

MINUTES FOR MEETING 1603
A REGULAR MEETING AND PUBLIC HEARING OF THE
NEW HAVEN CITY PLAN COMMISSION
Wednesday, March 16, 2022 at 6:00 PM
WEB-BASED MEETING HOSTED ON ZOOM

To view meeting materials, visit:

<https://cityplancommission.newhavenct.gov/pages/march-16-2022-meeting>

I. ROLL CALL

Commissioners Present: Chair Leslie Radcliffe, Vice Chair Edward Mattison, Commissioner Edwin Martinez, Commissioner Ernest Pagan, Commissioner Alder Adam Marchand, Ex-Officio Commissioner City Engineer Giovanni Zinn.

City Staff Present: Director Laura Brown, Deputy Director William Long, Planner Esther Rose-Wilen, Attorney Roderick Williams, Attorney Michael Pinto.

Chair Radcliffe announced that no action would be taken on items:

1603-03 495 Orange Street

1602-05 and 1602-06 19 Wheeler aka Fairmont Av

1603-06 ORDINANCE OF THE BOARD OF ALDERS amending the Zoning Ordinance of the City of New Haven concerning the responsible and equitable regulation of adult-use cannabis.

These items will be heard on the March 30, 2022 City Plan Commission agenda.

II. BOARD OF ALDERS REFERRALS

1603-01 **ORDER OF THE BOARD OF ALDERS** of the City of New Haven, approving the disposal of a portion of the parcel of land known as 51 South End Road New Haven which is currently part of Tweed New Haven Airport to the State of Connecticut and authorizing the temporary construction easement for the purposes of the rehabilitation of Bridge No. 02166 Route 337 over Morris Creek and authorizing the Mayor of the City of New Haven to execute and deliver any and all necessary documents to complete such conveyance in accordance with the provisions of this order.

Submitted by: Giovanni Zinn, City Engineer

City Engineer Giovanni Zinn presented the item.

Chair Radcliffe confirmed that the item was not related to Tweed Airport.

Vice Chair Mattison moved to approve the item. 4-0 in favor.

III. SITE PLAN REVIEW

1603-02 **55 CHURCH STREET**

MBLU: 240 2351 00200

Owner/Applicant: 45-55 Church Street LLC; **Agent:** James Segaloff

Site Plan Review

Change in use of over 5,000 SF to laboratory and office space in an existing building in the BD-1 Zone.

Attorney Jim Segaloff introduced the item.
Architect Jay Brotman walked through the floor plans.
Engineer Phil Katz walked through the site plan.

Chair Radcliffe asked about work being done in the parking lot. Attorney Segaloff responded that besides the installation of a generator, all work in the parking lot was being done to meet NHZO requirements.

Commissioner Pagan asked why the generator was being installed on the ground and not the roof, and Architect Brotman responded that the heavy generator would have necessitated reinforcement of the roof.

Chair Radcliffe asked if the change in use would increase occupancy and therefore the demand for bicycle parking. Architect Brotman responded that the new use would create lower occupancy of the space. Developer David Goldblum responded that there is an existing bicycle storage room in the building. Vice Chair Mattison asked what the capacity of the bike room was and whether it would be sufficient. Developer Goldblum responded that the bicycle storage room was designed for the higher occupancy office space and the change to office and laboratory space would reduce demand.

Vice Chair Mattison moved approval of the item. 4-0 in favor.

1603-03 **495 ORANGE STREET**
MBLU: 211 0377 04000
Owner: 495 Orange LLC; **Applicant/Agent:** Andrew Rizzo, AR Consulting LLC

Site Plan Review

Conversion of an existing 3-story office building into 5 residential units in the RH-2 Zone.

Item passed over.

1603-04 **793 STATE STREET**
MBLU: 211 0595 01100
Owner/Applicant: Alpha Acquisitions LLC; **Agent:** Benjamin Trachten, Trachten Law Firm LLC

Site Plan Review

Construction of a 3.5-story mixed-use building with 15 residential units and 2 ground-floor commercial units in the BA Zone.

Chair Radcliffe announced that the item would be heard during the public hearing along with the corresponding Special Permit application for the same project.

^1602-05 **19 WHEELER STREET aka 'FAIRMONT AV'**
MBLU: 082 0974 02001
Owner: Airline Avenue Realty LLC; **Applicant:** Murphy Road Recycling LLC; **Agent:** Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP

Site Plan Review and Coastal Site Plan Review

Existing solid waste facility in the Coastal Management area in the IH Zone.

Item passed over. Will be on the March 30, 2022 CPC agenda.

Chair Radcliffe moved the BZA Referral portion of the meeting to be heard before the Public Hearing.

IV. BOARD OF ZONING APPEALS REFERRALS

1603-08 **167 CLAY STREET**
MBLU: 172 0766 02500
Owner: Yong Fang Li. **Applicant:** Robert Mangino.

Special Exception

Allow for two off-street parking spaces to be located within the required front yard in the RM-2 Zone.

Deputy Director of Zoning William Long introduced the item.

The Commissioners discussed:

- Existing on-street and off-street parking on Clay Street
- Safety and health concerns with front yard parking

Commissioner Pagan moved to recommend denial. 4-0 in favor of recommending denial to the Board of Zoning Appeals.

V. PUBLIC HEARINGS (start at 7 PM)

1603-06 **ORDINANCE OF THE BOARD OF ALDERS** amending the Zoning Ordinance of the City of New Haven concerning the responsible and equitable regulation of adult-use cannabis.
Submitted by: William Long, Deputy Director of Zoning

Commissioner Alder Marchand moved to table the item. 5-0 in favor. Item tabled to the March 30, 2022 CPC meeting.

Chair Radcliffe moved items 1603-07 and 1603-04 up in the agenda out of consideration for the applicant.

1603-07 **793 STATE STREET**
MBLU: 211 0595 01100
Owner/Applicant: Alpha Acquisitions LLC; **Agent:** Benjamin Trachten, Trachten Law Firm LLC

Special Permit

Residential use on the first floor in the BA zone.

1603-04 **793 STATE STREET**
MBLU: 211 0595 01100
Owner/Applicant: Alpha Acquisitions LLC; **Agent:** Benjamin Trachten, Trachten Law Firm LLC

Site Plan Review

Construction of a 3.5-story mixed-use building with 15 residential units and 2 ground-floor commercial units in the BA Zone.

Attorney Ben Trachten introduced the project and the special permit criteria.
Architect Patrick Rose walked through the site plans, floor plans, and elevations.

Vice Chair Mattison asked whether the raised first floor would detract from the first-floor commercial space.
Attorney Trachten responded that the intended commercial use was office use and the applicant did not anticipate an issue with renting those spaces.

Vice Chair Mattison asked whether there was an elevator in the building and how upper floors were accessible.
Architect Rose responded that there is no elevator and only the lower level and first floor are accessible.

Chair Radcliffe asked if the hallway on the first floor gives access between the commercial space and the residential space. Architect Rose responded that there was open access in the corridor but that access to the upper floors would be key-fobbed. Developer Alex Opuszynski elaborated that the majority of the traffic to the commercial spaces would not traverse the hallway passing the residential units.

Chair Radcliffe opened the public hearing at 7:39pm.
No members of the public gave testimony.
Chair Radcliffe closed the public hearing at 7:40pm.

Commissioner Martinez asked for clarification on the number of stories.
Director Brown clarified that the applicant stated 3.5 stories in their development permit application.
City Engineer Zinn added that the basement would not typically be counted as a story.
Attorney Trachten clarified that there is no height limit for buildings in the BA zone.

Commissioner Alder Marchand mentioned that the project puts a lot of “programming” on a small, underutilized lot and accordingly obtained some relief from the BZA including a special exception for parking that CPC recommended approval of. Commissioner Alder Marchand referenced the Special Permit criteria which he felt the applicant meets and spoke generally in support of the applications. He also referenced recent Special Permit applications for residential use on the first floor in the BA zone which reflect a trend of difficulty leasing commercial spaces and demand for residential units.

Commissioner Alder Marchand moved approval of the Special Permit (1603-07) at 7:50pm. 5-0 in favor.

Vice Chair Mattison requested a description of the surrounding area.
Attorney Trachten shared a Google Street View and described the surrounding area.
Vice Chair Mattison expressed some concerns about the desirability of the building to potential tenants and clients of the retail space based on building design. He requested the applicant describe the strategy behind the building design.

Attorney Trachten expressed that economic concerns are not in the purview of the Commission. He stated that building security includes key fobs. He also mentioned that there is ample demand for residential units and has no concerns about the ability to rent the units. Developer Opuszynski stated that the building was specifically designed to retain relevance with the architectural charm of the neighborhood including with the adjacent building. He also mentioned that security was being addressed with appropriate lighting, secure package storage, and other security features. He also mentioned that he anticipates full occupancy immediately after completion of the site.

Chair Radcliffe reflected that the façade of the building reminded her of other buildings in the area. She added that she did not feel concern about the raised first floor based on the commercial use of real estate offices which would not attract significant foot traffic.

Attorney Trachten clarified that the first-floor commercial spaces were classified as “retail spaces” in order to obtain maximum zoning relief for parking, despite the applicant not having plans currently to lease the space as retail space.

Commissioner Pagan asked about staging for construction. Developer Opuszinski responded that the west side of the site would be used for staging during construction with the refuse area and bike racks being built last to keep that area available for staging during the majority of construction.

Commissioner Alder Marchand brought up the question of the wording for Additional Condition of Approval #15. The Commissioners worked with Attorney Trachten and Director Brown to decide on wording that was acceptable to all parties:

“City Plan, in consultation with the Office of Services for Persons with Disabilities and the Building Department, shall verify that the site meets all accessibility requirements, or an appropriate waiver from the State Building Official is obtained, without any modifications to CPC-approved site plans prior to initiation of site work or issuance of building permit. An application for any site plan modifications must be filed with City Plan per NHZO Section 64(f)(7)(f).”

Commissioner Alder Marchand moved approval of the site plan with the amended language for Condition of Approval #15 at 8:15pm. 5-0 approved.

1603-05 ORDINANCE TEXT AMENDMENT to the New Haven Zoning Ordinance to require and incentivize the inclusion of affordable housing units in market rate development.
Submitted by: William Long, Deputy Director of Zoning

City Attorney Michael Pinto introduced the item, walking through the proposed text amendments.

Chair Radcliffe pointed out two remaining mentions of “Affordable Unit” where it should read “IZ Affordable Unit.”

Chair Radcliffe opened the public hearing at 8:33pm.

No one from the public gave testimony.

Chair Radcliffe closed the public hearing at 8:34pm.

Commissioner Alder Marchand thanked Corporation Council for their work and Chair Radcliffe for identifying some missed instances of “Affordable Unit.” He spoke in favor of recommending approval of the amendments.

Commissioner Martinez moved to recommend approval of the item to the Board of Alders at 8:37pm. 5-0 in favor.

^1602-06 19 WHEELER STREET aka ‘FAIRMONT AV’
MBLU: 082 0974 02001

Owner: Airline Avenue Realty LLC; **Applicant:** Murphy Road Recycling LLC; **Agent:** Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP

Special Permit

Renewal for an existing solid waste facility in the Coastal Management area in the IH Zone.

Item passed over. Will be on the March 30, 2022 CPC agenda.

VI. ADMINISTRATIVE ITEMS

1492-05A5 **20 DWIGHT STREET**
MBLU: 315 1287 00103

Owner/Applicant: CS MLK New Haven LLC, Choice Hotels International; **Agent:** Bob Tierney, Baskervill

Administrative Site Plan Review

Modify an approved site plan (CPC Report 1492-05) for the Cambria Hotel at 20 Dwight Street.

1603-09A **150 WHALLEY AVENUE**
MBLU: 295 0282 01100

Owner: Linda Townsend, Coral New Haven Associates II LLC; **Applicant/Agent:** Dean Apostoleris, Kimley-Horn & Associates

Administrative Site Plan Review

Installation of two EV charging stations in an existing commercial parking lot in PDU 16.

VII. ANNUAL MEETING (moved to April 27, 2022 CPC meeting)

- Election of Officers

VIII. MINUTES OF MEETINGS

Meeting:

- Meeting #1602 (February 16, 2022)

Commissioner Martinez moved to approve at 8:39pm. 5-0 in favor.

Chair Radcliffe reminded attendees that there would be a meeting of the City Plan Commission on March 30 at 6pm, Public Hearing beginning at 7pm.

Commissioner Martinez moved to adjourn at 8:40pm. 5-0 in favor.

NOTE:

Next Regular Meetings of the City Plan Commission:

Wednesday, March 30, 2022 at 6:00 PM

Wednesday, April 27, 2022 at 6:00 PM (Submission deadline: March 17, 2022 by 12:00 PM)

NOTE:

The submission deadline for the May 18, 2022 CPC meeting is April 21, 2022.

NOTE:

The City Plan Commission agenda is available on the City website one week before the meeting date. Written testimony should be submitted to City Plan staff 24 hours in advance of each public meeting. Draft agendas will continue to be shared with the CPC distribution list via email and posted on this webpage and the City Plan Department website one week before each public meeting. Final agendas will be posted on the commission webpage and on the City Plan Department website 24

hours in advance of each public meeting. Updates will occur to the web agenda as necessary. Official agenda is filed with the City Clerk at least 48 hours before the meeting time.

NOTE:

Since the meeting is remote, participation by a quorum of members is expressly prohibited at the physical location will not be present however any member of the public may request, in writing, a physical location and “any electronic equipment necessary” to attend the meeting in real time no later than twenty-four (24) hours prior to the meeting. Said individual shall have the “same opportunities to provide comment or otherwise participate” in the meeting as would be afforded if the meeting was held in person with the following exception: Under law, if such person loses the ability to participate because of an interruption, failure or degradation of such person’s connection to the meeting by electronic equipment the committee is not required to adjourn or postpone the meeting.

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