



Town of Hamden
Planning and Zoning Department

**Hamden Government
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June 30, 2020

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting via Zoom teleconferencing technology on Tuesday, June 23, 2020 at 7:00 p.m. with the following results:

Commissioners in attendance:

Joe McDonagh, Vice-Chair
Robert Roscow
Joel Mastroianni
Paul Begemann
Robert Cocchiaro
Joseph Banks
Shanae Draughn, Sitting for Michele Mastropetre
Ted Stevens, Sitting for Brack Poitier

Staff in attendance:

Dan Kops, Town Planner
Tim Lee, Assistant Town Attorney
Genevieve Bertolini, Stenographer
Natalie Barletta, Clerk

The meeting was called to order at 7:02 p.m. by the vice-chair, Joe McDonagh. The clerk read the Regular Meeting items into the record. The Commission and staff introduced themselves. Mr. McDonagh reviewed the electronic meeting procedures.

A. Public Hearing

1. Zoning Regulation Amendment #20-0975

Application to Amend the Zoning Regulations COVID-19 Business Recovery Amendment for outdoor cafes and temporary signage, Amending Sections 520.2.8.h, 638.1.a. and 638.1.b, Hamden Planning and Zoning Commission, Applicant

Continued from the June 9, 2020 Public Hearing

Mr. Kops stated that he had nothing further to add since the June 9, 2020 public hearing, other to recommend that it's the Commission should state that it's consistent with the Planning of Conservation and Development and the Comprehensive Plan, and has an effective date of July 1, 2020.

Mr. McDonagh asked if there were any comments in favor of the application. There were none.

Mr. McDonagh asked if there were any comments against the application. There were none.

The public hearing was then closed.

2. Zoning Map Amendment # 20-0976

233 Skiff Street, T-1 Zone

Change from a T-1 zone to a T-5 zone
South Central Regional Water Authority, Applicant
Continued from the June 9, 2020 Public Hearing

John Triana, Real Estate Agent from the Regional Water Authority, addressed the Commission. Mr. Triana stated that he doesn't have anything further to add. Mr. Kops said that he also has nothing further to add, other than a recommended effective date of July 1, 2020.

Mr. McDonagh asked if there were any comments in favor of the application. There were none.

Mr. McDonagh asked if there were any comments against the application. There were

The public hearing was then closed.

3. Special Permit # 96-0788
109 Sanford Street, T-4 Zone
Major amendment to allow public assembly
Devonshire LLC, Applicant
Continued from the May 26, 2020 and June 9, 2020 Public Hearing

Attorney Bernard Pellegrino, Pellegrino Law Firm, addressed the Commission and said that he doesn't have anything further to add, as the two issues were hours of operation and neighborhood issues. Mr. McDonagh asked if the recommended conditions of approval were acceptable. Attorney Pellegrino replied yes. Mr. Roscow asked about the windows were operable, and if it was the case. Attorney Pellegrino said that there are fixed windows in front of the building. Mr. Roscow asked if the building is air conditioned, and therefore there is no reason that any of the windows should be opened. Mr. Roscow recommended that all windows should be closed. Attorney Pellegrino said the building will be soundproof.

Mr. McDonagh asked if there were any comments in favor of the application. There were none.

Mr. McDonagh asked if there were any comments against the application. There were none.

The public hearing was then closed.

4. Zoning Regulation Amendment # 20-0974
Amendment to zoning regulations to allow multi-family housing on a portion of Connolly Parkway,
Section 652.1.a. Table 6.3, T-4 Zone
Ancar, Inc., Applicant
Rescission of Approval due to technical difficulties providing public access to the meeting
Continued from the June 9, 2020 Public Hearing

Ms. Draughn asked Attorney Lee for a legal opinion. Attorney Lee said that the lack of public access rendered it questionable under state law, and the better course of action is to remedy the defect is to rescind and rehear it. Mr. Roscow said he was confused, because he wasn't sure what it meant by the comments being posted online 24 hours after the meeting. Attorney Lee stated the 24 notice isn't the relevant issue. Attorney Lee clarified that Governor Lamont issued the executive order, and part of the order means that anything pertaining to the meeting must be posted on the Town's website 24 hours prior to the meeting, and anything coming in after should be posted within 24 hours after the meeting. Attorney Lee added that the public access is restricted, since the Government Center is closed during the pandemic. Mr. Roscow asked

does the governor's order meant that it can get submitted tonight. Attorney Lee said no, if the hearing is closed. Mr. Smith added that he had nothing further to add.

Mr. McDonagh asked if there were any comments in favor of the application. There were none.

Mr. McDonagh asked if there were any comments against the application. There were none.

The public hearing was then closed.

5. Zoning Regulation Amendment # 20-0974

Amendment to zoning regulations to allow multi-family housing on a portion of Connolly Parkway, Section 652.1.a. Table 6.3, T-4 Zone

Ancar, Inc., Applicant

*Re-hearing of Public Hearing due to technical difficulties providing public access to the meeting
Continued from the June 9, 2020 Public Hearing*

Mr. Roscow said that he would like to clarify that he believes that the applicant submitted it, this will only apply to apply to 660 feet south of Dixwell Avenue, and it doesn't go anywhere else. Mr. McDonagh said that from what he can see the T-4 area does extend a little west, right up to the Mill River, so there is a section that is still T-4 that is not a part of the application. Mr. Kops said that's not correct as the GIS layers are misleading, and that it is a T-1 zone. Mr. McDonagh asked if this extends to this property line. Mr. Kops said yes.

Mr. Roscow said that it was mentioned that it was a difficult site, because no trees can get cut down. Mr. Roscow brought up an incident that occurred a number of years ago where a rock was thrown and shattered a car window. Mr. Roscow said that it's safer now, because there are businesses operating during the day. Mr. Roscow said he visited the site, and the property is fenced off, but has a great view of the lake. Mr. Roscow said that if this amendment is approved, the Commission wouldn't know what the buildings will look like until they see the site plan application. Mr. Roscow then mentioned that the Police Department is in favor of this property being used, because it does a good job of reducing crime.

Mr. Roscow asked about the Wilbur Cross Parkway being over the property, and said that he wasn't sure how the development would be built, seeing as it's owned by the Department of Transportation. Mr. Smith said that the state has an easement that goes over the applicant's property, which is why nothing is going to be built under the overpass. Mr. Smith clarified that the language that it will say east on Connolly Parkway, only as far as the northeast corner, anything going further, is not part of the amendment. Mr. Smith said that this will be limited the south side, as language wouldn't be the same.

Mr. McDonagh stated that if anyone made a comment at the June 9, 2020 Public Hearing, they don't need to be repeated.

Mr. McDonagh asked for comments in favor of the application. There were none.

Mr. McDonagh asked for comments against the application.

Sarah Clark addressed the Commission and said that she was going to read a statement from Diane Hoffman.

Mr. Kops said that there is a water main for public water on Connolly parkway, so Ms. Hoffman is correct that the multi-family housing complex would require connection, but it is possible to do so. Mr. Smith said

there's a sewer line that runs through the property. Mr. McDonagh asked if that it would be a requirement. Mr. Smith said yes.

Mr. Cocchiaro said that he was initially against the application, but stated that he is more concerned that the property will become a dumping and crime area, since the current renters will move out. Mr. Cocchiaro added that he does have concerns about construction.

Mr. Mastroianni said that he wanted to echo that, and those who spoke about that, and added that he is endorsing the zone change to look at the possibilities for that site. Mr. Mastroianni added that he does agree that it is a problematic site.

Mr. Roscow mentioned the applicant plans will create access to the Farmington Canal Trail on both sides of Connolly Parkway without the 180 degree turn. Mr. Roscow said that one of the key features is to Hamden Hamden more walkable, and added that he thought that this site was anything but remote, as it is down the street from Dixwell Avenue. Mr. Roscow then added that the Commission is not approving anything to be built, until it satisfies both staff and the commission, and therefore, the applicant will have to go through another hearing with a site plan. Mr. Roscow then stated that there is a long way for the applicant to go and many modifications. Mr. Roscow then added that the site is also easily accessible for Spring Glen Elementary School, Hamden Middle School, and Hamden High School.

The public hearing was then closed.

B. Regular Meeting

1. Zoning Regulation Amendment # 20-0975

Application to Amend the Zoning Regulations COVID-19 Business Recovery Amendment for outdoor cafes and temporary signage, Amending Sections 520.2.8.h, 638.1.a. and 638.1.b, Hamden Planning and Zoning Commission Applicant
Continued from the June 9, 2020 Public Hearing

Mr. Begemann recommended that businesses didn't have to get a zoning permit. Mr. McDonagh agreed. Mr. Kops indicated that he put the zoning permit in the language in order to have the current discussion. Mr. McDonagh asked if the Town Planner is looking to extend signage. Mr. Kops said that since the pandemic will be ongoing, it doesn't need the Town Planner's Approval. Mr. Kops added that the Town Planner will be authorized to extend the temporary signage for additional periods – each not to extend more than 90 days.

Mr. Roscow made a motion to approve the Business Recovery Amendment for outdoor cafes and temporary signage effective July 1, 2020 with the changes in language as discussed as it is consists with the Plan of Conservation and Development and the Comprehensive Plan. It was seconded by Mr. Cocchiaro, and unanimous in favor.

The following zoning regulation amendments were approved:

638.1 Outdoor Café

Outdoor cafes and eating areas, when accessory to a restaurant, are permitted subject to a Zoning Permit and the following conditions:

- a. COVID-19 Recovery Special Provisions: Based on the need to aid restaurants in their recovery from the impact of the COVID-19 as well as the need to protect public health through proper**

distancing between patrons, outdoor cafes may be expanded temporarily onto lawn and parking areas, provided that any dining area in parking lots is adequately protected from vehicles and that the site still has sufficient parking. This special provision for expanded outdoor dining will expire on November 30, 2020 unless otherwise extend by the Commission.

- b. The limitation on the size of the outdoor dining is eliminated.**
- c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;
- d. All food and beverages shall be served at the table;
- e. Outdoor eating areas shall be operated on a seasonal basis not to exceed six months in a calendar year and shall be exempt from providing parking spaces other than those required for the restaurant;
- f. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambiance for diners;
- g. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

550.2.8 Temporary Signs

Specific to all zones:

- a. Signs temporarily attached to a window or door, announcing sales or special features are permitted, provided that they do not exceed 50% of the area of a window or door, and provided that they are in place for not more than 30 days. The signage should be affixed in locations that allow police to check that there are no crimes in progress.¹
- b. Special advertising devices, including but not limited to plaques, banner, pennants and streamers, are permitted for a period of not more than 30 days after the opening of a new business, provided that they do not constitute a public nuisance.
- c. Non-profit organizations and municipal agencies may employ temporary signs not exceeding 32 square feet in total area, advertising special activities in any zone for a period not to exceed 14 days. No zoning permit is required. The signs must be removed immediately after the event.
- d. Sponsor signs and banners at public ball fields are permitted for the duration of a single sporting season.
- e. A real estate sign advertising the sale or lease of the premises on which such sign is displayed shall not exceed 6 square feet in total area and shall be set back from any street line at least 5 feet. When a property is sold or rented, this sign may be replaced by one temporary sign not exceeding 6 square feet in total area, noting the sale or rental. Such sign shall be removed upon occupancy of the land or structure, or within 90 days of the sale or lease, whichever is less.
- f. Contractor's signs may be displayed on a building or construction site. Such signs shall not exceed 16 square feet in total area.
- g. Lawn signs shall not exceed 4 square feet.
- h. COVID-19 Recovery Signage: Special advertising devices, including but not limited to plaques, banners, pennants and streamers, announcing the resumption of normal business after the closings necessary to mitigate the impact of the COVID-19 Pandemic and/or reduction in business activity due to stay-at-home orders, are permitted for a period of not more than 90 days, provided that they do not constitute a public nuisance. The Town Planner is authorized to issue and/or extend temporary sign permits for additional periods not to exceed 90 days if the impacts of COVID-19 so warrant.**

- 2. Zoning Map Amendment # 20-0976
233 Skiff Street, T-1 Zone
Change from a T-1 zone to a T-5 zone
South Central Regional Water Authority, Applicant

Continued from the June 9, 2020 Public Hearing

Mr. Roscow made a motion to approve the application 20-0976 as it is consistent with the Plan of Conservation and Development and the Comprehensive Plan effective on July 1, 2020. It was seconded by Mr. Cocchiaro and unanimous in favor. The zoning map amendment was approved.

3. Special Permit 96-0788

109 Sanford Street, T-4 Zone

Major amendment to allow public assembly

Devonshire LLC, Applicant

Continued from the May 26, 2020 and June 9, 2020 Public Hearing

Mr. Stevens said that the one recommendation that he had was to remove item 3C, which he thinks is unnecessary and wishes that it would be stricken. Mr. Stevens added that he thinks that having a police officer is unnecessary, as a staff person is present during events. Mr. McDonagh and Mr. Roscow agreed. Mr. Roscow added that all windows must be closed during events. Attorney Lee added to substitute 3C to say that during events, all windows must be closed.

Mr. Cocchiaro made a motion to approve the Special Permit with the recommendation of the Town Planner and a completion date of June 23, 2025, which includes recommendation made by Mr. Stevens to strike the need of a police officer, and included that all windows be closed. It was seconded by Mr. Stevens, and was unanimous in favor.

The application was approved with the following conditions:

1. The applicant must obtain a Zoning Permit, signed by the Fire Marshal, QVHD and the GNHWPCA.
2. Prior to the Issuance of a Zoning Permit, the applicant must submit revised site and floor plans for approval by the Town Engineer and Town Planner, containing
 - (a) A more detailed floor plan that includes an area with a sink for clean-up.
 - (b) Any other changes required by the Fire Marshal, QVHD and/or the GNHWPCA.
 - (c) All conditions of approval.
3. During use of the banquet hall:
 - (a) The number of patrons is limited to 200 unless otherwise approved by the Commission.
 - (b) The applicant must have a staff representative present until the event has ended and the participants have left the premises.
 - (c) All windows must be closed during events.**
 - (d) The applicant must have sufficient staff present throughout each event.
 - (e) The applicant may not provide any food or beverages.
 - (f) Any food offered must be provided by a licensed, catering food service establishment.
 - (g) If the space is used for anything other than a private party and food or beverages are served, a Temporary Food Service Permit must be obtained from QVHD.
 - (h) The hours of operation will be from 7:00 pm to 10:00 pm Thursday evenings, from 7:00 pm to 12:00 am Friday and Saturday evenings and 10:00 am to 5:00 pm on Saturdays and Sundays.
 - (i) Live or recorded music may be used only as an accompaniment to the allowable banquet activities. The sound must not be audible outside the building. No concerts are allowed.
 - (j) All events must occur inside the building.
4. All work must be completed by June 9, 2025.

4. Zoning Regulation Amendment # 20-0974
Amendment to zoning regulations to allow multi-family housing on a portion of Connolly Parkway,
Section 652.1.a. Table 6.3, T-4 Zone
Ancar, Inc., Applicant
*Rescission of Approval due to technical difficulties providing public access to the meeting
Continued from the June 9, 2020 Public Hearing*

It was moved by Mr. Banks, seconded by Mr. Roscow, and the vote was unanimous in favor.

5. Zoning Regulation Amendment # 20-0974
Amendment to zoning regulations to allow multi-family housing on a portion of Connolly Parkway,
Section 652.1.a. Table 6.3, T-4 Zone
Ancar, Inc., Applicant
*Re-hearing of Public Hearing due to technical difficulties providing public access to the meeting
Continued from the June 9, 2020 Public Hearing*

Mr. McDonagh made an additional change, which is to identify that it is going east on Connolly Parkway and only deals with a T-4 Zone.

Mr. Roscow made a motion to approve the Zoning Regulation amendment to allow multi-family housing as discussed in a T-4 Zone, Ancar Applicant, as consistent with the Planning of Conservation and the Comprehensive Plan, and with an effective date of July 1, 2020. It was seconded by Mr. Mastroianni, and passed, with one opposing vote from Ms. Draughn.

The following zoning amendment was approved:

Amending Section 652.1.a. Table 6.3 with an effective date of July 1, 2020. The east side of Connolly Parkway should be added to the list of streets to column 3, accompanied by a note indicating that it applies only to the T-4 Zone.

C. Old Business/ New Business

1. Review minutes of the June 9, 2020 Meeting

Mr. Kops stated that the only change he had was to change Mr. Banks from alternate to a sitting member on the commission, seeing as he recently switched from an alternate to a member.

Mr. Roscow made a motion to approve the minutes of the June 9, 2020 meeting. Mr. Cocchairo seconded. The minutes were approved, with one abstention from Mr. Mastroianni.

2. Reconsideration of appropriate zoning classifications for tattoo parlors, rap studios, modeling studios and related Adult Oriented Businesses and Adult Personal Services

Mr. Kops said that back in the late 1990s, the Commission voted to approve Section, 6-22 adult oriented establishments, and it recently came to his attention that he should take a look at it, as tattoo parlors weren't allowed anywhere except for M zones. Mr. Kops said that times have changed, and more recently, the issue of rap studios being listed there have come up as well and that seems totally inappropriate. Mr. Kops said that looking at it further, there are several other uses including juice bars, adult cabaret,

modeling studios that are listed as well. Mr. Kops added that there are several items that are questionable, and raise the issue if the Commission wants to rewrite the section of the regulations.

Mr. McDonagh added that neither he nor Mr. Kops were involved. The entire section was prompted by the adult video store on State Street, and tattoo parlors were added when the overhaul of the zoning regulations were done. Mr. Kops added there are other activities that are not appropriate to be listed in this section as well.

Mr. Roscow said that he takes no responsibility on what happened, but for 28 years or so, he was always assigned as the liaison for the Regional Water Authority. Mr. Roscow added that it's true that most of the zoning regulations by the adult section for New Haven is thick. Mr. Roscow suggested to reduce it substantially, and then asked about technical terms of body parts. Attorney Lee said that of course, but only thing that he is looking at is proposals. Mr. Begemann remarked that the regulations as they stand now only refer to Town ordinances, and zoning regulations are looking to tie into town ordinance and could be changed. Mr. Begemann added that parts of these regulations needs to be changed, but said that he doesn't want to get bogged down in having to rewrite this section, when the prime object to address the specific issues that have arisen, such as tattoo parlors.

Mr. Banks asked how many applications have been seen over the last 10 to 15 years. Mr. Kops answered that there were none other than tattoo parlors. Attorney Lee said that to prepare the applications and prohibit certain uses. Attorney Lee referenced an adult video store that was formerly on State Street. Mr. Banks asked if there was another body of regulation that can be referenced that would avoid the cost of a rewrite. Attorney Lee said that one of the first things to do is to look at other towns for their recommendations. Mr. Cocchiario said that he agreed, especially with tattoo and rap studios. Mr. Cocchiario added that it clearly made no sense that those are categorized as adult only businesses, and the Commission is trying to increase development. Mr. Cocchiario stated that this needs to be streamlined.

Mr. Roscow suggested that Mr. Kops reach out to Eugene Livshits at the South Central Regional Council of Governments to see if he has any recommendations, and added that he is not worried about tattoo parlors. Mr. Stevens said that he supported this.

Mr. Kops added that adult cabaret isn't something that the zoning regulations should be focused on. Mr. Roscow added that massage parlors might be something to look into as well. Mr. Cocchiario added that the Commission may want to look into the juice bars and what the actual definition of a juice bar is, since it may pertain to live entertainment, and it could mean that alcohol can't be served at nude, live entertainment, which is a regulation that you don't want to change. Mr. Cocchiario said to make sure that not too much is taken off. Ms. Draughn suggested to research the definitions. Mr. McDonagh asked Attorney Lee and Mr. Kops to take a look at them.

D. Adjournment

Mr. Cocchiario made a motion to adjourn. It was seconded by Mr. Banks, and unanimous in favor. The meeting was adjourned at 8:22 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission