

MINUTES
PLANNING AND ZONING COMMISSION
November 14, 2017

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, November 14, 2017, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Mullins, Biancur, Suggs, Standish, Encarnacion, Milano, Assistant City Planner Killeen, Commissioner of Planning and Development Riccio, ZEO Conniff and Mayor O'Brien. Absent was Commissioner Hendricks. In the Chairman's absence, Vice-Chairman Mullins chaired this meeting.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Suggs made a motion to approve the meeting minutes for October 10, 2017, seconded by Commissioner Milano and passed.

Public Hearing

Proposed Regional Hazard Mitigation Plan, South Central Regional Council of Governments (RPA). The RPA is proposing an update to the Regional Hazard Mitigation Plan and is seeking public comments on proposed policies and recommendations for the region and for the City of West Haven. City Engineer Abdul Quadir was present to provide a PowerPoint presentation of the proposed plan, answer questions, and seek public input.

Mr. Quadir stated every five years the mitigation plan must be updated, which is required by FEMA, and the City participates in the regional plan through the South Central Regional Council of Governments. The mitigation plan's purpose is to reduce and/or eliminate long-term risk to people and property from natural disasters, such as hurricanes and flooding. He described the six steps that will be followed to update this plan. The first step is the planning process, which is the step that they are in now. Plan goals include community planning, flood hazards, tree removal, regional collaboration with other cities and town and public awareness and preparation. He described the City's strategies that have been successful since the 1990's and future projects that are under consideration. Mr. Killeen asked Mr. Quadir to assure that the plan includes steps to develop a strategy for providing access and egress to Captain Thomas Boulevard and western sections of Beach Street during a 100-year storm event. Mr. Quadir is already working on plans for elevating the remainder of Beach Street. This additional step is important because the Planning and Zoning Commission recently adopted a Plan of Conservation and Development that calls for increased development and possibly higher residential densities in these areas. The CT DEEP has been reluctant to see more housing being built in the flood plains without having road access above the flood plain, even if development is elevated to be above the flood plain. Mr. Quadir also announced that there is a survey on the city's website for anyone who wishes to fill it out.

Three calls were made to the public for comments.

Erin Eberhart, Woodruff St., would like to know what the plan is for the entire shoreline strip in West Haven not just around Beach St. area.

Mr. Quadhir stated that the Plan is designed to look at the shoreline from Kimberly Avenue to the Milford City line. He noted that there is a recommendation to maintain and improve the seawall along the West Shore in the vicinity of Woodruff Street.

Commissioner Suggs made a motion to close the public hearing, seconded by Commissioner Biancur and passed.

Regular Meeting

1. **Comments on the Proposed Regional Hazard Mitigation Plan (Optional)** – No comments from the commission.

1. **Request for Reconsideration of Conditions for Budget Car Wash, 936 Boston Post Road (AKA 926 Orange Avenue) & 15 & 17 Everett Street.** (File # SP 17-03, SR 17-04, and CAL 17-05.)

Sammy Rivera, 14 Hamilton St., owner of Budget Car Wash, distributed a pamphlet with photos of the property. Mr. Rivera stated that he is looking to expand the business and has improved his property as well as the area on Everett St. He is here for the commission to reconsider previous conditions that were part of the original approval. The first request is to eliminate the enclosure gates in front of the dumpster (condition # 6). Mr. Rivera stated that there is a big opening in front of the dumpster closure and installing gates would be very expensive. He also noted that the dumpster company would charge him more to remove trash if they had to open the gates each time they came. He also stated that the dumpster is fairly small, and his business is careful about maintaining this area. The second request was to remove the condition that vinyl slats be placed in the chain link fence along Everett Street. He explained that the fence is short and, once the slats were placed into the fence, there would be no screening of the car wash operation or even the dumpster. He also pointed out that the chain link fence is bent in some areas, so it would be difficult to install the slats and achieve the proper screening effect. The slats would also block the view of the plants and landscaping along the fence that were another condition of approval. Commissioner Biancur asked Mr. Rivera if it would help him comply with the condition for a complete enclosure around the dumpster if he had more time to install the gates. Mr. Rivera stated he would not be agreeable with this because these gates are a constant repair concern due to their size and tendency to sag over time. Mayor O'Brien agreed with the concern about sagging doors since he had experienced that when he was operating his business as well. Commissioner Mullins agrees with Mr. Rivera that it is an added unnecessary expense. Commissioner Standish stated he thinks the regulation should be enforced regarding the gates and asked Mr. Rivera if he was aware of the condition when he was approved. Mr. Rivera said that he learned about the condition during the public hearing and didn't have time to consider a response. ZEO Conniff then read into the record the section of the Zoning Regulations that requires an enclosure around dumpsters. Mr. Killeen commented that the Commission doesn't have the authority to grant a variance of the Zoning Regulations; it is something that would have to go before the Zoning Board of Appeals.

Commissioner Biancur made a motion to extend the time period during which Budget Car Wash would have to comply with the regulation to fully enclose his dumpster, through to December 31, 2018, seconded by Commissioner Suggs and passed.

Commissioner Biancur then made a motion to eliminate the condition requiring the applicant to install vinyl slats in the chain link fence along Everett Street, seconded by Commissioner Suggs and passed.

2. **Section 8-24 Review Re: Proposed Sale of 38 Elm Street** – Attorney Jean Phillips, Pullman and Comley LLC, was present to review this referral. She stated this property is located on Elm Street and is part of the MDP area of the Haven Development. This property was settled in a recent court case over eminent domain for this area, and she is asking this commission to approve the sale to the developer when it is transferred to the City, under Section 8-24, as required for any municipal property. Commissioner Biancur made a motion to approve the proposed sale of property of 38 Elm St to the Haven Group LLC, pursuant to Section 8-24, seconded by Commissioner Milano and passed.
3. **Discussion of Proposed Text Change** Re: Places of Worship – Mr. Killeen stated at the last meeting Corporation Counsel Amendola suggested the commissioners look at the City's zoning map to determine where places of worship should be allowed in the City in relation to RLUIPA laws, which encourage similar treatment of places of worship when compared to other places of assembly. The Commissioners received copies of this map by email and a hard copy for their use at the meeting. Mr. Killeen reviewed with the commission what zones allow places of worship currently and which zones do not allow places of worship. He pointed out the differences in how the Zoning Regulations treat places of worship, places of assembly and fraternal organizations. Commissioner Biancur suggested what zones should be added for allowing places of worship including residential zones and certain commercial zones. After further discussion, the Commission was open to modifying these regulations so that places of worship were allowed in generally the same districts that allowed places of assembly. Commissioner Milano suggested that the Commission should recommend places of worship and places of assembly not be permitted for the time being within districts the Commission plans to modify based on the recently-adopted Plan of Conservation and Development (e.g. SRR, SCR, and RCPD). Mr. Killeen will prepare a draft proposal for the Commission's consideration. A public hearing would have to be scheduled before the changes could be made.
4. **Discussion of Priorities for Implementation of the Updated Plan of Conservation and Development (POCD)** - Mr. Killeen asked the Commission for input on the Plan's priorities and implementation strategies. The most important thing to consider is where the Commission feels it could have the most impact in areas such as Allintown, the Post Rd., the Shoreline, the area around the train station and downtown areas. Commissioner Milano described a village district compared to an historic district and explained that he had familiarity with the statutes on village districts. Mayor O'Brien stated that the downtown has a number of issues to address, and he hopes the Commission will focus on the downtown. He noted that one problem is that approximately three or four property owners own most of downtown, and they are not West Haven residents. Mr. Killeen suggested the Commission start by looking at the phases that were suggested in the POCD itself. Commissioner Mullins suggested that this topic be added to future agendas for further discussion.
5. **Approval of 2018 Meeting Schedule** – continued to the next meeting.

6. Staff Reports

- a. **Adult Use Study Committee** – Commissioner Mullins stated this committee met, and a draft regulation was approved by the Committee for presentation to the full commission for their review. Before that happens, staff will be doing some mapping analysis of the proposed distance buffers included in the draft regulation. Once the Commission has reviewed it and modified it as appropriate, a public hearing would be scheduled in the future.

7. Other Business

Commissioner Mullins thanked Mayor O'Brien for his support in the last four years. He also congratulated Commissioner Standish on his election to the Board of Assessment Appeals and thanked him for his service to this commission.

8. ADJOURNMENT: 8:55 P.M.

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