is in a very unique location, on Route 1 and abutting three streets. The slopes and the rocks are also unique as well as the vegetation. The parking has to be partially located in the Smyrna front yard, there's no other place for parking. The proposed building is

2.5 stories; two full stories and a partial walk-out on the garden level. The total floor area is 14,750 sq. ft. They provided 41 parking space which is more than other branches. It's located on a bus line which is a key point. It's backing up to a neighborhood which makes it very accessible to the neighbors. Access turn in off of the Post Road, there is only one way out; you have to take a right hand turn; no left hand turn lanes are allowed. There is no access on Smyrna but there is on Daytona. The driveway is 9.1% which is rather steep but not extreme. They are still in conversation with the City Engineer and the drainage plan is not final yet; the final design is still being calculated. The invasive species (plants) will be removed from the property and they'll introduce trees and ornamental trees, evergreen trees along the residential borders. The lighting will be along the perimeter facing inward on the property. The poles will be about 17 ft. mounting height. Handicap parking details will taken into consideration so the facility can be enjoyed by all.

- e. William Sapienza Sapienza Architects, LLC 420 Campbell Avenue Unit 1 West Haven, CT 06516. On the main floor the library will allow for the library to shut down and the meeting areas on the main floor can be used. There's an open stair connecting the first and second floors. There's an elevator with goes all the way down to the lower level. The building foundation will be taken down to the lower level. The foundation will be taken back wherever it seems practical in terms of removing the rock. The rock will be removed with hydraulic equipment. The second level has an open area and functioning areas of the library.
- f. Stephanie Cummings asked the Commission to approve the application in its whole.
- g. Commissioner Milano asked the current state of sidewalks on Route 1. Joe Codespoti answered zero on our side, there are sidewalks across the street. Milano asked if sidewalks in the direction of Carrigan are possible. Codespoti responded it is a state right of way and they would have to concur with the state on that. Milano state for the record that the City is currently putting together a bike and pedestrian plan, and this project doesn't allow a student to walk from Carrigan to the proposed teen space and that is a problem. Milano asked how to get from Route 1 to their front door. Currently he doesn't see how; a minor addition can be added to their plan. The library is right near a neighborhood, the walkability to the location, Sanford St has sidewalks and he'd like the entrance to the property to line up with that city street. Not only would it be for ease of traffic, but ease of pedestrian accessibility, a crosswalk from Sanford to the property would make the most sense. It would also reduce the amount of impervious space, reduce the amount of paving, and open up the space for more greenspace and activity. Milano asked where the nearest bus stop is. Codespoti responded on Route 1. Milano stated that people need to be able to get from the bus to the property. Codespoti stated they can add sidewalks to their property but nothing off of their property. Regarding the location of the entrance, they need a longer run that's why it's not across from Sanford Street.
- h. Commissioner Biancur does not see a bike rack on the plan. Stephanie Cummings said they can add that. Colleen Bailey stated that they will talk with the schools about after school buses instead of kids crossing the Post Road.

Biancur asked the percentage of people who use mass transit to the library. Bailey responded that at the old Allingtown location about 1/3 of their clientele used the bus. Biancur asked if precautions are taken to make sure there is enough parking with larger events. Bailey stated they have good relationships with neighboring buildings that allow overflow parking. Biancur asked if they have those agreements for the proposed site. Bailey replied they do not but they will work toward that. Cummings stated the land purchase is still under contract and they are not in a position to make those types of agreements. Biancur asked if street parking is an option. Cummings replied she is not sure because the property has been so blighted and the grade of the street makes it especially challenging. Biancur asked Director Soto if we require a dumpster for a site like this. Soto said we do. Cummings stated it is intended to go on the garden level.

- i. Commissioner Sullivan inquired about the Epping property. Cummings stated the Epping property is 668 Orange Ave as well as 157 Daytona Ave and the property is currently under foreclosure by the City of West Haven through the judicial foreclosure route. In 1995 the property had underground storage tanks for gasoline and there was leakage. At that time a lot of people were on wells, the leakage got into the water table, and polluted the water supply. DEEP came in and did emergency remediation which was putting people on the public city water supply and gave people bottled water. Epping wiped their hands of the property and have not paid taxes. There is an enormous DEEP lien on the property due to the emergency remediation. The property needs to be tested to ensure there is no current pollution with a Phase I and Phase II environmental. Sullivan asked if the City could give this property to the library for additional parking. Cummings responded that at the initial outset of discussions, the Corporation Counsel did convey that they property could be sold to them for \$1 but they didn't want to miss the opportunity to purchase 634 Orange Ave.
- j. Commissioner Mullins confirmed there is a bus stop in front of Corso's convenience store, there is another across the street heading southbound, there is a crosswalk with a crossing guard when Carrigan opens and closes. He wondered about sidewalks between ESUMS and the proposed library. Codespoti responded that adding a sidewalk to their property is not the hard part but can't do it off of their property. Cummings stated the VIA is happy to advocate for sidewalks off of their property. Cummings also stated that a lot of the design was derived from community input.
- k. Commissioner Suggs questioned the site development plan. He mentioned the flooding in the area and asked how they can help the city remediate the flooding issue. Codespoti responded that they will retain their water on their property with underground stormwater retention. Suggs asked where the plans show the underground retention. Codespoti pointed to page SP2 of their plans; the details are not there but the theory is there. Suggs asked what the underground stormwater retention looks like. Codespoti responded they don't have those details yet. Suggs turned to page SP6 and asked what size pipes they are going to use. Codespoti responded that will be determined by stormwater calculations. It's usually a 15" or 18" pipe. Cummings added that currently nothing is there

and their stormwater retention will improve the situation by stopping water from leaving their property.

- l. Commissioner Sullivan asked when is the start date. Cummings stated the fall is when they hope to start. Sullivan asked the total cost of the project. Cummings believes it's going to be about \$3 - \$4 million.
- m. Commissioner asked when they project will be completed. Cummings responded with a year, as soon as possible.
- n. Commissioner Suggs asked where the snow storage on the property is. Codespoti said they will push snow to the north of the parking lot towards Route 1 and to the east side towards Smyrna.

o. **Public Session**

- i. John Galvin President of VIA 40 Crest Street, West Haven. He is speaking in favor of the application. Two years ago the City Council conducted a survey on library services. They were found to be very efficient. The citizens who participated in the surveys found a need for the Allingtown library. Many other sites were explored. Not everyone on the City Council is happy but they haven't proposed any viable locations.
- ii. Gwen Haley 690 Forest Road Unit 362 West Haven. She misses her library and hopes the Commission will approve it.
- iii. Robbin Hamilton 92 Bedford Street, West Haven. Allingtown has been starving for a library, however, she is glad the Commission is looking at accessibility and flooding issues. She stated the City has offered other sites and mentioned Carrigan where it seems to make more sense. Commissioner Sullivan asked her why the library didn't like the Carrigan site. She replied they're here so they can answer that.
- iv. Aaron Charney 146 Union Avenue. In favor of the library particularly at this site. He likes it's on a bus line and the accessibility. He likes the access on a bus, walking, a bike, we have to begin connecting these different segments.
- v. Edward O'Brien 36 Platt Avenue, West Haven. He spoke in favor of the application. Allingtown needs to have their library back as soon as possible. He thinks the importance of this site is the accessibility to the bus line and Route 1.
- vi. Patricia Donnelly 392 Elm Street C2, West Haven. She is a member of the VIA and a bus user. She walked to other potential sites. On Fenwick Street the hill was steep and she would not want to walk up there in the winter time. The same goes for the Blake Building even though they have stairs. Other locations didn't provide much land so if a car was coming she wouldn't have much room to hop out of the way. At the proposed location she can walk in a parking lot to get out of the way.
- vii. Chairwoman Hendricks asked members of the VIA, or friends, to raise their hands. She then asked how many people are in favor of the project. Director Soto noted the record cannot see the number of hands raised. The Chairwoman stated for the record that the majority of the people are in favor of the project and the majority of the seats are full.

- viii. Commissioner Sullivan asked Cummings why the offer at Carrigan was turned down. He is concerned about the lack of the line of vision from Budd Street and the lack of sidewalks. Cummings responded the Carrigan property was not brought up by the City until after they were under contract; but this application is about the 634 Orange Ave not other potential locations. Sullivan asked how much they are paying for the property. Cummings answered \$229,000.
  - ix. Commissioner Biancur made a motion to close the public hearing; seconded by Commissioner Mullins with discussion. Commissioner Milano reiterated his suggestions for changing or requiring sidewalks be placed on the property they have control over. For the purpose of allowing Attorney Cummings to respond to comments made, Commissioner Mullins rescinded his second and Commissioner Biancur rescinded his motion.
  - x. Attorney Cummings appreciated the opportunity and appreciated the people who came out in support. They will be a partner with and the schools and ensure students have safe access. They will partner with the city. They will be an additional voice to the Allingtown community.
  - xi. Commissioner Mullins made a motion to close the public hearing; seconded by Commissioner Biancur. The motion passed unanimously.
  - p. Commissioner Biancur made a motion to approve File #SP/SR/RFG 22-120 with the following condition that sidewalks be placed on property particularly on the Boston Post Road and on Daytona Street, and that a bike rack be added somewhere on the property but that can be negotiated with staff. As well as any other regulation as we spoke about a dumpster as well. The motion was seconded by Commissioner Mullins. Commissioner Mullins mentioned the old Allingtown library being a part of his childhood. Commissioner Biancur stated the site is not ideal but he applauded the applicants the design. Director Soto clarified the conditions of the approval; sidewalks on Daytona Street and the Boston Post Road sides, bike racks, and the dumpster. Chairwoman Hendricks referenced the POCD. It very clearly concentrates on the Boston Post Road. The Post Road is not just a business corridor. She is in favor of it. Chairwoman Hendricks asked for a roll call vote. A vote of yes or I is in favor of the motion. A vote of no is against the motion. Commissioner Sullivan abstained. Commissioner Mullins voted yes. Commissioner Biancur voted yes. Commissioner Suggs voted yes. Chairwoman Hendricks voted yes. The motion passed by majority with 4 votes in favor and 1 abstention.
- 5. Chairwoman Hendricks called a 5 minute recess at 7:30 PM.
  - 6. The meeting was back in session at 7:35 PM
  - 7. **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 and Applicant: MacDermid Alpha File #SP 22-116
    - a. Commissioner Milano recused himself from this application.
    - b. Richard Park Project Manager for MacDermid Alpha and the representative for this project. Chairwoman Hendricks asked for a status of the Inland Wetlands application for the record. Park responded the Inland Wetlands application was

approved with conditions, last Tuesday. Those conditions were that they have to work with the Inland Wetlands Commission to come up with a contingency plan specific to maintaining and operating the tank farm which was expanded from the last Planning and Zoning approval.

- c. Commissioner Sullivan recused himself because he was not at the last meeting.
- d. Commissioner Biancur asked Park if he agrees to all 5 conditions of the Inland Wetlands Commission. Park answered yes.
- e. **Public Session**
  - i. Chairwoman Hendricks made three calls for public input. There was none. Commissioner Mullins made a motion to close the public hearing; seconded by Commissioner Biancur. It passed unanimously.
  - f. Commissioner Biancur made a motion to approve File #SP 22-116 with the conditions as outlined from the Inland Wetlands Commission meeting on May 15, 2022 and there were five conditions. Chairwoman Hendricks reiterated to the applicant that he must meet the conditions of the Inland Wetlands Commission and if he does not then the decision of the Planning and Zoning Commission is automatically rescinded. The applicant said yes he understands. The motion was seconded by Commissioner Mullins. The motion passed unanimously.
- 8. **98 Orange Avenue:** An application for a Special Permit and Coastal Site Plan Review for a 94,850 sq. ft. Self Storage Facility with associated site improvements. Owner: Eighty Eight-Ninety Eight Ave, LLC. Applicant: BDC Holdings, Inc. File #SP/CSP 22-119
  - a. Director Soto stated there was some defective notice. The application will be tabled to June 14, 2022 due to improper mailing notifications.
- 9. **Staff Reports**
  - a. 128 Milton Avenue. The front yard parking violation was addressed a few months ago. They requested an Americans with Disabilities Act (ADA) accommodation. Their legal counsel approached Director Soto and they have proper documentation. The city should make it as easy as possible to make the accommodation.
- 10. **Other Business**
  - a. The bike and pedestrian plan is moving pretty fast. Director Soto, Commissioner Milano and some folks from Beta took a look at the way folks move through the TOD. Walking from the train station underneath the bridge is intimidating. They discussed how to calm traffic in that spot. The designers sent a draft copy the survey questions. The Commission had general conversation about the draft copy of the survey questions.
- 11. Commissioner Biancur made a motion to adjourn; seconded by Commissioner Sullivan. The motion passed unanimously. The meeting adjourned at 8:19 PM.