

**MINUTES FOR MEETING 1634  
A SPECIAL MEETING AND PUBLIC HEARING OF THE  
NEW HAVEN CITY PLAN COMMISSION  
Wednesday, July 26, 2023 at 6:00 PM  
WEB-BASED MEETING HOSTED ON ZOOM**

**To view meeting materials, and recording, visit:**

<https://cityplancommission.newhavenct.gov/pages/july-26-2023-meeting>

The Chair opened the meeting at 6:03pm.

**I. ROLL CALL**

**Commissioners present:** Chair Leslie Radcliffe, Commissioner Alder Adam Marchand, Commissioner Joy Gary, Commissioner Carl Goldfield, ex-officio Commissioner City Engineer Giovanni Zinn

**City Staff present:** Director Laura Brown, Planner Esther Rose-Wilen, Assistant City Engineer Dawn Henning, Attorney Roderick Williams, Deputy Director of Zoning Nathaniel Hougrand, Economic Development Administrator Michael Piscitelli

**II. PUBLIC HEARINGS (Begin at 6pm)**

**1633-09 45 CHURCH STREET.**  
MBLU: 240 2351 00100  
**Owner:** David Kuperberg, 45 Cooper Associates, LLC; **Applicant:** Dharini Patel, Divine 1, LLC; **Agent:** Bernard Pellegrino

**Special Permit**

Permit a Hybrid Cannabis Retailer, in the BD-1 zone.

**1633-07 45 CHURCH STREET**  
MBLU: 240 2351 00100  
**Owner:** David Kuperberg, 45 Cooper Associates, LLC; **Applicant:** Dharini Patel, Divine 1, LLC; **Agent:** Bernard Pellegrino, Esq., The Pellegrino Law Firm

**Site Plan Review**

Conversion of the ground floor of 45 Church Street into a Hybrid Cannabis Retailer in the BD-1 Zone.

Attorney Bernard Pellegrino introduced the items.  
Attorney Michelle Bodian added to the presentation.  
Engineer Dean Apostolaris presented the site plan.  
Architect Phil Cerrone presented the floor plan.  
Attorney Bernard Pellegrino concluded the presentation.

The Commissioners asked several questions about accessibility and signage which Architect Phil Cerrone responded to.

The Chair opened the floor for public testimony at 6:54pm.

Planner Rose-Wilen stated that five items of written testimony had been received, three in opposition and two in favor of the Special Permit application.

Topics raised in public testimony included:

- Vacancy of the building
- History of the site
- Appropriateness of the building and area for the use
- Possibility for the use and associated security to alleviate loitering and other nuisances
- Historic preservation
- Traffic impact
- Negative impact on surrounding properties
- Parking issues
- Multi-modal methods of transportation to downtown
- Traffic impact of proposed use versus other allowable uses
- Dispensaries in other states and their impact on surrounding areas
- Proximity to parking garages

The Chair closed the floor for public testimony at 7:19pm.

The Commissioners discussed:

- Concerns about impact on safety and welfare of the neighborhood, especially given proximity to the New Haven Green
- Community outreach
- Negative impact on surrounding uses
- Location across from Gateway Community College, their high student programs, and their early childhood center, which could be considered a sensitive receptor
- Existing cannabis usage in the area
- Adaptive reuse of the building
- Traffic impact
- Contribution to commerce in the downtown area

**Commissioner Goldfield moved to deny item 1633-09, on the grounds that it did not meet the criteria for consideration of impacts on health, safety, and welfare of the public and the neighborhood and proximity to sensitive receptors, at 7:35pm. 3-1 in favor. Item was denied.**

**Commissioner Alder Marchand moved to deny item 1633-07 at 7:38pm. 4-0 in favor. Item was denied.**

**1634-01      PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE ARTICLE I DEFINITIONS; ARTICLE II, ESTABLISHMENT OF DISTRICTS: ZONING MAP; ARTICLE V §§ 42 (USE TABLE), 42.6 ADULT-USE CANNABIS, 43.3 SPECIAL PROVISIONS IN THE MU DISTRICT, 43.1, AND 45 BY ADDING A NEW MIXED USE ZONING DISTRICT (MU) APPLICABLE CITYWIDE AND FOR THE PURPOSE OF IMPLEMENTING THE LONG WHARF RESPONSIBLE GROWTH PLAN.**

**Submitted by:** Laura E. Brown, City Plan Director

**1634-02**      **PETITION TO AMEND THE NEW HAVEN ZONING MAP TO CHANGE THE ZONING DESIGNATIONS FROM GENERAL BUSINESS (BA), WHOLESALE AND DISTRIBUTION (BE), LIGHT INDUSTRIAL (IL), AND HEAVY INDUSTRIAL (IH) TO A NEW MIXED-USE DISTRICT (MU) WITHIN THE BOUNDARY OF THE LONG WHARF RESPONSIBLE GROWTH PLAN.**

**Submitted by:** Laura E. Brown, City Plan Director

Director Laura Brown, Deputy Director of Zoning Nate Hougrand, and Consultant Bret Keast presented the items.

Commissioner Alder Marchand asked a question about the existing PDDs in the Long Wharf area. Commissioner Goldfield asked about the timeline with the moratorium. City staff responded to Commissioner questions.

The Chair opened the floor for the public hearing at 8:16pm.

Topics raised in public testimony:

- Inconsistency with the LWRGP
- Request to leave the public hearing open
- Impact on existing buildings and uses
- History of the ASSA Abloy site
- Concerns about the Long Wharf Responsible Growth Plan
- Concerns about community engagement
- Concerns about structured parking
- Lack of bike lanes in proposed streetscapes
- Concerns about street design for pedestrians and bicyclists
- Concerns about the sustainability bonuses

The Chair closed the floor for public testimony at 8:57pm.

The Commissioners discussed:

- Timing concerns
- Support for the items
- Importance of engaging the business community as the process continues
- Importance of flood resiliency
- Density bonuses and minimum densities
- Affordability/interaction with the inclusionary zoning ordinance

**Commissioner Alder Marchand moved to give a favorable recommendation to the Board of Alders on item 1634-01 at 9:09pm. 4-0 in favor.**

**Commissioner Alder Marchand moved to give a favorable recommendation to the Board of Alders on item 1634-02 at 9:10pm. 4-0 in favor.**

**^1634-03**      **PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE** ARTICLE V §§ 42 (USE TABLE), 43, 43.1, AND 45 BY ADDING, TRANSIT-ORIENTED DEVELOPMENT DISTRICT PURSUANT TO CONN. GENERAL STATUTES §§ 13b-79o, ET. SEQ., KNOWN AS A TRANSIT ORIENTED COMMUNITY ZONE, TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE AS A NEW ZONING DISTRICT.

**Submitted by:** New Haven Parking Authority

Passed over.

**^1634-04**      **PETITION TO AMEND THE NEW HAVEN ZONING MAP** (Maps #16 and #12) TO CHANGE THE DESIGNATION OF APPROXIMATELY 7.33± ACRES OF LAND LOCATED AT 170 UNION AVENUE (M-B-P 237/1300/00200) FROM B-E (WHOLESALE AND DISTRIBUTION) TO A TRANSIT-ORIENTED DEVELOPMENT ZONING DISTRICT CLASSIFICATION, KNOWN AS A TRANSIT-ORIENTED COMMUNITY ZONE.

**Submitted by:** New Haven Parking Authority

Passed over.

### **III.    SITE PLAN REVIEW**

**^1633-06**      **873, 887 & 897 GRAND AVENUE.**  
MBLUs: 209 0579 03701; 209 0579 03700; 209 0579 03900  
**Owner/Applicant:** Moshe Feferkorn, JS Dorothy LLC; **Agent:** Ben Trachten

**Site Plan Review**

Demolition of existing buildings and construction of a 112-unit residential building with parking on the ground floor, in the BA and RM-2 zones.

Passed over.

### **IV.    DELIBERATIONS**

**1632-10**      **420 MIDDLETOWN AVENUE.**  
MBLU: 133 1048 07300  
**Owner:** Stavros Karadimos; **Applicant:** Affinity Health and Wellness, LLC; **Agent:** Bernard Pellegrino

**Special Permit**

Permit a Cannabis Dispensary in the BA Zone and Coastal Management Area.

The Commissioners continued their deliberations, discussing:

- Proximity to the proposed daycare campus at 25 Flint Street, which could be considered a sensitive receptor, and other sensitive receptors
- Opposition from Alders and members of the public
- Grade change between 420 Middletown Avenue and 25 Flint Street
- Proximity to residential uses
- Concerns about impacts on the health and safety of the surrounding area
- Creation of nuisances in the surrounding area

**Commissioner Alder Marchand moved to deny item 1632-10 at 9:38pm on the grounds of proximity to sensitive receptors. 3-1 in favor. Item denied.**

**V. BOARD OF ZONING APPEALS**

**1632-21 71 WELTON STREET.**  
MBLU: 152 0842 00700  
**Owner:** AJM CT Realty LLC. **Applicant:** Tom Knapp

Variations to permit a rear yard setback of 5ft where 12.67ft is permitted, a side yard setback of 5ft where 9.5ft is required, and Coastal Site Plan review for the construction of a new maintenance building. Zone: IH. **23-44-V, 23-45-CAM.**

Deputy Director of Zoning Nate Hougrand presented the item.

The Commissioners discussed:

- Separation from the river and wetlands by the train tracks

**Commissioner Alder Marchand moved to recommend approval of item 1632-21 to the Board of Zoning Appeals at 9:49pm. 4-0 in favor.**

**1632-22 410 FERRY STREET.**  
MBLU: 167 0770 01400  
**Owner:** RBM LLC. **Applicant:** Esquipulas Bakery LLC.

Special Exception to allow for a neighborhood convenience use (bakery/café) within a residential zone. Zone: RM-2. **23-47-S.**

Deputy Director of Zoning Nate Hougrand presented the item.

The Commissioners discussed:

- Support for the application
- Proximity to similar businesses and the positive impact of those businesses on the street

**Commissioner Alder Marchand moved to recommend approval of item 1632-22 to the Board of Zoning Appeals at 9:58pm. 4-0 in favor.**

**1632-23 669 DIXWELL AVENUE.**  
MBLU: 290 0478 00600  
**Owner:** Abdessamad Bendki. **Applicant:** Benjamin Trachten.

Special Exception to allow for a neighborhood convenience use (convenience store/bakery) within a residential zone. Zone: RM-2. **23-49-S.**

Deputy Director of Zoning Nate Hougrand presented the item.

The Commissioners discussed:

- Proximity to other convenience stores

**Commissioner Alder Marchand moved to recommend denial of item 1623-23 to the Board of**

**Zoning Appeals at 10:15pm. 4-0 in favor.**

**1632-24 45 HAVEN STREET.**  
MBLU: 174 0737 01100  
**Owner:** CT 45 Haven LLC. **Applicant:** Benjamin Trachten.

Variance to permit 888sf of gross floor area per dwelling unit where 1,000sf is required. Coastal Site Plan review to allow for an additional dwelling unit within an existing two-family structure. Zone: RM-2. **23-53-V, 23-54-CAM.**

Passed over.

**1632-25 29 NICOLL STREET.**  
MBLU: 198 0401 00500  
**Owner:** Taraz, Manouchehr Graham & Sean. **Applicant:** Benjamin Trachten.

Special Exception to allow 0 off-street parking spaces where 1 is required to allow for an additional dwelling unit within an existing three-family structure. Zone: RM-2. **23-56-S.**

Passed over.

**1633-13 69 GRAND AVENUE, 19 CLINTON AVENUE & PERKINS STREET.**  
MBLUs: 160 0761 02100; 160 0761 02200; 160 0761 02101  
**Owner:** City of New Haven. **Applicant:** Pennrose, LLC.

Special Exceptions to permit parking for 19 off-street parking spaces where 59 are required and one loading space where three are required and Coastal Site Plan Review. Zone: BA-1. **23-57-V, 23-58-S, 23-71-CAM.**

Passed over.

**1633-14 203 ALDEN AVENUE AND 197 ALDEN AVENUE (REAR).**  
MBLUs: 385 1102 01900; 385 1102 01800  
**Owner:** 203 Alden, LLC. **Applicant:** Benjamin Trachten

Special Exception to allow for a neighborhood convenience use (bakery and prepared foods) within a residential zone. Zone: RM-1. **23-61-V, 23-62-S**

Passed over.

**1633-15 521 COLUMBUS AVENUE.**  
MBLU: 310 0092 01900  
**Owner:** James Stephens. **Applicant:** Benjamin Trachten.

Special Exception to allow for 0 off-street parking spaces where 1 is required for an additional dwelling unit in an existing structure. Zone: RM-2. **23-64-V, 23-65-S**

Passed over.

The Commissioners decided to hold a Special Meeting in August to hear the passed over BZA referrals, date to be determined and noticed appropriately.

**VI. MINUTES OF MEETINGS**

Meeting:

- Meeting #1632, June 21, 2023  
Passed over.

- Meeting #1633, July 19, 2023

**Commissioner Goldfield moved to approve the minutes for July 19, 2023, meeting #1633. 3-0 in favor.**

**Commissioner Alder Marchand moved to adjourn at 10:23pm. 4-0 in favor.**

**NOTE:**

Next Regular Meeting of the City Plan Commission:

Wednesday, September 20, 2023 at 6:00 PM (Submission deadline: August 17, 2023 by 12:00 PM)

**NOTE:**

The City Plan Commission will take an August recess per the approved annual calendar, with the exception of holding a Special Meeting for unfinished business, therefore there is no July application deadline. Applications received between June 23rd and August 17<sup>th</sup> at 12pm will be reviewed in preparation for the September 20<sup>th</sup> CPC meeting.