



**Town of Hamden**  
Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075

**Memorandum**

**To:** Hamden Planning and Zoning Commission

**From:** Daniel W. Kops, Jr., Town Planner *DWK*

**Re:** Zoning Regulations Amendment #20-975  
COVID 19 Business Recovery Amendment to Assist Businesses  
Amending Sections 520.2.8.h, 638.1.a. and 638.1.b.

**Date:** June 9, 2020

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Overview

Hamden's business community has been hit hard by the impact of the COVID-19 pandemic. The combination of the Governor's Executive Orders effectively closing many establishments and limiting the work of others, with the quite rational reluctance of most people to leave their residences except for essential purchases or services, has caused substantial losses in income to both businesses and the people they employ. In an effort to ameliorate the conditions faced by many of Hamden's businesses, the Planning and Zoning Department has introduced a two-facet amendment to the Zoning Regulations

The purpose of the proposed amendment of the Outdoor Café section is to assist the restaurant sector, which has been particularly affected and will remain so during the initial step of the Governor's phased re-opening plan, which initially prohibits food service within buildings. There are two parts to the proposed changes. The first eliminates the restriction of outdoor cafes to 50% of the interior eating area – a limit that has never made sense, given their worldwide popularity. This constitutes a permanent change to the regulations. The second, which allows outdoor cafes to expand their dining areas into lawn and parking areas where feasible, is a temporary one. It allows additional space to neutralize the decrease in capacity caused by the necessary social distancing that will continue into the future.

The purpose of the proposed amendment of the Temporary Signage section is to help all local businesses advertise that they're open again and to publicize sales and other special events, as if they were new. The additional signage will help them get their messages out in a cost-effective manner, complementing their other forms of advertising.

## Department and Inter-Agency Reviews

No comments were received.

## Planning and Zoning Department Comments

With regard to the proposed changes to the Outdoor Cafes regulations in section 638.1, the language submitted for 638.1.a is new, filling in a placeholder section previously removed by the Commission. The text would allow the outdoor dining area to expand temporarily into landscaped areas and parking lots, provided the layout is safe. The Governor's recent Executive Order, which trumps local regulations, also allows temporary dining in parking lots, but does not cover as long a time period or include landscaped areas. Expanding the dining area is essential to making outdoor a viable exercise for restauranteurs, due to the distance requirements that have been imposed.

The second change is to remove the size limitation currently imposed in Section 638.1.b – 50% of the indoor patron area. I think the concern when outdoor café regulations were originally written was that the area needed to be limited to avoid parking issues, since no additional parking was required. The fact is there has never been a complaint about parking and there is really no reason to limit the size of outdoor dining areas, Outdoor dining is an asset to the community. There are already practical constraints to their expansion due to the availability of space. So it's time to eliminate the restriction imposed by the regulations.

With regard to the proposed addition of a new section, 520.2.8.h. to the Temporary Signage regulations, it is intended to help all businesses get back on their feet. Many local businesses were facing significant challenges due to online shopping before COVID-19 entered the picture, and the necessary shutdowns wreaked havoc. The new regulation would allow each business 90 days of temporary signage to attract customers and in the event of additional forced closures due to the pandemic, permits could be issued or extended without the need for Commission action. The reason for allowing the Town Planner to do this is one of timing. Further waves of COVID are likely and this amendments provides for fast action to help business community. In the case of outdoor cafes, the amendment covers the entire season of outdoor dining in New England. The Commission will have ample time to evaluate its impact and extend and/or adjust the regulation before spring. The Commission may want to consider whether or not to require a zoning permit for the temporary signage.

The Commission must determine if the proposed amendment is consistent with the Comprehensive Plan, which consists of the Zoning Regulations and Map, and current Plan of Conservation and Development.<sup>1</sup> The Planning and Zoning Department believes that the proposed amendment is consistent with the Comprehensive Plan, since it helps businesses without adversely affecting the community and environment. Sections 120.3.c and 120.3.m. are particularly germane.<sup>2</sup>

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<sup>1</sup> 2019 Plan of Conservation and Development, effective 9/27/19.

<sup>2</sup>

120.3.c. "Serve private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town;"

120.3.m. "Embed civic, institutional, commercial activity and public gathering places in downtown cores so as to reinforce community identity....;"

The department also believes that the proposed amendment, is consistent with at least two of the five highest rated policies it presented in the POCD.<sup>3</sup>

### Recommendation

The Planning and Zoning Department recommends the Commission find the proposed amendment of the Zoning Regulations 20- 975 consistent with the Comprehensive Plan and Plan of Conservation and Development, and approve Zoning Amendment #20-975, amending Sections 520.2.8.h, 638.1.a. and 638.1.b. with an effective date of June 17, 2020.

DWK:tbm

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Town of Hamden Zoning Regulations, adopted 7/25/17, effective 8/17/17, pp. 1-2.

<sup>3</sup>

ibid., p. 4. The ten highest-rated policies are:

1. **Promote appropriate economic development that will help provide net tax revenue, goods and services, and jobs to help meet community needs.**
2. Continue efforts to maintain and improve surface water quality and groundwater quality in Hamden.
3. **In order to help retain existing local businesses, support local businesses and industries to thrive and grow in Hamden, encourage Hamden residents and businesses to support local businesses, and express appreciation to existing and new businesses and industries.**
4. Seek to capitalize on economic development opportunities identified in the Market Evaluation report.
5. Promote the redevelopment of existing sites to new forms of economic development including mixed use, pedestrian-friendly, transit-oriented development in appropriate areas.
6. Continue to seek ways to increase revenue and manage spending.
7. Seek to increase the amount of non-tax revenue received by Hamden (State aid, payments in lieu of taxes by non-profit organizations, etc.).
8. Continue to work with Quinnipiac University to address the impacts associated with student behavior, especially related to off campus housing. 5.1.18 (61) 8.4 Mayor Police PZC PZD
9. Continue to encourage housing types and densities that support neighborhoods and promote a walkable, pedestrian-friendly community with a sense of place.
10. Discourage or minimize elements that detract from community character (strip development, sprawl development).

**ATTACHMENT**  
**CURRENT AND PROPOSED TEXT**

**OUTDOOR CAFE SECTION 638.1  
CURRENT TEXT**

**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. 6
- b. The outdoor eating area shall not exceed 50% of the indoor eating area;<sup>7</sup>
- 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.

**OUTDOOR CAFE SECTION 638.1  
PROPOSED TEXT**

**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.

**TEMPORARY SIGNS SECTION 550.2.8  
CURRENT TEXT**

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.<sup>1</sup>
- 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.

**TEMPORARY SIGNS SECTION 550.2.8  
PROPOSED TEXT**

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.<sup>1</sup>
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- 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 after obtaining zoning permit approval, 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.**

## Daniel Kops

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**From:** Nancy Dudchik <ndudchik@hamdenchamber.com>  
**Sent:** Tuesday, June 9, 2020 12:44 PM  
**To:** Daniel Kops  
**Subject:** Statement for tonight's P&Z Meeting

### **This email contains a link!**

**This email contains a World Wide Web link. Use caution when following links as they could open malicious web sites.**

- Helpdesk

**CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe.**

Dan – I wanted to send you the below statement for tonight. Since I organize our league, I'm the last one out and the last one to get off the course. We have double the amount of players than we usually do so I won't be done in time to be on the zoom meeting. Would you mind reading my statement for the Commission. I hope this help and I look forward to hearing about the approval! Thank you! Nancy

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As President of the Hamden Regional Chamber of Commerce, I wanted to send a quick email to let the Planning & Zoning Commission know that I am in full support of the two zoning amendments for outdoor cafes and temporary signage being proposed this evening. Any additional support and opportunities that help our local restaurants thrive during these challenging times is necessary and needed. I greatly appreciate your support Dan, by taking initiative on drafting these changes. Having outdoor cafes to stay open through November and allowing businesses to promote that they are OPEN with signage opportunities, dramatically affects business prosperity and most importantly sustainability. It is equally important and helpful that you are recommending the elimination of the seating percentage capacity as well. It's been very difficult for them but I have seen the creativity of many restaurants with their outdoor seating and I'm hopeful that with these new amended regulations will only further their ability to survive. Thank you Commission and I'm hopeful that you will all agree and approve the proposed changes for Amendment #20-0975.

Respectfully submitted, Nancy Dudchik



**Nancy J. Dudchik, IOM**  
*President*

**Hamden Regional Chamber of Commerce**

3074 Whitney Avenue, Building 1

Hamden, CT 06518

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[hamdenregionalchamber.com](http://hamdenregionalchamber.com)

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## Town of Hamden Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
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### Memorandum

**To:** Hamden Planning and Zoning Commission

**From:** Daniel W. Kops, Jr., Town Planner *DWK*

**Re:** Zoning Map Amendment #20-976  
233 Skiff Street  
Parcel ID #2529/034  
Change from T-1 to T-5

**Date:** June 9, 2020

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### Overview

The applicant's comprehensive memorandum explains the rationale for the zone change application in great detail, making a brief summary at this point sufficient. The South Central Connecticut Regional Water Authority (RWA) seeks approval to rezone a small portion of a 42 acre parcel from T-1 to T-5. The proposed T-5 area contains a house currently in very poor condition. The zone is a step to selling the property – as part of a general divestiture process it is undertaking.

If the zone change is approved, the RWA will need to seek a variance for the maximum front yard setback and if successful will then file an application for a lot split with the Planning and Zoning Department. Ultimately the plan is to sell the property to someone who will use it as a house. However any sale will be subject to a deed restriction protecting the public water supply and a historical conservation easement that is intended to protect the historical value of the house.

### Department and Inter-Agency Reviews

The Fire Marshal indicated in a note dated April 25, 2020 that he had no comments

No other comments were received.

### Planning and Zoning Department Comments

This application is an odd duck. If one didn't know the background and the imposing set of restrictions on the property it wouldn't seem to make sense to change the Zone from T-1 all the way to T-5, which permits the densest development in Hamden. And then there's the fact that

the Zone change will apply to only a small portion of the parcel – something the Commission normally tries to avoid doing. But this is a highly unusual application, due to the restrictions on the property's use.

When evaluating an application to change a property's zoning designation, the Commission must consider differences in the bulk requirements in the existing and proposed zones, what new types of uses are allowed in the proposed zone, differences in the approval process and the potential impact of the new allowed uses. The bulk requirements for the T-5 Zone are the most permissive of any zone and the types of uses permitted are much greater than in the others. However in this instance the restrictions on the property prevent it from any use other than that of a residence.

The Commission should also consider whether or not the requested change would constitute spot zoning. Given the fact that the contiguous property to the east is also zoned T-5, as are other properties on the north side of Skiff Street and at the intersection of Skiff Street and Whitney Avenue. This is not a case of spot zoning.

The Commission must determine if the proposed amendment is consistent with the Comprehensive Plan, which consists of the Zoning Regulations and Map, and the current Plan of Conservation and Development.<sup>1</sup> With regard to the former, the zone change is quite consistent, transforming the nonconforming residential use into a conforming one, protecting the public water supply, complying with the State Health Code and maintaining a consistent zoning scheme. The T-5 designation allows the least amount of land to be carved out and rezoned from the T-1 property. The Planning and Zoning Department also believes that the proposed amendment, is consistent with the POCD, which emphasizes in part, environmental sustainability and preservation of community assets, including historical structures. The conformance is reflected in four of the ten highest rated policies listed in the POCD<sup>2</sup>

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<sup>1</sup> The Town of Hamden, "Plan of Conservation and Development 2019," adopted September 17, 2019, effective September 27, 2019.

<sup>2</sup> ibid., p. 4. The ten highest-rated policies are:

1. Promote appropriate economic development that will help provide net tax revenue, goods and services, and jobs to help meet community needs.
- 2. Continue efforts to maintain and improve surface water quality and groundwater quality in Hamden.**
3. In order to help retain existing local businesses, support local businesses and industries to thrive and grow in Hamden, encourage Hamden residents and businesses to support local businesses, and express appreciation to existing and new businesses and industries.
4. Seek to capitalize on economic development opportunities identified in the Market Evaluation report.
- 5. Promote the redevelopment of existing sites to new forms of economic development including mixed use, pedestrian-friendly, transit-oriented development in appropriate areas.**
- 6. Continue to seek ways to increase revenue and manage spending.**
7. Seek to increase the amount of non-tax revenue received by Hamden (State aid, payments in lieu of taxes by non-profit organizations, etc.).
8. Continue to work with Quinnipiac University to address the impacts associated with student behavior, especially related to off campus housing. 5.1.18 (61) 8.4 Mayor Police PZC PZD

## Recommendation

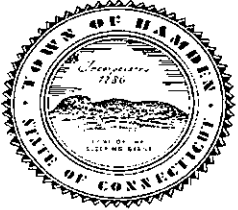
The Planning and Zoning Department therefore recommends the Commission find the proposed amendment of the Zoning Map consistent with the Comprehensive Plan and the Plan of Conservation and Development, and approve it with an effective date of June 17, 2020.

DWK:tbm

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**9. Continue to encourage housing types and densities that support neighborhoods and promote a walkable, pedestrian-friendly community with a sense of place.**

10. Discourage or minimize elements that detract from community character (strip development, sprawl development).



# Town of Hamden

## Planning and Zoning Department

### Memorandum

**To:** Hamden Planning and Zoning Commission

**From:** Daniel W. Kops, Jr., Town Planner *DWK*

**Re:** Special Permit Application 96-788/WS  
Major Amendment  
Conversion to Banquet Hall – Place of Assembly  
109 Sanford Street  
Parcel ID # 2628/044

**Date:** June 9, 2020

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### Overview

At its May 26<sup>th</sup> meeting the Commission listened to a presentation by the applicant, my report recommending approval with conditions and a communication from a neighbor, Timothy Onderko, raising objections. After I read my memorandum I indicated that I had some concerns about late-night gatherings and their potential impact on residential neighbors. The Commission then continued the Public Hearing until tonight.

The applicant has expressed a willingness to make the following concessions to reduce the potential impact of the use:

1. Thursday operations would be reduced from 1:00 am to 10:00 pm
2. Friday and Saturday operations would end at midnight
3. A staff person would be present
4. An off-duty policer officer would be present for events with more than 100 people

The applicant also conducted an informal, non-scientific evaluation of noise.

### Recommendation

With the amended recommended Conditions of Approval contained below, the application meets the Special Permit Threshold Decision Criteria specified in Section 718.4, and should not have an adverse impact on the health, safety and welfare of the public. The Department therefore recommends approval of the Major Amendment to Special Permit and Site Plan Application #96-788/WS, as depicted in the submitted plans:

Subject to 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. For events with over 100 people, in addition to the staff representative an off-duty police officer must be present until the event has ended and the participants have left the premises.
  - 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.

DWK:tbm



# Town of Hamden

## Planning and Zoning Department

### Memorandum

**To:** Hamden Planning and Zoning Commission

**From:** Daniel W. Kops, Jr., Town Planner

**Re:** Special Permit Application 96-788/WS  
Major Amendment  
Conversion to Banquet Hall – Place of Assembly  
109 Sanford Street  
Parcel ID # 2628/044

**Date:** May 26, 2020

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### Overview

The applicant is the owner of a multi-use site and has been before the Commission several times over the past 25 years.<sup>1</sup> The current application is to convert a 7,500 square foot, multi-purpose banquet/place of assembly to be used for a variety of events, including seminars, business meetings and sports banquets, as well as birthday and anniversary parties. No site work is planned. The hours of operation will be from 7:00 pm to 1:00 am Thursday through Saturday evenings and 10:00 am to 5:00 pm on Saturdays and Sundays. Up to 200 people will be accommodated in the facility. Any food and beverages served will be brought in by outside catering businesses. There will be no outdoor activities and music or loudspeakers. The statement of use does not indicate if there will be any employees present.

### Department Reviews

The Fire Marshal indicated in a note dated April 24, 2020 that the floor plans should be submitted to his office for approval.

In a letter dated April 30, 2020 QVHD stated the following:

- The plans indicated that no food or beverages will be provided.
- Any food or beverage must be provided by a licensed catering food service establishment.

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<sup>1</sup> Approved uses include a dance school, hockey school, laundry, multi-sport gym, general contractor, and the ARC school.

- If the space is used for anything other than a private party (i.e. the event is advertised and open to the public) and food or beverages are served, a Temporary Food Service Permit must be obtained from QVHD.

No other comments were received.

### Planning Department Comments

The parking required for places of assembly is left to the discretion of the Commission. The existing parking is sufficient, since the proposed use is complementary to the existing ones, often operating when the other businesses are closed.

The floor plan is inadequate for a space that may be occupied by as many as 200 people at a time. There should be an area containing a sink, reserved for cleanup and temporary placement of food and beverages.

Some of the other such facilities approved in the past have encountered difficulties due to the unexpected number of people showing up combined with alcohol consumption. Fights have been known to occur. The applicant should have staff on hand throughout each event to ensure no problems arise.

### Recommendation

With the recommended Conditions of Approval contained below, the application meets the Special Permit Threshold Decision Criteria specified in Section 718.4, and should not have an adverse impact on the health, safety and welfare of the public. The Department therefore recommends approval of the Major Amendment to Special Permit and Site Plan Application #96-788/WS, as depicted in the submitted plans:

Subject to 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 sufficient staff present throughout each event.
  - c. The applicant may not provide any food or beverages
  - d. Any food offered must be provided by a licensed, catering food service establishment.
  - e. 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
  - f. The hours of operation will be from 7:00 pm to 1:00 am Thursday through Saturday evenings and 10:00 am to 5:00 pm on Saturdays and Sundays.

- g. 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.
  - h. All events must occur inside the building.
4. All work must be completed by May 26, 2025.

DWK:tbm



3 June 2020

Brack Poitier, Chairman  
Hamden Planning & Zoning Commission  
Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518

**RE: Special Permit Application #96-0788  
109 Sanford Street  
Hamden, Connecticut**

Dear Mr. Poitier:

We are abutters to the property located at 109 Sanford Street before the commission under special permit application #96-0788 and thank you for the opportunity to submit this testimony.

We received mailed notification on Saturday, May 23<sup>rd</sup> that a public hearing for the property at 109 Sanford Street was being held just three days later and after a long holiday weekend. We are disappointed that no outreach by the applicant was made between the time of filing the application in March and the start of the special permit hearing process with their abutting property owners.

We have lived on Dorrance Street and have been an abutter to the subject property for the past 10 years. We have had no issues with the present use of the property or the desire of the property owner to convert 7,500 square feet of existing space into public assembly area. The use sounds complimentary to others in the development and could satisfy a need for flexible space. We do however have concerns about the timeframes associated with "evening" events that are noted in the special permit request including the ability to have events continue until 1:00 am on Thursday, Friday, and Saturdays. While the term wedding is not used in the applicant's cover letter, approving the application as submitted would allow a wedding, with 200 guests, live music or DJ, to continue until 1:00 am. This seems inappropriate for the location given its proximity to residential neighbors. For comparison purposes, the Cascade banquet facility is located 500 feet from its nearest residential neighbor with a 200 foot vegetative buffer. The area of the planned event space at 109 Sanford is half of that distance to the back wall of my house. While it may be possible for the applicant to install the needed sound attenuation materials inside the building to maintain the required 45 dBA sound level at the property line after 9:00 pm as required by the Hamden noise ordinance for "nighttime" sound levels it would do little to alleviate issues associated with 200 guests leaving the facility at 1:00 am and congregating in the parking lot. The noise associated with this activity may well exceed that of the actual interior event and may continue until a much later hour as the special permit would only regulate the end of the formal interior event. We would request that the commission consider a more appropriate ending time for all days of the week and require the preparation and implementation of an event management plan for

the property to ensure continued protection of the proximate residential neighbors. We would expect this plan to identify mitigation measures implemented to keep sound levels at or below those required by ordinance, staff requirements for crowd and traffic control, and emergency contact numbers should an issue arise.

While reviewing this application, we would request that the commission consider the requirements of section 540.3.4 – Buffer Area that requires "A buffer area shall be required along all side and rear boundaries of a special permit use, T3.5, T4, or T5 or special district lot abutting any lot in a residential zone (R1-R5), T2, T3 zone. The site plan as submitted provides no information on how compliance with this section is achieved.

We thank you for the opportunity to provide this testimony this evening. Thank you.

Timothy Onderko, PE & Jennifer Buchanon, PE  
70 Dorrance Street  
Hamden, CT 06518

## Daniel Kops

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**From:** Bernard Pellegrino <BP@pellegrinolawfirm.com>  
**Sent:** Friday, June 5, 2020 3:12 PM  
**To:** Daniel Kops; Matthew J. Davis  
**Cc:** tlee@fillaw.com; Fritz Masotta  
**Subject:** 109 Sanford Street

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- Helpdesk

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Good afternoon:

In anticipation of next week's PZC meeting, and in light of the discussion at the last hearing, we would like to make the following clarifications regarding our request.

As we stated at the meeting, the applicant will agree to have an on-site manager/agent present during the operation of any events held in the space. That manager would be there to oversee any activities to insure compliance with any conditions placed on the approval and the orderly operation of the facility. That would also include the monitoring of the parking areas. We are also willing to require that anyone renting the facility be required to hire an off-duty police officer for events of more than 100 attendees.

Evening hours would be limited to 10pm on Thursday and midnight on Friday and Saturday.

I am also happy to report that Mr. Masotta hired a DJ on Wednesday evening to play music in the hall. Intentionally, he asked them to play the music loudly. He was told 85dB, louder than it would normally be played. He then traveled throughout the site and the surrounding areas to see if the sound was detectable. The sound was slightly detectable within the parking area and on the trail directly behind this section of the building, although not so traveling down the trail very far in either direction. He also traveled from the site entrance on Sanford Street to and then up and down Dorrance Street. The sound was not detectable in these areas at all.

I hope this information is helpful to you and the Commission for its consideration on Tuesday.

Thank you,

*BERNARD PELLEGRINO, ESQ.*  
**LEED Accredited Professional**  
**THE PELLEGRINO LAW FIRM**  
*A PROFESSIONAL CORPORATION*  
475 Whitney Avenue New Haven, CT 06511  
Tel (203) 787-2225 Fax (203) 777-2096  
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\*\*\*\*\*IRS Notice\*\*\*\*\*



**Town of Hamden**  
Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075

**Memorandum**

**To:** Hamden Planning and Zoning Commission

**From:** Daniel W. Kops, Jr., Town Planner *DWK*

**Re:** Zoning Regulations Amendment #20-974  
To Section 652.1.a. Table 6.3  
To Allow Multifamily Housing on a Limited Portion of Connolly Parkway  
**Rescission of Approval due to technical difficulties providing public access to the meeting**

**Date:** June 9, 2020

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At its prior meeting on May 26<sup>th</sup> the Commission approved an amendment to the Zoning Regulations adding an approximately 660 foot long portion of Connolly Parkway to the list of streets allowing multifamily housing.

After the meeting staff learned that at least one resident was unable to access the Zoom meeting because the Zoom password was incorrect in one of the two places it appeared on the agenda. In addition our attorney, Tim Lee, raised concerns about the fact that residents were not able to speak at the meeting, although they were able to provide written comments. As a result, in the interest of both fairness and prudence, I am recommending that the Commission rescind its prior approval of amendment application 20-974 and immediately rehear it tonight with public participation during the Public Hearing portion.

DWK:tbm

LAW OFFICES OF  
LAWRENCE A. LEVINSON, P.C.  
66 ANDERSON STREET  
NEW HAVEN, CONNECTICUT 06511

TELEPHONE: 203-562-8887  
FACSIMILE: 203-562-0686

Lawrence A. Levinson  
Ori D. Spiegel<sup>1</sup>  
Scott E. Jackson  
<sup>1</sup>also admitted in New York

Gabriel H. Cusanelli, Of Counsel

June 8, 2020

Town of Hamden  
Planning and Zoning Commission  
2372 Whitney Avenue  
Hamden, Connecticut 06518

Re: Applicant: Ancar, Inc.  
Application No.: 20-0974

Dear Sir or Madam:

The Applicant understands that the Town has decided to put forth a vote to rescind the approval of our Application of May 26, 2020, hold another hearing and then hold another vote.

Please consider this letter as formal notice to the commission that we reserve our right to object to the re-vote on our application.

Although the Notice did contain the wrong logon information, since the Town's format for the hearing was such that no comments were permitted during the hearing but rather had to be submitted prior thereto, and since the contact information for the comments submission was correct, the defect was in-material and could not have affected the vote.

Respectfully submitted,

Lawrence A. Levinson

LAL/ph



**Town of Hamden**  
Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075

**Memorandum**

**To:** Hamden Planning and Zoning Commission *DWC*  
**From:** Daniel W. Kops, Jr., Town Planner  
**Re:** Rehearing of Zoning Regulations Amendment #20-974  
To Section 652.1.a. Table 6.3  
To Allow Multifamily Housing on a Limited Portion of Connolly Parkway  
**Date:** June 9, 2020

---

Overview

This memorandum is predicated on the Commission having voted to rescind the prior approval of the zoning text amendment allowing multifamily housing on a portion of Connolly Parkway, and rehearing that application. My memorandum dated May 26<sup>th</sup>, the documentation previously submitted by the applicant and all of the correspondence sent by members of the public are to made part of this public hearing. Unless requested to do so by the Commission, I'll refrain from rereading out loud most of the text of my prior memorandum and instead will make a few points based on the discussion during the prior public hearing, while incorporating portions of the May 26<sup>th</sup> report.

The application is an amendment to change the Zoning Regulations. As with its review of all other Zoning Regulations amendments that affect uses in one or more zones, the Commission is cautioned against confusing the current application with a Special Permit application. If the Commission approves the amendment the applicant must then submit a Special Permit application for the actual project, and at that point such issues such as traffic counts, sight lines, contamination, site design, building design and storm water controls will be integral components of your review.

The Commission must determine if the proposed amendment is consistent with the Comprehensive Plan, which consists of the Zoning Regulations and Map, and current Plan of Conservation and Development.<sup>1</sup> The Planning and Zoning Department believes that the proposed amendment is consistent with the Comprehensive Plan, since the multi-family housing is allowed in T-4 zones, and at the same time the text change is supportive of the general purpose expressed in Section 120.2.b, regarding the protection of surface, groundwater and drinking water supplies, as well as 120.3.g. regarding infill and redevelopment, and 120.3.r. supporting the provision of a broad range of housing types within neighborhoods.<sup>2</sup>

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<sup>1</sup> 2019 Plan of Conservation and Development, effective 9/27/19.

The department also believes that the proposed amendment, is consistent with the five highest rated policies presented in the POCD.<sup>3</sup> According to the Camoin Market Evaluation Report prepared as part of the POCD project, there will be a growing demand for apartments and condominiums within walking distance of public transportation and retail establishments.<sup>4</sup> The site that would be affected by the amendment certainly matches this description.

If the Commission approves the amendment, it should indicate that Connolly Parkway is to be added to the list of streets in column 3, with a note indicating that it applies only to the T-4 Zone.

- 
- 120.2b. "Protect existing and potential public surface, groundwater and drinking water supplies in recognition of their importance to the health, safety and general welfare of the Town and its environs;"
- 120.3.g. "Use growth strategies that encourage infill and redevelopment to a greater extent than new community construction;"
- 120.3.r. "Provide a range of housing types and price levels within neighborhoods to accommodate diverse ages and incomes;"
- Town of Hamden Zoning Regulations, adopted 7/25/17, effective 8/17/17, pp. 1-2.

3

Ibid., p. 4. The ten highest-rated policies are:

1. **Promote appropriate economic development that will help provide net tax revenue, goods and services, and jobs to help meet community needs.**
2. **Continue efforts to maintain and improve surface water quality and groundwater quality in Hamden.**
3. **In order to help retain existing local businesses, support local businesses and industries to thrive and grow in Hamden, encourage Hamden residents and businesses to support local businesses, and express appreciation to existing and new businesses and industries.**
4. **Seek to capitalize on economic development opportunities identified in the Market Evaluation report.**
5. **Promote the redevelopment of existing sites to new forms of economic development including mixed use, pedestrian-friendly, transit-oriented development in appropriate areas.**
6. Continue to seek ways to increase revenue and manage spending.
7. Seek to increase the amount of non-tax revenue received by Hamden (State aid, payments in lieu of taxes by non-profit organizations, etc.).
8. Continue to work with Quinnipiac University to address the impacts associated with student behavior, especially related to off campus housing. 5.1.18 (61) 8.4 Mayor Police PZC PZD
9. Continue to encourage housing types and densities that support neighborhoods and promote a walkable, pedestrian-friendly community with a sense of place.
10. Discourage or minimize elements that detract from community character (strip development, sprawl development).

4

"Market Evaluation Report for the Town of Hamden," September 2018, prepared by Camoin Associates, pp 4-5.

## Recommendation

The Planning and Zoning Department recommends the Commission find the proposed amendment of the Zoning Regulations consistent with the Comprehensive Plan and Plan of Conservation and Development, and approve Zoning Amendment #20-974, amending Section 652.1.a. Table 6.3 with an effective date of June 17, 2020. 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.

DWK:tbm





# Town of Hamden

## Planning and Zoning Department

### Memorandum

**To:** Hamden Planning and Zoning Commission

**From:** Daniel W. Kops, Jr., Town Planner

**Re:** Special Permit Application 96-788/WS  
Major Amendment  
Conversion to Banquet Hall – Place of Assembly  
109 Sanford Street  
Parcel ID # 2628/044

**Date:** May 26, 2020

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### Overview

The applicant is the owner of a multi-use site and has been before the Commission several times over the past 25 years.<sup>1</sup> The current application is to convert a 7,500 square foot, multi-purpose banquet/place of assembly to be used for a variety of events, including seminars, business meetings and sports banquets, as well as birthday and anniversary parties. No site work is planned. The hours of operation will be from 7:00 pm to 1:00 am Thursday through Saturday evenings and 10:00 am to 5:00 pm on Saturdays and Sundays. Up to 200 people will be accommodated in the facility. Any food and beverages served will be brought in by outside catering businesses. There will be no outdoor activities and music or loudspeakers. The statement of use does not indicate if there will be any employees present.

### Department Reviews

The Fire Marshal indicated in a note dated April 24, 2020 that the floor plans should be submitted to his office for approval.

In a letter dated April 30, 2020 QVHD stated the following:

- The plans indicated that no food or beverages will be provided.
- Any food or beverage must be provided by a licensed catering food service establishment.

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<sup>1</sup> Approved uses include a dance school, hockey school, laundry, multi-sport gym, general contractor, and the ARC school.

- If the space is used for anything other than a private party (i.e. the event is advertised and open to the public) and food or beverages are served, a Temporary Food Service Permit must be obtained from QVHD.

No other comments were received.

### Planning Department Comments

The parking required for places of assembly is left to the discretion of the Commission. The existing parking is sufficient, since the proposed use is complementary to the existing ones, often operating when the other businesses are closed.

The floor plan is inadequate for a space that may be occupied by as many as 200 people at a time. There should be an area containing a sink, reserved for cleanup and temporary placement of food and beverages.

Some of the other such facilities approved in the past have encountered difficulties due to the unexpected number of people showing up combined with alcohol consumption. Fights have been known to occur. The applicant should have staff on hand throughout each event to ensure no problems arise.

### Recommendation

With the recommended Conditions of Approval contained below, the application meets the Special Permit Threshold Decision Criteria specified in Section 718.4, and should not have an adverse impact on the health, safety and welfare of the public. The Department therefore recommends approval of the Major Amendment to Special Permit and Site Plan Application #96-788/WS, as depicted in the submitted plans:

Subject to 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 sufficient staff present throughout each event.
  - c. The applicant may not provide any food or beverages
  - d. Any food offered must be provided by a licensed, catering food service establishment.
  - e. 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
  - f. The hours of operation will be from 7:00 pm to 1:00 am Thursday through Saturday evenings and 10:00 am to 5:00 pm on Saturdays and Sundays.

- g. 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.
  - h. All events must occur inside the building.
4. All work must be completed by May 26, 2025.

DWK:tbn

## Daniel Kops

---

**From:** Bernard Pellegrino <BP@pellegrinolawfirm.com>  
**Sent:** Friday, June 5, 2020 3:12 PM  
**To:** Daniel Kops; Matthew J. Davis  
**Cc:** tlee@fillaw.com; Fritz Masotta  
**Subject:** 109 Sanford Street

### **This email contains a link!**

This email contains a World Wide Web link. Use caution when following links as they could open malicious web sites.

- Helpdesk

**CAUTION:** This email originated from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe.

Good afternoon:

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As we stated at the meeting, the applicant will agree to have an on-site manager/agent present during the operation of any events held in the space. That manager would be there to oversee any activities to insure compliance with any conditions placed on the approval and the orderly operation of the facility. That would also include the monitoring of the parking areas. We are also willing to require that anyone renting the facility be required to hire an off-duty police officer for events of more than 100 attendees.

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WEB SITE: [www.pellegrinolawfirm.com](http://www.pellegrinolawfirm.com)

\*\*\*\*\*IRS Notice\*\*\*\*\*

Thank you.



South Central Connecticut Regional Water Authority  
90 Sargent Drive, New Haven, Connecticut 06511-5966 203-562-4020  
<http://www.rwater.com>

May 26, 2020

Mr. Daniel Kops, Town Planner  
Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518

Dear Mr. Kops:

Re: Zoning amendment residential use in T-4 zone

The Regional Water Authority (RWA) has reviewed the above referenced application. The zone text amendment will include property within watershed of Lake Whitney, a public water supply reservoir. The applicant is proposing a multi-family residential development off of Connolly Parkway. We have discussed this development project with the applicant. We have no objection to the text amendment and look forward to commenting on the site plan application.

Thank you for the opportunity to comment on this application. If you have any questions, please contact me at [rwalters@rwater.com](mailto:rwalters@rwater.com).

Sincerely,

REGIONAL WATER AUTHORITY

A handwritten signature in black ink, appearing to read "Ronald Walters".

Ronald Walters  
Senior Environmental Analyst

**From:** Lynn Fox [mailto:LF@qvhd.org]

**Sent:** Tuesday, May 26, 2020 9:59 AM

**To:** Daniel Kops <DKops@Hamden.com>

**Subject:** RE: Hamden Housing Code Appeal Hearings - Zoom Meeting Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe.

My comments for 60 Connolly Parkway:

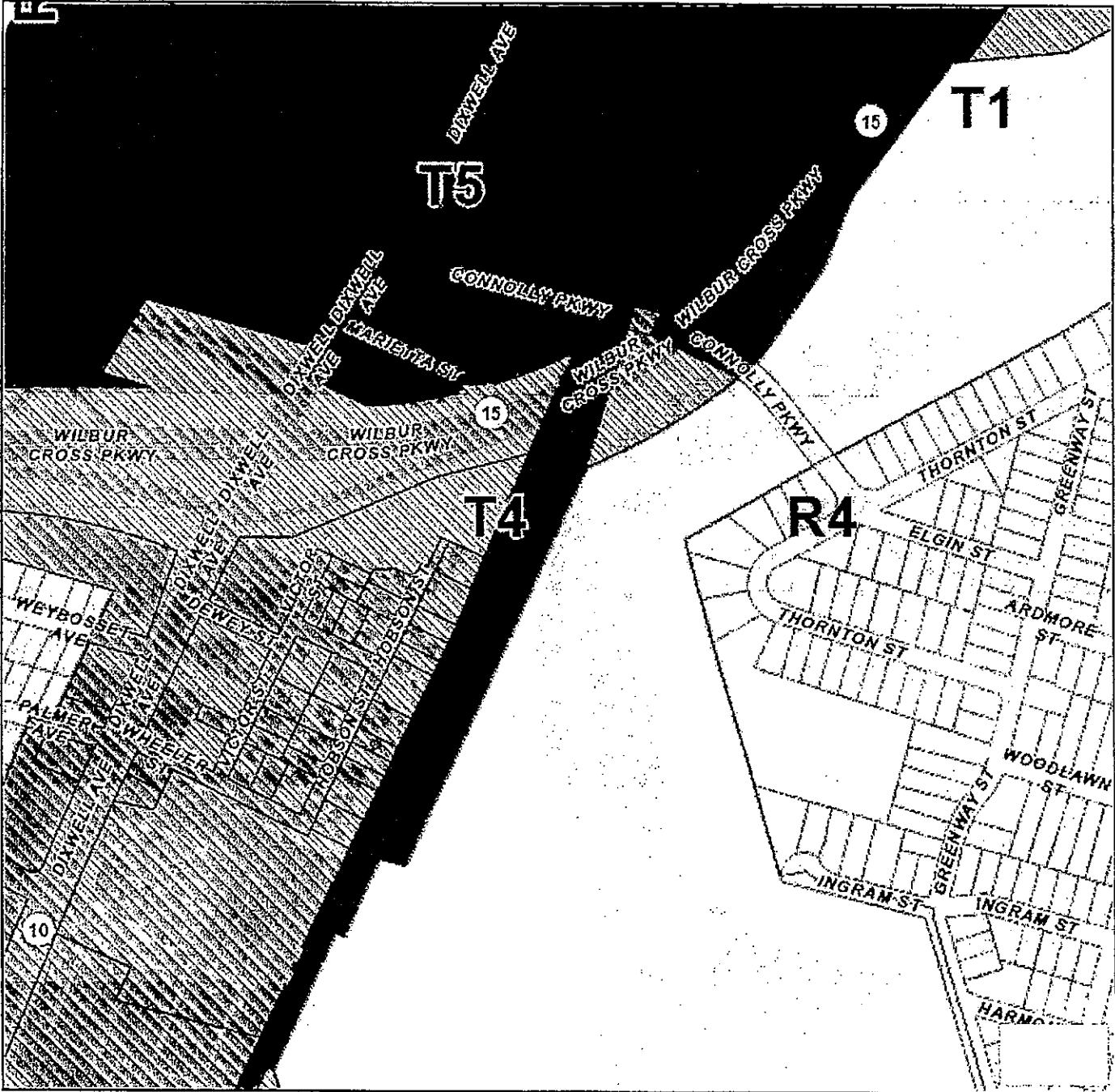
Information available to QVHD indicates the current use of that property is auto repair. As a result, a site wide Environmental Assessment of the property is needed. Upon receipt of an Environmental Assessment further comments and recommendations can be made.

# Town of Hamden

Geographic Information System (GIS)



Date Printed: 5/25/2020



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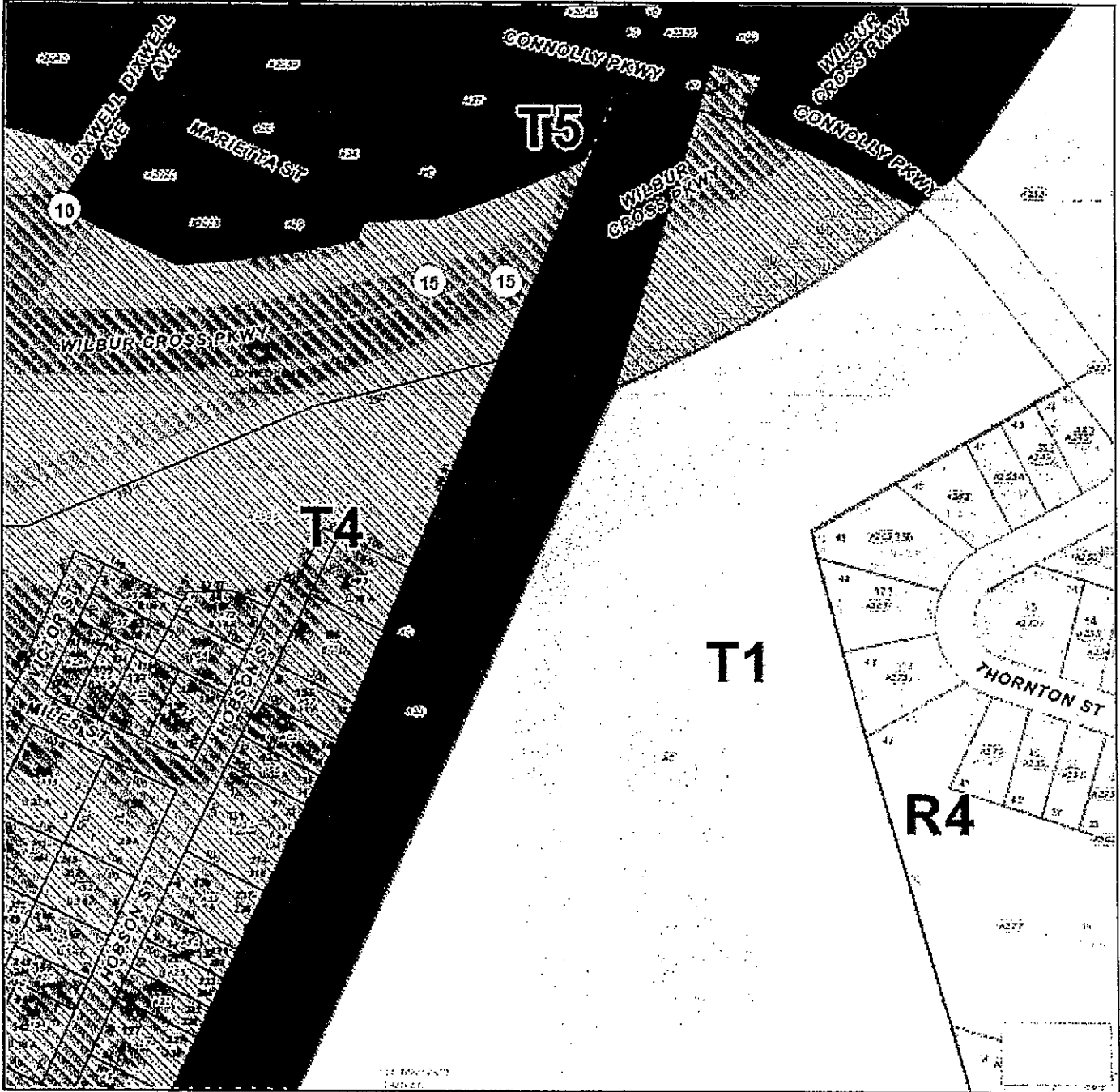
Approximate Scale: 1 inch = 400 feet

# Town of Hamden

Geographic Information System (GIS)



Date Printed: 5/25/2020



**MAP DISCLAIMER - NOTICE OF LIABILITY**

This map is for assessment purposes only. It is not for legal description.

Approximate Scale: 1 inch = 200 feet