

**MINUTES OF PLANNING AND ZONING COMMISSION**  
**APRIL 9, 2019**

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, April 9, 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, Suggs, Sullivan, Johnson, Milano, ZEO Conniff, Assistant City Planner Killeen and Corporation Counsel Tiernan. Absent was Commissioner Mullins.

PLEDGE OF ALLEGIANCE

Chair Hendricks appointed Alternate Commissioner Milano to sit in place of Commissioner Mullins as he is from the same party.

APPROVAL OF MINUTES: Commissioner Sullivan made a motion to approve the meeting minutes of March 26, 2019, seconded by Commissioner Suggs and passed.

**Public Hearing**

1. **Proposed Amendment to Zoning Regulations.** Proposed amendments to Article I, Definitions, and Table 39.2 to define a new use, Recycling Processing Facility, and add this use as a permitted use subject to Special Permit approval of the Planning and Zoning Commission in the Light Manufacturing and Industrial Planned Development Districts, pursuant to Section 86 of the West Haven Zoning Regulations. Applicant: 55 Industry Drive, LLC. File # ZR 19-008.

The applicant has recommended some modifications to the text of the regulation, which had to be referred to the Regional Planning Agency, the CT DEEP, the Harbor Management Commission and neighboring municipalities to make sure they are aware of the final proposed language. Chair Hendricks announced that this agenda item will be continued to the Planning and Zoning Commission public hearing on Tuesday, May 14, 2019 at 7:00 PM in the Harriet North Room, City Hall, 355 Main Street, West Haven, CT to allow time for those referrals to be made.

2. **456 Forest Road.** Special Permit application for approval of a Restaurant Liquor Permit to expand an existing restaurant in the Neighborhood Business District, pursuant to Table 39.2 and Sections 45 and 86 of the West Haven Zoning Regulations. Owner: Saoco Plaza, LLC. Applicant: Juan Carlos Arbelaez. File # SP 19-009.

Chair Hendricks announced that this application was withdrawn, since the City has adopted a new procedure for handling liquor applications that involve the expansion of an existing business with a demonstrated track record and without a change of ownership. She explained that such applications will be reviewed by the staff and will be brought to the Commission under "Staff Reports" if staff has a question on the application (e.g. permit owner plans to add or expand entertainment to be provided onsite). This policy will apply to all liquor permit applications, including package stores, café permits, and restaurant liquor permits.

3. **693 & 697 Forest Road.** Applicant proposes to change the zone of the property located at 697 Forest Road and a portion of the property located at 693 Forest Road from the R1 (Single Family Residential) District to the PF (Public Facilities) District, pursuant to Section 86 of the West Haven Zoning Regulations. Owner/Applicant: Yale University. File #ZM 19-010.

Attorney Joseph Hammer is representing the applicant. J.P. Hernandez, Facility Manager for Yale University, is also in attendance. The mailings were submitted to the file. Attorney Hammer stated he was in front of this commission last November and the same application was approved at that time. This application is being refiled because of a potential notice error. This is the same exact application that was approved in November. About 5.4 acres are being proposed in this zone change, which would encompass all of 697 Forest Rd and a portion of 693 Forest Rd. Yale's adjacent property is currently located in the PF Zoning District. The purpose for this change is to allow Yale Athletic Facilities to utilize this property and to build a maintenance facility building there. The proposed zone change is consistent with the Plan of Conservation and Development and the comprehensive zoning map. This PF zone will have a higher degree of control due to the fact that the PF zone requires a special permit for approved uses rather than uses that are allowed as of right. As a result, neighbors would be notified of such a change, and there would be a public hearing. Attorney Hammer asks that the commission establish an effective date for this application of April 22, 2019. Commissioner Hendricks asks how can the commission approve this application when the prior application was approved and posted. Attorney Tiernan stated the new application is just clarifying items that need to be addressed and the commission is just reaffirming those items with this new application. Attorney Hammer submitted a written summary of reasons he believes the zone change is consistent with the Plan of Conservation and Development. The zone change will: impose a higher degree of zoning review, since uses are approved by Special Permit with notice and public hearing; will eliminate current as-of-right uses that could generate substantial traffic; will eliminate the potential for multiple houses being built onsite and generating traffic on Forest Road; and it abuts a current PF Zone.

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

Commissioner Biancur made a motion to close the public hearing on File #ZM 19-010, seconded by Commissioner Sullivan and passed.

### **Regular Meeting**

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

- a. **Proposed Amendment to Zoning Regulations.** Proposed amendments to define a new use, Recycling Processing Facility, subject to Special Permit approval in the LM and IPD Districts. Applicant: 55 Industry Drive, LLC. File # ZR 19-008.

This item was continued to May 14, 2019 at 7:00 PM in the Harriet North Room, City Hall, 355 Main Street, West Haven, CT.

- b. **456 Forest Road.** Special Permit application for approval of a Restaurant Liquor Permit in the NB District. Owner: Saoco Plaza, LLC. Applicant: Juan Carlos Arbelaez. File # SP 19-009.

This application was withdrawn in view of the City's revised policy regarding expansions of existing liquor permits.

- c. **693 & 697 Forest Road.** Proposed Zone Change for property located at 697 Forest Road and a portion of the property located at 693 Forest Road from the R1 District to the PF District. Owner/Applicant: Yale University. File # ZM 19-010.

Commissioner Biancur made a motion to approve File #ZM 19-010 with an effective date of April 22, 2019 as it is consistent with the Plan of Conservation and Development, the zone is more restrictive for some rights of use, it does not allow multiple houses to be built on the property, and this will offer the ability to prevent traffic congestion in this area, seconded by Commissioner Sullivan and passed.

2. **741 Washington Avenue, 52 Richards Place, and 8 North Union Avenue.** – Applicant seeks approval of Site Plan Review and Coastal Site Plan Review applications to renovate and revitalize an existing lumberyard facility in the Light Manufacturing (LM) District. Applicant: West Haven Richards, LLC & West Haven Washington, LLC. File #SR 19-006 and CSPR 19-007.)

Attorney Vincent Falcone is representing the application. An aerial photo was distributed to the commission. This lumberyard was established about 93 years ago. Last month this commission granted an approval to rezone some of the property so that is now all in one zone (LM District). Variances have been approved by the Zoning Board of Appeals for the proposed site plan being presented this evening. Jimmy Zumo, land surveyor, stated the property is about 4-1/2 acres which abuts the railroad. There will be a new parking lot, landscaping, and a new showroom. The drainage will reduce oil residue and flooding by installing three new dry wells and oil separators. This plan complies with the MS4 regulations and has been approved by the City Engineer. DJ Sexton, lighting, stated there are no late evening hours for this use so the lights will provide 1/10 of footcandle light as required. He provided updated photometric mapping and illustrations of light fixtures to demonstrate how light will be controlled onsite. Mike Gallante, traffic engineer, submitted a letter dated April 8<sup>th</sup> to staff describing the impact of traffic on this neighborhood. The proposed parking lot will take the cars off the street. He does not see much change in the impact on the neighboring residential neighborhood. The police department reviewed the plan, and they have no concerns. Justin Grandy, Ivy League landscaping company, explained the type of plants that were chosen for this property and how they would help buffer the adjacent residential uses from the lumberyard. Keith Manseri, general manager of West Haven Lumber, stated the facility will remain largely unchanged, but the overall site plan will be modernized to make the site operate more efficiently. Site plan changes have been made to provide better buffers to the neighboring residential area. The loading area will also not change. Customers will have a parking area for the new showroom. The advantage is to demolish the buildings that are in disarray. The construction will take about eight months. Commissioners discussed the traffic on North Union Avenue to access the showroom and noted that will be different than the current traffic patterns. Mr. Killeen stated one corner of the property is in the Coastal Management Area, which is why this application required a Coastal Site Plan Review. There are no sensitive coastal resources on or near the property, and the staff at DEEP had asked for more information on drainage. Those plan revisions had been provided to DEEP, but no additional comments have been received. Meanwhile, the revised drainage plans have been reviewed and approved by the City Engineer.

Commissioner Biancur made a motion to approve File #SR 19-006 and #CSPR 19-007, seconded by Commissioner Suggs and passed.

3. **Request for Release of Bond** – Re: 85 Prindle Road. Applicant, The Eagle Leasing Company, was approved to regrade approximately 6 acres to accommodate the expanded storage of approximately 144 trailers in an LM District. (Approved May 9, 2017).

Mr. Killeen stated the office had received a requested to release a performance bond that had been filed to assure construction of certain drainage improvements required by the Inland Wetlands Commission. This was being offered as an FYI to this commission in the event they are aware of any other issues with this development. ZEO Conniff reported all the drains have been put in as well as the retention pond. She is going to recommend to the Inland Wetland Commission to release this bond. The Commissioners had no issues with this bond release being presented to the Inland Wetlands Commission.

4. **Discussion of Report from Bylaws Subcommittee** – Commissioner Suggs and Johnson submitted the committee’s findings to the commission at the last Commission meeting on March 26. Commissioner Mullins also served on the Committee. Commissioner Suggs read the Committee’s findings into the record, which would count as the first reading of these revisions. Attorney Tiernan gave his advice on the proposed findings, revisions and deletions. It was suggested that a full set of Bylaws with proposed revisions be circulated for consideration by the Commission before the next meeting. A second reading of these revisions would be scheduled for the April 23<sup>rd</sup> Commission meeting, after which a vote could be held, and still be ahead of the Commission’s deadline for acting on these changes.
5. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)** – The POCD Subcommittee will meet before the next meeting of the Commission on April 23<sup>rd</sup> at 6 p.m.

- a. Allingtown Community Workshop April 1 – Mr. Killeen again thanked the Commissioners who served as Facilitators for this workshop. He now has drafts of the reports from each of the working groups. Once the facilitators sign off on these draft reports, he will report back to the commission. The results will then be reviewed by the Steering Committee as they begin defining the actual scope of work for the Allingtown Plan. Commissioner Biancur thanked Mr. Killeen and ZEO Conniff for all their work.

6. **Staff Reports** – Mr. Killeen discussed inconsistencies between state statutes and West Haven Regulations. He circulated a list and said he would like to work with the City Attorney on recommendations to modify the regulations.

7. **Other Business** –

Chairman Hendricks would like to have the agenda finalized by the Tuesday before each P&Z Commission meeting, and asked if she could establish a standing meeting with staff to review each agenda on the Monday or Tuesday before each Commission meeting to make sure there is no confusion on the agenda.

Chairman Hendricks would like an executive session with a report from Mr. Messoro on the status of city projects or the status of at one of the meetings in May. Commissioner Biancur

commented that it would be helpful to know what changes might be necessary in the regulations to accommodate upcoming projects as well.

Chair Hendricks also asked that Mr. Messoro provide a written report on his recommendations for how the Village District Regulations would be staffed if they are adopted. The Commission is doubtful money will be approved in the coming fiscal year budget, and Commissioners believe there should be a volunteer board of architects established to provide comments on applications within the proposed Village District.

Chair Hendricks asked Corporation Counsel and staff to work on the wording of motions that are to be considered by the Commission. Vice-Chair Biancur asked that staff comments be modified in the future to identify the reasons for approval or disapproval for pending projects and the level of consistency with the POCD.

Chair Hendricks announced again that she is asking that future liquor permits for expansions of restaurants or businesses that have an existing liquor permit be handled at the staff level. She feels that, if businesses are doing well, we shouldn't hold them up from expanding their business. She believes this makes the City business unfriendly. There was discussion of various types of applications that could come before the City. It was decided that permits that should come to the Commission should include: applications where there are changes to the operation itself (entertainment, outdoor dining, etc.), changes in the type of liquor permit being used, and changes in ownership. Staff should exercise their best judgment, and if there is a question, those items could be reported under "Staff Report" during the Commission's regular meeting.

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

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