

**CITY OF NEW HAVEN  
BOARD OF ZONING APPEALS  
MINUTES  
March 12, 2024 6:30  
Web-Based Meeting held on Zoom**

Start: 6:35pm End: 9:30pm

**Attendance:** Mildred Melendez, Al Paolillo, Gemini Rorie, Chris Peralta, Michael Martinez

**Staff Present:** Laura Brown, Donnell Hilton, Nathaniel Hougrand, Roderick Williams

**I. Call to Order**

**II. New Public Hearings**

**RE: 24-7-S. 45 Church Street.** Special Exception to allow for the expansion of a previously approved Bar/Café/Nightclub from 4,992sf to 12,543 sf. Zone: BD-1. Owner: 45 Cooper Associates LLC, Applicant: Alexandra Arpi c/o The Vault NH LLC.

**ACTION: WITHDRAWN**

**RE: 24-10-V. 203, 207 Rosette Street.** Use Variance to permit detached single-room occupancy structures. Variances to permit a side yard setback of 5ft where 8ft is required, a rear yard setback of 5ft where 25ft is required, a maximum building coverage of 32% where 30% is permitted, and a minimum distance between buildings of 3ft where 7ft is required. Zone: RM-2. Owner: Jacob Miller & Amistad Catholic Worker LLC. Applicant: Jacob Miller.

**ACTION: APPROVED WITH CONDITIONS:** Jacob Miller, representative for Amistad Catholic Worker LLC. (ACW) presented to the Commissioners and stated that homeless a problem in city of New Haven. ACW addresses the issue by providing modular prefabricated emergency shelters because of the City’s demolition of “Tent City” the Miller commissioned the construction of six single occupant residential shelters [to house at least eight individuals] in the rear yards of 203 and 207 Rosette Street without requesting building permits or zoning relief. Miller referred to the initiative as Rosette Neighborhood Villages. Miller stated that the zoning ordinances are “too old” to address current needs of the unhoused. The unhoused set up tents in the rear of the property with the owner’s permission to address a necessary need to provide homes for the tent’s occupants prior to winter setting approaching. Miller stated that the commissioners must understand that the Hill neighborhood are left with homeless issues to deal with that may not be supported by state and local level. ACW provides a place for the unhoused to stay while receiving supportive services without funding from the city and/or grants. Site Plan show units that are situated on the rear of the parcel and interior show code compliant interior except for insulation. Rosette Village Collective provides support for individuals transitioning into permanent housing. Miller continued by stating the benefits of the “Village”:

- Tiny shelters are very cost effective and when NH rehabbed hotel unit cost was \$426,000 per unit and the tiny homes were \$15,000 each. It makes more economic sense.
- The community is supported by Amistad, and wrap-around health services twice a week from Cornell Scott.
- Group and individual mental health services provided.
- The shelter's occupants actively participate in the provision of services.
- The neighborhood supports this initiative and sees the impact.
- Present permit is for temporary structure and what they intend to do is make this permanent because there is a need.

**Questions regarding the proposal:**

Chairwomen Melendez: If you got shut down today, where will these individuals [unhoused] go? Miller: They [unhoused] will dissipate into the Hill neighborhood and be told to disappear they way they are ask to at Columbus house in the morning or they may end up sleeping in the train station or downtown green.

Acting Chair Martinez: Are you using interior units of principal structure for homeless housing? Miller: No. but everyone has access to the common area access to residents of shelters at all times.

**Letters:** 17 in favor; 1 in opposition

13 Members of the public spoke in favor and 0 in opposition:

**Topics raised in Public Testimony:**

- Although they didn't submit the proper paperwork, shelters serve a good purpose.
- Neighboring children and residents are safe. It takes a village to support community. The residents are kind and supportive.
- Shelter occupants are very welcoming. During holidays, community was welcoming and gather the community together.
- Shelters helped some occupants to get job and become member of community and good for mental health and self-esteem.
- Occupants reported being happy to live in the shelters for three months. Electricity helped with reduce health issues.
- Rosette street is a good place to live. There is peace here.
- These shelters are new to the city so it must be handled with care.
- The shelters provide a place for the unhoused to live and keeps them out of areas like playgrounds and other places not fit for housing.
- Police reports show: 6 call and one was death at the "tiny units".

**Acting Chair Martinez moved to approve, Commissioner Paolillo second.**

**Vote: 4-1**

**CONDITIONS:**

- The structures are limited to one individual except when occupied by more than one resident that is a direct family member, and in no case more than two people residing in each structure.
- No more than six (6) structures may be used for residential occupation, temporary or otherwise.

- An easement must be established if the property is sold for structures that extend beyond the property lines of either parcel.
- Occupants of the shelters shall always have access to shared facilities in the principal structure.

**RE:** **24-18-V. 145 Starr Street.** Variance to permit 904sf of Gross Floor Area per dwelling unit where 1000sf is required to create an additional dwelling unit within an existing 2-family structure (utilizing the bonuses of the Inclusionary Zoning Overlay District). Zoned RM-2. Owner: Nehemia Levin, Applicant: Attorney Benjamin Trachten.

**ACTION:** **APPROVED:** Attorney Benjamin Trachten presented to the Commissioners and stated that this is an application that came before the Commission in October of 2023 it was denied because of neighborhood opposition about the property's condition. As a result of the neighborhood testimony, the owner has completed extensive free removal, landscaping, security, lighting, and other site improvements to address the conditions. This application is a standard conversion application normally approved by the Commission. It creates one additional dwelling unit.

**Letters:** 0 in favor; 0 in opposition

No members of the public spoke in favor or opposition of the item:

**Acting Chair Martinez moved to approve, Chairwomen Melendez second.  
Vote: 5-0**

**RE:** **24-19-V. 1401 Chapel Street.** Variance to permit 763sf of Gross Floor Area per dwelling unit where 1000sf is required to create an additional two dwelling units within an existing mixed-use structure. Zoned RO. Owner: H & R Investments, LLC., Applicant: Attorney Benjamin Trachten.

**ACTION:** **APPROVED:** Attorney Benjamin Trachten presented to the Commissioners and stated that this is a structure that was originally developed to be a hundred percent commercial, and through 2 prior conversions was converted, first, to 3 one bedroom units. Trachten also stated that the two lower-level units were designated for the WIC program and has been vacant for some time. The Hardship stems from the strange modernist structure and architecture of the building which lends to the lack of commercial appeal. The nonconformity will be reduced by converting the commercial spaces to residential units which is an independent ground in terms of parking.

**Letters:** 0 in favor; 0 in opposition

No members of the public spoke in favor or opposition of the item:

**Acting Chair Martinez moved to approve, Commissioner Paolillo second.  
Vote: 5-0**

**RE:** **24-19-S. 14 Kimberly Avenue.** Special Exception to extend the hours of operation of a Gasoline Station/Convenience Store set forth in a prior approval to allow 24-hour operation. Zoned BA. Owner: K Brothers, LLC., Applicant Mahmood Alrqibat.

**ACTION:** **DENIED:** A Said Alan, representative of the Applicant, Mahmood Alrqibat presented to the Commissioners and stated that they proposal is extend business hours to 24-hours so they offer gas, food, and retail sales to late night customers. The owners is requesting the special exception as a result of their zoning violations for operating past closing hours. Alan stated that the owners are aware of the growing violence in the area and classifies the occurrences as police related matters that are not directly a result of their operation. They've concluded that they've assisted police with their investigations by providing video surveillance upon request and will continue to make the area safe if granted the special exception.

**Questions regarding the proposal:**

Commissioner Peralta: What sets you apart from the 24-hour gas station down the street at the end of Kimberly Avenue. [Mahmood] we serve hot food and they do not.

**Letters:** 16 in favor; 7 in opposition

**Signatures:** 320 in favor; 42 opposition

**Police Reports associated with Address:** 88 from 2022-2023

0 Members of the public spoke in favor and 16 in opposition including State representative George Candelaria, Alderwoman Maria Rodriguez, Alder Kampton Singh, and Sergeant Jasmine Sanders

**Topics raised in Public Testimony:**

- Noise and police arrest
- Extended hours will not benefit the community.
- Observed illegal and drug activity outside the establishment.
- Increase of crime and poor management.
- Loitering
- Safety issues
- Overwhelming need for police presence exhaust police resources.
- Multiple violation of operating hours.

**Acting Chair Martinez moved to deny, Chairwoman Melendez second.**

**Vote: 4-0** (Commissioner Rorie left prior to public hearing being closed and was not available to vote on this item and the remaining items on this agenda)

**III. Deliberations.**

*Referral Reports from City Plan Commission (ALL DELIBERATION ITEMS WILL BE HEARD AT THE NEXT BZA MEETING)*

- RE: 24-11-V, 24-12-S. 410 Orchard Street.** Variances to permit 405.33sf of lot area per dwelling unit where 2,000sf is required, a maximum building coverage of 85% where 30% is permitted, front yard setbacks of 2ft and 5ft where 17ft is required, a rear yard setback of 5ft where 25ft is required, a side yard setback of 1.86ft where 8ft is required, a building wall height of 44ft 10in where 3ft 10in (side) and 10ft (rear) is permitted, to allow projections to be 0ft from the rear, side and front property lines where a minimum of 5ft is required, to allow projections to extend more than 1/3 the width into the required setback, to allow a structure to be located within the 25ft triangular area bounded on two sides by two street lines, to allow for the creation of 9 dwelling units where 1 is permitted on a nonconforming lot. Special Exception to permit 0 off-street parking spaces where 35 are required. Zone: RM-2. Owner: 410 Orchard Street LLC., Applicant: Attorney Carolyn W. Kone
- RE: 24-13-S. 609 Howard Avenue.** Special Exception to allow 0 off-street parking spaces where 2 are required. Zone: RM-2. Owner: Howard Plaza LLC: Rajendra P. Appalaneni, Applicant: Rajendra P. Appalaneni.
- RE: 24-15-S. 809 State Street.** Special Exception to permit 0 off-street parking spaces where 1 is required. Zone: BA. Owner: 809 State Street, LLC. Application Timothy J Lee.
- RE: 24-16-S. 77 4<sup>th</sup> Street.** Special Exception to permit 0 off-street parking where 1 is required. Zone: RM-2. Owner: SZE Realty LLC, Applicant: Attorney Benjamin Trachten, Trachten Law Firm.

**Item 4. New Business**

**4.1 Approval of Meeting Minutes – February 13, 2024**

**ACTION: APPROVED:** Chairwoman Melendez Moves to approve, Vote: 3-0  
(Commissioner Martinez abstained)