

# CITY OF WEST HAVEN, CONNECTICUT

## Planning & Zoning Commission

City Hall | 355 Main Street West Haven, Connecticut 06516

Kathleen Hendricks, Chairman  
John Biancur, Vice-Chairman  
Christopher Suggs, Secretary  
Steven R. Mullins, Commissioner  
Gene F. Sullivan, Commissioner  
Gregory Milano, Alternate

Debra A. Johnson, Alternate  
Open Seat, Alternate  
Fred A. Messore, Commissioner of Planning and  
Development  
David Killeen, Assistant City Planner

### **MEETING MINUTES OF PLANNING AND ZONING COMMISSION** **MARCH 12, 2019**

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, March 12, 2019, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

**PRESENT:** Commissioners Hendricks, Sullivan, Biancur, Suggs, Milano, Johnson, ZEO Conniff, Assistant City Planner Killeen, Commissioner of Planning and Development Messore, Corporation Counsel Tiernan and Councilperson liaison Quagliani. Absent was Commissioner Mullins.

#### PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES:** Commissioner Suggs a motion to approve the meeting minutes of January 23, 2019, seconded by Commissioner Biancur and passed.

#### **Public Hearing**

1. **555 (AKA 567) Campbell Avenue.** Special Permit application for approval of a Restaurant Liquor Permit to operate a bar/restaurant with outdoor patio in the Central Business (CBD) District, pursuant to Sections 45 and 85 of the City of West Haven Zoning Regulations. Owner: Sami Jamal. Applicant: Russell Rivera. File # SP 19-001.

Applicant stated this application is for the approval of a restaurant/bar. There is an existing business there. Applicant knows that he needs to apply to the State. This will be a sports bar and will not open until the kitchen is open. A lease agreement has been entered into with the owner and the applicant. The applicant stated this will be a club environment with live entertainment. He is aware of the prior history of this establishment. He will not tolerate rate any disturbances. At the request, of Mr. Killeen a revised floor plan has been submitted. The applicant was notified that there is a 10 p.m. noise ordinance. Corporation Counsel Tiernan commented that the city has limited control over the back patio where the municipal parking lot is located. Applicant was notified of new regulations regarding grease separators for the kitchen and also it is not up to code. It was also suggested that an additional dumpster be provided. If there is any change to the application, the applicant will have to come back to the commission. Hours will be Sunday thru Thursday till 1 a.m. and Friday and Saturday till 2 a.m. ZEO Conniff stated there can be no scrolling signs in this district.

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

Shawn Brown, 56 Highview Ave., in favor.  
Vincent Falcone, 648 Ocean Ave., in favor.

Commissioner Biancur made a motion to close the public hearing on File #SP 19-001, seconded by Commissioner Sullivan and passed

2. **781 Boston Post Road**. Special Permit application to operate a Massage Therapy Parlor in the Regional Business (RB) District, pursuant to Table 39.2 and Section 85 of the City of West Haven Zoning Regulations. Applicant: Inner Essence Spa, LLC. Owner: McCarthy Enterprises, LLC. File # SP 19-002.

Shana McCarthy, Orange, CT, stated this application is to reopen her current business which is located down the street in Orange. Services offered are Massages, facials, waxing, body treatments, herbal therapies and other spa treatments. She has been licensed for 20 years. She will not offer manicures or pedicures because she would like to focus more on the healing aspects. She plans on opening sometime the end of March. There will be two employees plus herself. The floor plan submitted is the floor plan that will be approved. The sign that she was currently used she would like to move to this location.

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

Fred Messore, Orange, CT, speaking as an individual is in favor.  
Commissioner Hendricks received a phone call from Andrea Palumbo who is in favor.

Commissioner Sullivan made a motion to close the public hearing on File #SP 19-002, seconded by Commissioner Milano and passed.

3. **741 and 754 Washington Avenue and 8 North Union Avenue**. Application to change the zone of three properties from the R3 (Residential) District to the Light Manufacturing (LM) District pursuant to Section 86 of the City of West Haven Zoning Regulations . Applicant/Owner: WH Richards, LLC and WH Washington, LLC. File # ZM 19-003.

Attorney Vincent Falcone stated this application is for the zoning of the three properties only. The properties are owned by West Haven Lumber. The owners own five lumber stores in CT and the West Haven location has been operating for decades. This property will have a complete facelift. All parking will be reconstructed and will be a full service retail business. Part of this property is in an LM zone and the other part in an R3 zone. Attorney Falcone submitted exhibits consisting of a report from Assistant City Planner Killeen, project narrative, maps showing the two zones, original zoning map of the city, and aerial photo of the existing property. Attorney Falcone stated it is completely appropriate to zone this property LM. Commissioner Hendricks stated this is in view with the City's POCD and this zone change makes sense. She also suggests that Attorney Falcone work with the neighbors when the site plan is filed. Since it is not a public hearing, the commission has the discretion to have the public speak.

George Sincavage, 785 Washington Ave, sees no problem in changing zone.

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

Commissioner Biancur made a motion to close the public hearing on File #ZM 19-003, seconded by Commissioner Sullivan and passed.

## **Regular Meeting**

### **1. Deliberation on Public Hearing Items**

- a. 555 (AKA 567) Campbell Avenue.** Special Permit application for Restaurant Liquor Permit and outdoor patio in the CBD District. Owner: Sami Jamal. Applicant: Russell Rivera. File # SP 19-001.

Commissioner Biancur made a motion to approve File #SP 19-001 with the following conditions:

1. Floor plans are approved as submitted. Any changes to the floor plan must be reviewed with the staff of Planning and Development.
2. Refuse will be contained in an enclosed dumpster.
3. Any landscaping plans to be added to the outdoor patio will be subject to review by the Planning and Development Staff.
4. Any signage, awnings, etc. must be reviewed by the Planning and Development Staff.

The above referenced matter was approved on the date stated above and a Notice of Decision was published in the New Haven Register on March 15, 2019. Seconded by Commissioner Suggs and passed.

- b. 781 Boston Post Road.** Special Permit application for Massage Therapy Parlor in the RB District. Applicant: Inner Essence Spa, LLC. Owner: McCarthy Enterprises, LLC. File # SP 19-002.

Commissioner Suggs made a motion to approve File #SP 19-002, seconded by Commissioner Sullivan and passed.

- c. 741 and 754 Washington Avenue and 8 North Union Avenue.** Application to change the zone of three properties from the R3 District to the LM District, . Applicant/Owner: WH Richards, LLC and WH Washington, LLC. File # ZM 19-003.

Commissioner Suggs made a motion to approve File #ZM 19-003, seconded by Commissioner Milano and passed. Effective date will be publication date of Friday, March 15, 2019.

### **2. Section 8-24 Review: Proposed Abandonment of Roads Located Within the Haven Development (Water Street and portions of Richards Place, Center Street, and Main Street).**

Attorney Tiernan stated this is consistent with the approved site plan in July. This will assist in public safety. Attorney Tiernan stated closing the road would provide for security fencing. Commissioner Hendricks stated City Council gives this to the P & Z for an advisory opinion. P & Z can set recommendations but the final decision is up to City Council. Commissioner Sullivan made a motion to approve Section 8-24 referral to the City Council for the

abandonment of Water St, portions of Richards Place, Center Street and Main St., seconded by Commissioner Biancur and passed.

3. **Request for Extension of Time:** 900, 840, 510 and 410 West Campus Drive (formerly 400 Morgan Lane): Owner/Applicant: Yale University; Applications for Special Permit and Site Plan Review, including resource removal, filling and grading activities.

Mr. Killeen stated they are almost finished and they asking for a six month extension. Commissioner Hendricks made a motion to extend the landscaping timeframe for one year to February 27, 2020, seconded by Commissioner Sullivan and passed.

4. **Update Report of Bylaws Subcommittee** – Commissioner Hendricks stated when the bylaws committee was formed there is a timeframe of 45 days. Commissioner Suggs some progress has been made but more time is needed due to availability of meeting with others. If the committee doesn't finish, they will close the committee and open it up again for an additional 45 days.

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

- a. Allingtown Community Workshop, April 1, 2019, Request for Facilitators – Mr. Killeen stated this workshop is how to engage Allingtown in a variety of areas. A presentation will be done and then there will be a breakout of groups. It will last approximately two hours. Elements from the POCD will be discussed and possibly rewriting the RCPD district in this area. The announcements will go out today. About 45 local businesses, residents, civic groups, etc that will receive the notice. He is looking for facilitators for this workshop. Four members from the P & Z Commission have volunteered. This steering committee evolved from the POCD sections and Allingtown was one of them. Attorney Tiernan stated there may be grant monies available.

6. **Staff Reports**

- a. Update Report on Airbnbs – Commissioner Hendricks shared an article about Airbnbs in Miami. They have a regulation that only a six month rental is valid. Mr. Killeen stated a number of communities are regulating these rentals. West Haven regulations currently allows bed and breakfast regulations. There are several sites that these short rentals are advertised on. Attorney Tiernan stated Airbnb is impacting the bed and breakfast business. Commissioner discussed renting cottages on a weekly basis.

7. **Other Business** - None

8. **Adjournment:** 9:20 p.m.

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

