

October 21, 2008

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden held a Public Hearing and Regular Meeting on Tuesday October 14, 2008 at 7 p.m. in the Legislative Council Chambers, 2372 Whitney Ave, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Ann Altman, Acting Chairman  
 Ralph Riccio  
 Donald Moses  
 Lesley DeNardis  
 Bob Roscow  
 Ed Grant  
 Ralph Marottoli, Sitting for Joe McDonagh

Staff in attendance:

Leslie Creane, Town Planner  
 Dan Kops, Assistant Town Planner  
 Tim Lee, Assistant Town Attorney  
 Stacy Shellard, Commission Clerk  
 Lisa Raccio, Stenographer

Ms. Altman called the meeting to order at 7:00 p.m. The Clerk read the Public Hearing items into the record. Ms. Altman introduced the panel and reviewed the Public Hearing procedures.

**A. Public Hearing:**

**Public Hearing opened at 7:01 p.m.**

**1. Special Permit & Site Plan 08-1135**

61 Overlook Drive, M-1 Zone  
 Automotive Towing/Storage  
 Anthony Monaco – Lombardi Motors, Applicant  
*Deadline to open public hearing 10-18-08*  
*Withdrawn at the request of the Applicant*

**2. Special Permit & Site Plan 08-1138/WS**

214 Skiff Street, CDD-1 Zone  
 Parking area for motor vehicles  
 Gregg Gallo, Applicant  
*Deadline to open public meeting 11/13/08*

**Postponed at the request of the applicant**

**3. Special Permit and Site Plan 08-1139/WS**

14 West Shepard Avenue, R-3 Zone  
 Addition for classroom at non profit school  
 Viniczay Construction, Inc, Applicant  
*Deadline to open public meeting 11/13/08*

Mr. John Gabel addressed the Commission and reviewed the application. Ms. Altman asked what was different from the previous application. Mr. Gabel advised the foot print has been reduced. Mr. Riccio asked if there was a construction sequence on the plans. Mr. Gabel advised the members there was not a construction sequence on the plans. Mr. Riccio would like to see a construction sequence on the plans as a condition if the Special Permit and Site Plan is approved.

Mr. Dan Kops, Assistant Town Planner read his comments and recommendations. He recommended approval with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must
  - a. Provide for approval by the Town Engineer and Town Planner, revised plans containing:
    - i. A note indicating that 14 parking spaces will be provided.
    - ii. A note stating that the school is limited to 50 children.
    - iii. All conditions of approval.
  - b. A performance bond in an amount approved by the town Planner and Town Engineer.
2. Erosion and sedimentation controls should be installed prior to any site work.
3. Controls should be inspected weekly and after each rainfall.
4. Additional controls should be stored on-site for any necessary repairs.
5. Excavated material stored on-site for any length of time should be stabilized.
6. At least three days prior to the commencement of site work the applicant should notify the RWA.
7. During the course of the project all fuel, oil, paints or other hazardous material stored on-site should be placed in a secondary container in a locked indoor area with an impervious floor.
8. The RWA should be notified of any spills.
9. All work must be completed by October 14, 2013.

Ms. Altman asked for public comments for or against the application and there were none.

The public hearing closed

**4. Special Permit and Site Plan 08-1140/WS**

55 West Woods Road, B-2, Zone  
 Proposed Inn  
 West Woods Properties, LLC, Applicant  
*Deadline to open public meeting 11/13/08*  
***Postponed at the request of the applicant***

**The public hearing closed at 7:15 p.m.**

## **B. Regular Meeting**

### **The Regular Meeting at 7:26 p.m.**

#### **1. Special Permit and Site Plan 08-1139/WS**

14 West Shepard Avenue, R-3 Zone  
 Addition for classroom at non profit school  
 Viniczay Construction, Inc, Applicant  
*Deadline to open public meeting 11/13/08*

*Mr. Riccio made the motion to approve 08-1139/WS with the conditions recommended by the Assistant Town Planner and the following changes: 1.a.iii becomes 1.a.iv and add a condition as 1.a.iii: Construction sequence added to the plans. Item 1.b should read: Provide a performance bond in an amount approved by the Town Planner and Town Engineer, and the following conditions as recommended by the Assistant Town Planner:*

1. Prior to the Issuance of a Zoning Permit the applicant must
  - a. Provide for approval by the Town Engineer and Town Planner, revised plans containing:
    - i. A note indicating that 14 parking spaces will be provided.
    - ii. A note stating that the school is limited to 50 children.
    - iii. Construction sequence added to the plans
    - iv. All conditions of approval.
  - b. Provide a performance bond in an amount approved by the town Planner and Town Engineer.
2. Erosion and sedimentation controls should be installed prior to any site work.
3. Controls should be inspected weekly and after each rainfall.
4. Additional controls should be stored on-site for any necessary repairs.
5. Excavated material stored on-site for any length of time should be stabilized.
6. At least three days prior to the commencement of site work the applicant should notify the RWA.
7. During the course of the project all fuel, oil, paints or other hazardous material stored on-site should be placed in a secondary container in a locked indoor area with an impervious floor.
8. The RWA should be notified of any spills.
9. All work must be completed by October 14, 2013.

*Ms. DeNardis seconded the motion. The motion passed unanimously.*

#### **2. Special Permit & Site Plan 06-1082**

2906-2950 State Street  
 Hamden Farms  
 Request for Bond Reduction from \$484,817.00 to \$274,027.00  
 State Street Holdings, L.L.C., Applicant

Mr. Grant recommended that the Commission review the comments and recommendations from Holly Masi, Zoning Enforcement Officer. Mr. Kops advised the Commission that he does not make recommendations for Bond Reduction requests. He referred the members to the Town Engineer's letter and noted that the request for a bond reduction checklist has not been received.

Mr. Porto, Attorney for the applicant addressed the Commission. He advised the members that he had met with Town Engineer and the Zoning Enforcement Officer to review the items that needed to be addressed. He advised the Commission that 50 percent of the project has been completed. Any unforeseen problems would be protected by the remaining balance of the bond. He advised the Commission that Mr. Fuller, Town Engineer was at the site today and thought he would have provided a written report. Mr. Porto advised the members that it was his explicit understanding that Mr. Fuller was satisfied with the work that had been done to date. He asked the Commission to give consideration to the report provided by Ms. Masi recommending the reduction.

The Commission advised Mr. Porto that in the absence of a report from the Town Engineer and a letter that was received from the Hamden Farms Condominium Association, Inc it would be a disservice to the condominium owners to make a decision. The members asked Ms. Creane, Town Planner what the past practices were for reducing bonds. She advised the Commission that she is against reducing the bonds.

Mr. Porto asked the Commission if they would consider a condition be placed in the motion that the reduction of the bond be approved contingent on a letter from the Town Engineer with his comments. Ms. Altman advised Mr. Porto that could not be done.

Mr. Grant made the motion to table the request for a bond reduction until the November 12, 2008 meeting. Ms. DeNardis seconded the motion. The motion passed unanimously.

### **3. Minor Amendment to Special Permit & Site Plan 04-1035/WS**

3154 Whitney Avenue  
Expansion of parking lot  
Michael Pace, Applicant

Mr. Grant made a motion to add the Minor Amendment to 04-1035/WS on to the agenda. Ms. DeNardis seconded the motion. The motion passed unanimously.

Mr. Kops, Assistant Town Planner read his comments and recommendations. He recommended approval with the following conditions:

1. A Zoning Permit should be obtained before any further work on the parking lot expansion.
2. Prior to the Issuance of a Zoning Permit the applicant must:
  - a. Provide for approval by the Town Engineer and Town Planner, revised plans containing:
    - i. Sedimentation and erosion controls.
    - ii. Slope stabilization measures to be taken.
    - iii. Groupings of evergreens in the two disturbed areas instead of a single line of plantings.
    - iv. All conditions of approval.
  - b. Provide a performance bond in an amount approved by the town Planner and Town Engineer.

3. Erosion and sedimentation controls should be installed prior to further site work. Controls should be inspected weekly and after each rainfall.
4. During the course of the project all fuel, oil, paints or other hazardous material stored on-site should be placed in a secondary container in a locked indoor area with an impervious floor.
5. The RWA should be notified of any spills.
6. All work must be completed by October 14, 2013.

Mr. Grant asked Mr. Kops what work is being done at the premise. Mr. Kops advised the Commission that there is work being done to the existing parking lot. The work for the expansion of the parking lot has been stopped pending a favorable vote for the Minor Amendment.

***Mr. Grant made the motion to approve Minor Amendment 04-1035/WS with the following conditions as recommended by the Assistant Town Planner:***

1. A Zoning Permit should be obtained before any further work on the parking lot expansion.
2. Prior to the Issuance of a Zoning Permit the applicant must:
  - a. Provide for approval by the Town Engineer and Town Planner, revised plans containing:
    - i. Sedimentation and erosion controls.
    - ii. Slope stabilization measures to be taken.
    - iii. Groupings of evergreens in the two disturbed areas instead of a single line of plantings.
    - iv. All conditions of approval.
  - b. Provide a performance bond in an amount approved by the town Planner and Town Engineer.
3. Erosion and sedimentation controls should be installed prior to further site work. Controls should be inspected weekly and after each rainfall.
4. During the course of the project all fuel, oil, paints or other hazardous material stored on-site should be placed in a secondary container in a locked indoor area with an impervious floor.
5. The RWA should be notified of any spills.
6. All work must be completed by October 14, 2013.

***Ms. DeNardis seconded the motion. The motion passed unanimously.***

### **C. Old Business/ New Business**

1. Report on Minor Amendments:  
08-1123 225 Skiff Street

Ms. Creane, Town Planner advised the Commission that this was a Minor Amendment to Special Permit 08-1123 and was for a reduction in the foot print of the building.

2. Review of Minutes  
July 8, 2008 – Regular Meeting

Mr. Riccio noted on page 2 in the second paragraph, line 8 QVPH should be changed to QVHD.

***Mr. Riccio made the motion to approve the minutes as amended. Mr. Grant seconded the motion. Mr. Grant, Mr. Riccio, Ms. Altman, Ms. DeNardis, Mr. Roscow, Mr. Marottoli voted in favor of the motion. The motion passed.***

September 9, 2008 – Regular Meeting

***Mr. Marottoli made the motion to approve the minutes of September 9, 2008 - Regular Meeting as written. Mr. Riccio seconded the motion. Mr. Marottoli, Mr. Riccio, Ms. DeNardis, Mr. Roscow voted in favor of the motion. The motion passed.***

September 9, 2008 – Special Meeting

***Mr. Marottoli made the motion to approve the minutes of September 9, 2008 - Special Meeting as written. Mr. Riccio seconded the motion. Mr. Marottoli, Mr. Riccio, Ms. DeNardis, Mr. Roscow voted in favor of the motion. The motion passed.***

September 24, 2008 – Special Meeting

***Mr. Grant made the motion to add September 24, 2008 – Special Meeting to the agenda. Mr. Roscow seconded the motion. The motion passed unanimously.***

Ms. Altman noted that her name is spelled incorrectly on the last page.

***Mr. Grant made the motion to approve the minutes of September 24, 2008 as amended. Mr. Marottoli seconded the motion. Ms. Altman, Mr. Riccio, Mr. Marottoli and Mr. Roscow voted in favor of the motion. The motion passed.***

Ms. Creane, Town Planner advised the members that the special meeting on October 15, 2008 is a public meeting to address the questions and concerns from the September 24, 2008 special meeting. Mr. Dale Kroop from Economic Development will make a presentation.

#### **D. Adjournment**

***Mr. Riccio made the motion to adjourn. Mr. Reynolds seconded the motion. There was no further discussion. The motion passed unanimously.***

**The meeting adjourned at 7:50 p.m.**

Submitted by: \_\_\_\_\_  
Stacy Shellard, Clerk of Commissions