

MINUTES FOR MEETING 1602
A REGULAR MEETING AND PUBLIC HEARING OF THE
NEW HAVEN CITY PLAN COMMISSION
Wednesday, February 16, 2022 at 6:00 PM
WEB-BASED MEETING HOSTED ON ZOOM
LINK:

To view meeting materials, visit:

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

Chair Radcliffe opened the meeting at 6:08pm.

I. ROLL CALL

Commissioners present:

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

Staff present:

Executive Director Aicha Woods, Deputy Director of Zoning
William Long, Planner Esther Rose-Wilen, Attorney Roderick
Williams

Chair Leslie Radcliffe announced that no action would be taken on items #1602-05 and #1602-06 19 Wheeler Street aka 'Fairmont Av' and that the items would be taken up at the March 16th 2022 CPC meeting.

Chair Radcliffe announced that the Annual Meeting would be moved to March 16th.

II. SITE PLAN REVIEW

1602-01

142 TEMPLE STREET

MBLU: 241 0233 01600

Owner/Applicant: Olympia Building LLC; **Agent:** Ben Trachten, Trachten Law Firm LLC

Site Plan Review

Construction of a four-story 60-unit residential building on top of an existing commercial building at 142 Temple Street in the BD Zone.

Attorney Ben Trachten thanked Director Woods for her work leading the City Plan Department.

Attorney Trachten introduced the project. Attorney Trachten requested that the staff report be amended to exclude the requirement of a letter from the New Haven Parking Authority based on the parking zoning relief granted by the BZA.

Architect Kenneth Boroson walked through the elevations and floor plans for the site.

Commissioner Pagan asked whether the building was wood or metal construction. Architect Boroson responded that it would be wood construction. Commissioner Pagan asked how they planned to fasten the new structure to

the existing roof. Architect Boroson responded that this was still being designed but that supports for the new structure would be threaded through the existing building.

Commissioner Alder Marchand expressed appreciation for the bike storage. He then asked whether construction plans involved a crane and/or encroachment into the public way. Attorney Trachten responded that this was not fully worked out yet but that there was alley space behind the building for potential staging with agreement from the NHPA. Commissioner Alder Marchand asked what kind of wood construction was anticipated and Architect Boroson responded that traditional construction was anticipated but that all possibilities were being considered.

Chair Radcliffe asked if the green space on the roof would be connected to any other roof green spaces, Attorney Trachten responded that it would not. Chair Radcliffe then asked what type of uses were existing in the Olympia building. Architect Boroson responded that uses included private offices (second and third floors), retail, and restaurant space (ground floor). Chair Radcliffe asked if the access was separate for the residences, Architect Boroson responded in the affirmative. There is a separate stair and elevator for the residences. There is a stair that is shared as an emergency exit only.

Commissioner Martinez asked for clarification on the use of two small rooms in the floor plans. Architect Boroson responded that they were utility rooms.

Vice Chair Mattison reminded the applicant to submit any modifications to the site plan that arise from conversations with the building department in the building permit process to City Plan, based on the early stage of the structural engineering process.

Architect Boroson clarified that the plans had already been reviewed by a structural engineer. Attorney Trachten responded that the applicant would comply in full with the Zoning Ordinance should any modifications be required.

Attorney Williams expressed agreement with Attorney Trachten, citing the criteria for minor modifications to a site plan in the NHZO. Attorney Trachten read out NHZO Section 64(7)(f).

Commissioner Alder Marchand referenced the staff reports as detailing the technical criteria that would trigger return to the Commission should changes be proposed. He further clarified the difference between Building Department topics and City Plan Commission topics. Commissioner Alder Marchand requested clarification on the changes requested by the applicant to the staff report. Attorney Trachten responded that any reference to an agreement with the parking authority be removed because there is no parking or loading requirement based on BZA relief granted.

Commissioner Pagan asked if there was an affordable component. Attorney Trachten responded that it was all market-rate.

Commissioner Alder Marchand moved approval of the item with the requested amendments to the staff report at 6:43pm. 5-0 in favor.

1602-02 900 CHAPEL STREET
MBLU: 241 0234 00300

Owner/Applicant: CSD Mall LLC; **Agents:** Marjorie Shansky, Chris McKoen, Bershtein, Volpe & McKeon P.C

Site Plan Review

Conversion of existing office space to 87 residential dwelling units in the Chapel Square office tower located at 900 Chapel Street in the BD Zone.

Attorney Marjorie Shasky introduced herself and Attorney Chris McKeon. Attorney McKeon introduced the project, walking through the floor plans and zoning compliance.

Commissioner Pagan asked what the conversion timeline was. Attorney McKeon responded that the conversions of several floors would begin immediately and that the conversions of other floors would be done subsequently. The project would start immediately and be completed within the 5-year approval limit.

Vice Chair Mattison asked the applicant to talk about the amenities and their ability to accommodate the additional units. Attorney McKeon responded that the amenity space on each floor exceeded the requirements of the zone and described the amenity space.

Commissioner Pagan asked about a current addition being put in on the building. Attorney McKeon explained that a two-level 30-unit structure was under construction on the 4th and 5th floor. Commissioner Pagan asked what the total number of units would be after completion of all construction and conversion. Attorney McKeon responded that it would be 272 units total.

Commissioner Alder Marchand referenced a discussion on a prior application for 900 Chapel about the courtyard amenity space which is covered by a roof, and how it was classified. Commissioner Alder Marchand reflected on the market trend of high demand for residential space and low demand for commercial and office space. He expressed that having fully-leased buildings were in the interest of the city and spoke in favor of the project.

Attorney Shansky responded that the courtyard was determined to qualify as usable open space for a past application. Attorney McKeon referenced a memo written by Planning Staff that detailed this determination. Attorney McKeon further elaborated on the difficulty in leasing the current office space.

Commissioner Alder Marchand moved approval of the item at 7:01pm. 5-0 in favor.

^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.

III. PUBLIC HEARINGS (start at 7 PM)

Chair Radcliffe opened the Public Hearing at 7:02pm. She reiterated the statement that no action would be taken on item 1602-06 19 Wheeler Street aka 'Fairmont Av' which would instead be taken up on March 16th at the Regular Meeting with the Public Hearing held at 7:00pm.

^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.

1602-07

1384 STATE STREET

MBLU: 170 0476 00700

Owner/Applicant: 1384 State Management LLC; **Agent:** Benjamin Trachten, Trachten Law Firm LLC

Special Permit

Residential use on the ground floor in a BA zone.

Attorney Ben Trachten thanked Director Woods for her work as Director of the Department. Attorney Trachten introduced the project to convert ~700SF of commercial space to residential use on the ground floor of the building and reviewed its compliance with the Special Permit requirements in NHZO Section 64.

Commissioner Alder Marchand requested clarification on which part of the first floor of the building was proposed to be converted. Applicant Mr. Ben-Horin showed a street view and floor plans of the project showing the part of the building that would be converted.

Chair Radcliffe opened the floor for public comment at 7:09pm.

Kevin McCarthy, 171 Bradley Street, spoke in favor of the application citing the need for housing in the city.

Vice Chair Mattison expressed support for the application but referenced the potential need for more commercial space on State Street in the future, post-pandemic. He asked if the space could be converted back to commercial space should the market change. Attorney Trachten responded that the small scale of the project made it easy to return to commercial use should that be a better use in the future. He further cited observing 7 vacancies (some from pre-pandemic) on that block of State Street.

Chair Radcliffe closed the floor for public comment on the item.

Commissioner Alder Marchand expressed agreement that vacant commercial spaces were not good for the city or neighborhood. He expressed concern that the street is a very busy street and that the BA Zone captured what would be appropriate in the area (no first-floor residential as of right) and that it may not be an appropriate site for residential space based on proximity to the busy street for the resident. He reflected on the intention of the Board when the area was zoned BA to protect residents from certain living situations, but that ultimately the market would determine whether the apartment was attractive to prospective residents and would be rented successfully.

Commissioner Martinez expressed support for the application based on adjacent residential use and the need to occupy the space.

Vice Chair Mattison reflected that the unit might be more appropriate for adult occupants for safety reasons.

Commissioner Alder Marchand clarified that adjacent residential buildings had larger set-backs but reflected that at the end of the day it was better to try to occupy the space by offering it for residential use, and the potential renters could determine whether they wanted to live there.

Chair Radcliffe expressed agreement with Commissioner Alder Marchand's comments and those of the other Commissioners.

Commissioner Pagan moved to approve the item at 7:25pm. 5-0 in favor.

1602-08 169 DAVENPORT AVENUE

MBLU: 278 0147 02000

Owner: 169 Davenport LLC; **Applicant:** Dish Wireless LLC; **Agent:** Jonathan McNeal, Nexius Solutions

Special Permit

Installation of a telecommunications facility on the roof of an existing building in PDU #30.

Mr. Jonathan McNeal introduced the project, walking through site plans, elevations, and renderings.

Commissioner Martinez asked for the height of the existing penthouse versus the proposed height. Mr. McNeal responded that the proposed installation would add 9 feet to the penthouse.

Chair Radcliffe opened the floor for public testimony at 7:36pm.

No members of the public wished to speak.

Chair Radcliffe closed the floor for public testimony at 7:38pm.

Vice Chair Mattison expressed that the project seemed to be of a small scale and expressed support for the application.

Commissioner Alder Marchand expressed support based on no adverse aesthetic impact from the project on the façade of the existing building.

Commissioner Pagan moved to approve the item at 7:40pm. 5-0 in favor.

Chair Radcliffe closed the Public Hearing at 7:41pm and reminded the public that the Public Hearing on 19 Wheeler Street aka 'Fairmont Ave' would be held on March 16th at 7pm.

Site Plan Review

1602-03 291 & 309 ASHMUN STREET AND 178-186 CANAL STREET

MBLU: 282 0348 00202

Owner: City of New Haven; **Applicant:** Yves Joseph, RJDA Ashmun Street LLC; **Agent:** Kathryn Gagnon, Langan CT Inc

Detailed Site Plan Review

Construction of a mixed-use 5-story building with 176 apartment units and amenity/commercial space on the first floor in PDD #49.

Principal Developer Yves Joseph thanked Director Woods for her work as Director of the Department. Mr. Yves Joseph provided background information on the project.

Katy Gagnon, Lead Engineer, walked through the plans for the project including the site plans.

Ron Cooper, Architect with Svigals and Partners, walked through the floor plans, elevations, and renderings. Architect Cooper stated that one public meeting had been held with another planned for March, and that the project would go through design review with City Staff because of its location in a PDD.

Vice Chair Mattison asked for clarification on what the rendering was displaying. Engineer Gagnon described the layout of the rendering and clarified that the greenspace shown was the existing Farmington Canal Trail. Mr. Joseph added that the building was designed to highlight the trail and facilitate its use.

Commissioner Pagan asked if there was an affordable component. Mr. Joseph responded that 58 units (33%) would be affordable.

Chair Radcliffe requested to see the current state of the site. Engineer Gagnon pulled up an aerial view of the existing lot.

Commissioner Alder Marchand spoke to the importance of the project's relation to the Farmington Canal Trail. He recommended that it may be worth considering placing a mid-block crosswalk at the building's exit in order to access the Farmington Canal Trail directly, or some other traffic calming measure.

Engineer Gagnon clarified that there is a fence along the Trail up to the corner of the block preventing entry to the trail mid-block.

Commissioner Alder Marchand commented that the project should consider more bicycle spaces than currently proposed. Mr. Joseph clarified that additional bicycle storage, servicing, and maintenance amenities were all being considered. Commissioner Alder Marchand added that bicycle spaces for visitors should also be maximized.

Commissioner Alder Marchand asked if EV Charging Stations were considered for the parking area. Mr. Joseph responded that the team was working with a sustainable design consultant and intended to incorporate EV charging both immediately and in the future.

Commissioner Alder Marchand asked if solar energy had been considered. Mr. Joseph responded that while solar was often considered, it often ends up being cost-prohibitive based on the roof space available. Commissioner Alder Marchand reflected that solar had the added benefit of improving affordability of energy costs for residents.

Chair Radcliffe expressed support for the project.

Commissioner Martinez asked about parking demand based on the number of spaces and number of units and whether affordable housing tenants would have access to spaces. Mr. Joseph reflected that the team anticipated many residents relying on other forms of transportation, but that parking would be allocated on a first come first serve basis for all tenants and that there is additional parking available in the direct vicinity for residents.

Chair Radcliffe asked about first-floor space. Mr. Joseph explained that currently resident amenity space was planned for the space, but that some space could be used as commercial space in the future.

Commissioner Alder Marchand expressed appreciation for the project and the work of the project team and support for the application.

Commissioner Martinez moved to approve the item at 8:17pm. 5-0 in favor.

1602-04 10 LIBERTY STREET

MBLU: 265 0054 00100

Owner/Applicant: Vesta Liberty Street LLC; **Agent:** Carolyn Kone, Brenner, Saltzman & Wallman LLP

Site Plan Review

Construction of a 5-story, 150-unit residential building in the BA Zone.

Attorney Carolyn Kone introduced the project area. Attorney Kone thanked Director Woods for her work and dedication as City Plan director.

Architect Merissa Mead walked through floor plans, elevations, and renderings of the site.

Engineer Brian Pratt walked through the site plans.

Chair Radcliffe requested clarification on the site plan and requested a rendering of the building from a different perspective. Engineer Pratt clarified that the parking under the building was visible from limited locations due to fencing and screening. Architect Mead shared a difference perspective of the site. Chair Radcliffe expressed that her concern was the adjacency of the abutting residential properties which have a much lower height.

Vice Chair Mattison echoed Chair Radcliffe's concern about discontinuity between the existing buildings and proposed new buildings which are much larger. Attorney Kone shared an aerial view of the existing conditions of the site and showed how the building was replacing an existing large factory building and that effort was made through fencing and landscaping to minimize disturbance to the surrounding properties. Vice Chair Mattison expressed appreciation for these efforts.

Chair Radcliffe observed that no abutting buildings were as tall as the proposed 5-story building (most are 3-stories) which may block views and sunlight for the existing residential buildings.

Architect Mead shared the shade study for the building showing that the shade from the building would not impact the adjacent residential properties significantly. Chair Radcliffe expressed satisfaction with this response.

Vice Chair Mattison asked about community engagement. Attorney Kone responded that the Development Team had met with Alder Carmen Rodriguez who expressed support for the plan and interest in hosting a community meeting. The meeting has not been held yet but is anticipated to occur in the near future.

Commissioner Alder Marchand asked if an unchecked box in the Lighting Section was indicative of an unmet criteria. Planner Rose-Wilen confirmed that this was a clerical oversight and would be corrected.

Commissioner Alder Marchand inquired into the project's status as listed in the Historic Resource Inventory. Attorney Kone confirmed that the team was aware and would comply fully with the Demolition Delay Ordinance.

Commissioner Alder Marchand asked if the team had considered preserving any part of the historic building. Principal Developer Tanya Segel responded that the cost of restoring the dilapidated building was cost prohibitive and impractical and they were unable to re-lease the building, which prompted the shift to constructing a brand-new residential building. Additionally, remediation was required on the site.

Commissioner Alder Marchand inquired further into the implications of the Demolition Delay Ordinance. Director Woods clarified that compliance with Demolition Delay would be a condition of their Demolition Permit. Attorney Kone further clarified the implications of the Ordinance on the proposed development.

Chair Radcliffe requested further clarification on the Demolition Delay Ordinance. Commissioner Alder Marchand confirmed that the results of community feedback during the demolition delay would not be binding. Attorney Kone further clarified that the property is only on the New Haven Historic Resource Inventory, not any State or Federal inventory. City Attorney Williams corroborated Attorney Kone's statements.

Vice Chair Mattison asked if there had been consultation with any historic preservation groups regarding the contents of the building. Principal Developer Tanya Segel responded that there had been nothing of historic value found in the building.

Commissioner Alder Marchand expressed support for the project while encouraging the applicant to consider the historic value of the existing building throughout the process.

Vice Chair Mattison moved to approve the item at 9:13pm. 5-0 in favor.

IV. BOARD OF ZONING APPEALS REFERRALS

1602-09 203 WALLACE STREET
MBLU: 200 0588 00600
Owner: Peter Forchetti. **Applicant:** Kenneth Rozich.

Special Exception

Creation of an adult use (adult cabaret); special exception for a location waiver and special exception to lessen the parking requirements Zone: IL.

Deputy Director William Long introduced the item and provided a summary of the public testimony from the BZA meeting as requested by the Commissioners.

The Commission discussed:

- Location of parking and the number of spaces
- Location of the proposed off-site lot for parking
- Hours of operation of the business
- Public testimony from the BZA Public Hearing related to parking
- Traffic and parking patterns in the area

Commissioner Alder Marchand moved to recommend the BZA not grant the Special Exception on parking at 10:07pm. 5-0 in favor.

1602-10 1376 STATE STREET
MBLU: 170 0476 00900
Owner: Marc Winslow. **Applicant:** Benjamin Trachten, Trachten Law Firm LLC

Special Exception

Allow 0 off-street parking spaces where 1 is required for the legalization of an existing dwelling unit. Zone: BA.

Deputy Director William Long introduced the item.

The Commission discussed:

- A history of generally supporting attempts to legalize what have some minor illegality attached to them
- A history of generally supporting Special Exceptions on minor reductions in parking

Commissioner Alder Marchand moved to provide a favorable recommendation at 10:12pm. 5-0 in favor.

1602-11 793 STATE STREET
MBLU: 211 0595 01100

Owner(s): Alpha Acquisitions LLC and City of New Haven. **Applicant:** Benjamin Trachten, Trachten Law Firm LLC

Special Exception

Allow for 0 off-street parking spaces where 20 are required and 0 off-street loading spaces where 1 is required for the creation of 15 dwelling units and commercial uses. Zone: BA.

Deputy Director William Long introduced the item.

The Commission discussed:

- The applicant's arrangement with an adjacent parking lot
- Traffic and parking patterns in the area

Commissioner Alder Marchand moved to provide a favorable recommendation, with the advice that the developer should explore a formal parking agreement with the adjacent lot at 10:23pm. 5-0 in favor.

1602-12 829 ORANGE STREET
MBLU: 196 0439 00100

Owner: Tideways Properties/ Tideways East, LLC. **Applicant:** Elena's on Orange, LLC/ Dr. Elena Grewal.

Special Exception

Allow for 0 off-street parking spaces where 9 is required. Zone: RM-2.

Deputy Director William Long introduced the item.

The Commission discussed:

- Traffic and parking patterns in the area
- Public Testimony presented at the BZA hearing

Commissioner Alder Marchand moved to provide a favorable recommendation at 10:30pm. 5-0 in favor.

V. ANNUAL MEETING (moved to March 16, 2022 CPC Meeting)

- Election of Officers

VI. MINUTES OF MEETINGS

Meeting:

- Special Meeting #1601 (February 9, 2022)

Commissioner Alder Marchand moved approval of the minutes at 10:31pm. 4-0 in favor.

Commissioner Alder Marchand moved to adjourn at 10:32pm. 5-0 in favor.

The meeting adjourned at 10:32pm.

NOTE:

Next Regular Meeting of the City Plan Commission:

Wednesday, March 16, 2022 at 6:00 PM (Submission deadline: February 17, 2022 by 12:00 PM)