

December 3, 2010

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, November 23, 2010, at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following was reviewed:

Commissioner in attendance:

Joe McDonagh, Chairman  
 Bob Roscow, Vice Chairman  
 Ann Altman  
 Jon Cesare  
 Ed Grant  
 Ralph Marottoli, sitting for Ed Sullivan  
 Peter Reynolds

Staff in attendance:

Leslie Creane, Town Planner  
 Dan Kops, Assistant Town Planner  
 Tim Lee, Assistant Town Attorney  
 Peggy Craft, Acting Clerk  
 Genevieve Bertolini, Stenographer

Chairman McDonagh called the meeting to order at 7:00 pm. The clerk read the Public Hearing items into the record. Mr. McDonagh introduced the panel and reviewed the Public Hearing procedures.

## **A. Public Hearing**

### **1. Special Permit & Site Plan 10-1169/WS**

1110 Dixwell Avenue, T-4 zone  
 Car Rental and Used Car Sales  
 Cheap Auto Rental, LLC, Applicant

***Public Hearing Continued from October 12, 2010 Meeting***

Mr. Lewis Schatten appeared before this Commission last month requesting approval for a rental and used car operation, and was told to obtain a variance for a lower number of customer parking spaces than required by the zoning regulations. Mr. Schatten said it is his intention to move his existing business from 1351 Dixwell Avenue to 1110 Dixwell Avenue. The applicant said he has already cleaned up the area and intends to keep it cleaned up.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommended approval with conditions stated.

Ms. Altman asked if Mr. Schatten has an issue with the revised traffic pattern. Mr. Schatten said he feels the only conflict would be a difficult left turn from the parking lot. The traffic pattern will be changed to

show that there will be an entrance only on the south curb cut and exit only on the northern side. Mr. Kops will add the changed traffic pattern to his comments.

The applicant was asked about the concrete island on the east side of the lot, which shows a grass area with five bushes. He was asked if cars will be able to get by. Mr. Kops said this is a display area for used cars.

Chairman McDonagh asked if there was anyone to speak in favor or against this request, or if there were any questions or comments. There were none. The public hearing was closed.

**2. Special Permit & Site Plan 10-1170/WS**  
**200 Skiff Street, T-5 zone**  
**Auto Sales & Service Addition**  
**Skiff Street II, LLC, Applicant**  
*Deadline to open Public Hearing 12/30/10*

Attorney Bernie Pellegrino, representing the applicant addressed the Commissioners. Mr. Pellegrino said Lee Partyka the owner of Partyka Chevrolet Mazda was present. Jeff Grandquist and Victor Benni were also present.

Mr. Pellegrino explained that this site is the home of Lee Partyka Chevrolet Mazda, which has been in its present location since 1963. It is one of two remaining new car dealers in Town. Mr. Pellegrino added that they are good corporate citizens.

The applicant is requesting to build an addition on the site. The applicant is seeking a Special Permit to expand the existing dealership as part of a corporate reorganization by Chevrolet, which states that existing Chevrolet dealerships must be separate from any other dealership they own. This means that they can no longer show different make vehicles in the same showrooms.

Mr. Pellegrino said the showrooms have been redesigned and separated. He said the plan shows two areas of addition, one to the east with new service entrance for Chevrolet, and a new display entrance for Mazda on the west side. In order to undertake the mandates from Chevrolet they need a Special Permit, and have applied under three regulations. Mr. Pellegrino discussed the new regulations. As part of adopting those regulations, it was envisioned that many sites and existing building would be rendered non-conforming. In order to construct these additions they are limited on where they can go, and are not able to meet current regulations. Under two sections that allow existing non conformities they are able to construct new additions with a show of intent to come closer to the new regulations. Mr. Pellegrino explained how this would be done. He feels this demonstrates that they have tried to work within the regulations of buildings that are non-conforming.

Ms. Altman said that Mr. Pellegrino's presentation was very helpful. She added that she is very appreciative of his explanation of the regulations.

Consultant Jeff Grandquist provided a small package of condensed drawings to the Commissioners that he feels will be helpful as he explains the plan.

Mr. Grandquist discussed the additions explaining they will be built to match the existing building in height. Mr. Grandquist also explained the layout of each component of the addition. He added that each component will have a handicapped entrance. There will also be new landscaping and re-stripping. He explained that they are working with pre engineered buildings, and will locate the infiltration system according to Mr. Kops' comments. Mr. Benni will submit the plans to Engineering for approval.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommended approval with

conditions stated.

Commissioner Altman said she is in favor of sidewalks and would like to discuss them. She would also like to know what happens on the part owned by the Town. Mr. Kops said this area has been used for parking and moving vehicles.

Mr. Pellegrino said that discussions are already on the way for them to purchase the small parcel of land from the Town. He would like to have this not be part of the conditions of approval.

Mr. Pellegrino said regarding the sidewalk issue he likes the waiver. He added that the existing sidewalk is well maintained. They would have no problem with stripping or painting. He said it is in good condition, but they are subject to the Commissioner's thoughts.

Tests have been done on the adjacent parcel showing that it drains well. Prior to submitting plans they will do their own tests.

Letters in favor of the additions from Economic Director Dale Kroop and the Chairman of the Economic Development Committee Mr. Fraschetti were submitted.

Chairman McDonagh asked if there was anyone to speak in favor or against this request, or if there were any questions or comments. There were none. The public hearing was closed.

### **3. Special Permit & Site Plan 10-1171/WS**

455 Sherman Avenue Rear, M Zone  
Manufacturing, Warehouse, Storage  
GAR Development, LLC, Applicant

Jim Schonkchick of Crasser Jones and Associates representing the applicant explained what they are proposing. Mr. Schonkchick demonstrated on a map where the property is located. He said the neighbor to the west is Quinnipiac University. He said there is access off of Sherman Avenue

Mr. Schonkchick showed, and explained the proposed site plan. He also explained drainage. He said they are going to great efforts to install a sewer line to bring the sewer to the driveway and then a lateral up to the building. He said this will be a modern building with all utilities.

He said there are still some conflicts with the Town Engineer. He is working on these conflicts and hopes to be able to work them out with the Town Engineer.

Ms. Altman asked about building elevations. Mr. Schonkchick directed her to the page in the plans that explain this. He explained the plans and said this is a typical building found in Hamden industrial parks.

Mr. Schonkchick was asked if a second building is planned. Mr. Schonkchick said they contemplate constructing another building when the market changes.

Ms. Altman asked which sheet shows parking for occupants. Mr. Schonkchick explained the parking on the plan.

There was a lengthy discussion regarding drainage. Mr. Schonkchick was also asked where the excavated material will be taken. Mr. Schonkchick said it will be taken off site and the location will be up to the contractor to decide.

Assistant Town Planner Kops read his comments. He indicated the Commission should ignore his recommended conditions of approval and recommended that the Public Hearing be continued until December 14<sup>th</sup> because the applicant has not provided the drainage documentation requested by the

Town Engineer.

Ms. Altman said that it seems that we are in the middle of a process when we should be at the end of the process. She said she doesn't feel comfortable with this and asked if this could be tabled to the next meeting. Mr. Schonkchick said he would be comfortable continuing this to the next meeting.

Chairman McDonagh asked if there was anyone to speak in favor or against this request, or if there were any questions or comments. There were none.

The Public Hearing was continued to the next meeting on December 14<sup>th</sup>.

The Public Hearing ended at 8:18 p.m.

## **B. Regular Meeting:**

### **1. Special Permit & Site Plan 10-1169/WS**

1110 Dixwell Avenue, T-4 zone  
Car Rental and Used Car Sales  
Cheap Auto Rental, LLC, Applicant

**Commissioner Grant motioned to approve Special Permit & Site Plan 10-1169/WS 1110 Dixwell Avenue, T-4 zone Car Rental and Used Car Sales with the conditions of approval recommended by the Assistant Town Planner with the change noted by Mr. Kops subject to the Town Planner's comments and with the changes in the traffic pattern and following conditions:**

1. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner revised plans containing
  - A) A note stating that there shall be no more than fifteen spaces used for storing vehicles being repaired.
  - B) Delineation of the rental and sales storage areas.
  - C) A note stating that all waste material will remain inside the building until pickup.
  - D) Approved traffic circulation pattern, which shows vehicles enter via the southern curb cut and exiting to the north.**
  - E) A note stating the landscaping previously approved will be completed.
  - F) A table indicating parking requirements the number of spaces provided and the spaces covered by variance.
  - G) All Conditions of Approval.
2. The applicant must obtain a Zoning Permit prior to commencing any work.
3. Existing catch basins and dry-wells should be inspected at least three times a year.
4. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
5. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
6. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
7. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.
8. Any vehicle washing should be conducted indoors.
9. All servicing of vehicles, including oil changes, transmission work, radiator flushing and repairs, parts and engine cleaning and part stripping from junked vehicles should be conducted indoors on an impervious surface.
10. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.

11. Damaged vehicles that are leaking automotive fluids should be stored inside the garage.
12. RWA inspectors should continue to be granted access to this property during the annual inspection program.
13. All work should be completed by November 23, 2015..

**Commissioner Roscow seconded the motion that passed unanimously.**

**2. Special Permit & Site Plan 10-1170/WS**

200 Skiff Street, T-5 zone  
 Auto Sales & Service Addition  
 Skiff Street II, LLC, Applicant

**Commissioner Roscow motioned to approve Special Permit & Site Plan 10-1170/WS 200 Skiff Street, T-5 zone Auto Sales & Service Addition as recommended by Mr. Kops, Assistant Town Planner and the following conditions:**

1. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner a revised plan containing
  - A) A copy of the referenced map "Property Survey and Topographic Survey" by Juliano Associates.
  - B) Certification of the accuracy of the proposed building offsets from the property line by a licensed Land Surveyor.
  - C) Finished floor elevations for both the proposed building additions.
  - D) A note Indicating the type of foundation to be constructed for each addition.
  - E) Grading in the vicinity of the proposed additions and the retaining wall.
  - F) Proposed erosion and sedimentation controls.
  - G) Parking space dimensions.
  - H) The width of all proposed sidewalks.
  - I) Wheel stops wherever a side walk adjacent to a parking area is less than six (6) feet in width.
  - J) Identification of handicapped parking spaces and access to the building.
  - K) The proposed building addition square footage.
  - L) Movement of the easterly abutter's name away from the PE seal.
  - M) Re-establishment of "SKIFF STREET" text.
  - N) Identification of existing surface treatments throughout the site.
  - O) The utilities associated with the proposed building additions.
  - P) Indication of whether floor drains are being installed in the proposed additions.
  - Q) Addition of the retaining wall in the front of the existing building to the Front (South) Elevation on Sheet A8.
  - R) Installation of a 4.5 foot wide concrete sidewalk along the entire property frontage on Skiff Street. The sidewalk should continue at grade across the driveway entrance/exits.
  - S) The proposed infiltration system referenced in Stormwater Management Note 7, including structures, pipes, and invert and top of frame elevations.
  - T) The proposed invert and top of frame elevations for the drywell system.
  - U) Drainage calculations signed and sealed by a Professional Engineer, supporting the design of the infiltration and drywell systems.
  - V) Detail drawings of site improvement features, including the infiltration chamber, drywell and sidewalk.
  - W) The distance between the edge of pavement of Skiff Street and the street line of the parcel labeled "N/F Town of Hamden to be conveyed to #200 Skiff Street" set at a minimum of 10 feet at its western corner.
  - X) All Conditions of Approval.
2. Prior to the the issuance of a Certificate of Zoning Compliance the applicant must obtain approval from the Town of Hamden to lease or purchase the sliver of land at the south west corner of the

property.

3. Prior to the the issuance of a Zoning Permit the applicant must provide a performance bond in an amount approved by the Town Planner and Town Engineer.
4. The applicant must obtain a Zoning Permit prior to commencing any work.
5. RWA inspectors should continue to be granted access to this property during the annual inspection program.
6. All work should be completed by November 23, 2015.

**The motion was seconded by Commissioner Altman. The vote was unanimously in favor of the motion.**

There was a discussion regarding sidewalks and their proximity to the trail. Mr. Kops said they were taken out due to cost but funding is being sought. The discussion included the existing sidewalks.

Mr. Lee suggested taking a separate vote on the sidewalk waiver.

**Mr. Roscow motioned to not grant a waiver in regard to the installation of the sidewalks. Commissioner Marottoli seconded the motion. The vote was five in favor, one against. The motion carried.**

3. **Special Permit & Site Plan 10-1171/WS**  
455 Sherman Avenue Rear, M Zone  
Manufacturing, Warehouse, Storage  
GAR Development, LLC, Applicant

This application was continued to the next meeting.

#### **4, Acceptable forms of Performance Bonds**

This has been discussed with the Finance Director. Letters of credit may be accepted as a form of Performance Bond. The Finance Director will set guidelines regarding letters of credit being used as forms of Performance Bonds. The Finance Director has indicated that these letters should be from Connecticut businesses.

**Commissioner Altman motioned to approve the use of letters of credit as a form of Performance Bonds, subject to the entity being authorized to do business in Connecticut. Commissioner Reynolds seconded the motion that passed unanimously.**

5. **Special Permit & Site Plan 08-1437/WS**  
955 Mix Avenue, R-5 zone  
Request to reduce bond from \$42,844.00 to \$25,000.00  
Mix Avenue, LLC, Applicant

**Commissioner Altman motioned to approve Special Permit & Site Plan 08-1437/WS, 955 Mix Avenue, R-5 zone, request to reduce bond from \$42,844.00 to \$25,000.00. The motion was seconded by Commissioner Marottoli and passed unanimously.**

6. **Zoning Permit 10-3693**  
36 Marion Avenue  
Request to release bond in the amount of \$10,505.25  
Corporate Ridge Construction, Applicant

**Commissioner Altman motioned to deny Zoning Permit 10-3693, 36 Marion Avenue, request to**

release bond in the amount \$10,505.25. Commissioner Reynolds seconded the motion that passed unanimously.

### C. Old Business/ New Business

1. Review minutes of October 26, 2010

It was noted that Commissioner Roscow's name was left off the list of Commissioners in attendance.

**Ms. Altman motioned to accept the minutes as amended to include Commissioner Roscow's name as being in attendance. The motion was seconded by Mr. Reynolds and passed unanimously.**

2. Minor Amendment to Site Plan 348: 3000 Dixwell Avenue

The Minor Amendment to Site Plan 348, 3000 Dixwell Avenue was signed off by Town Planner Creane.

3. Minor Amendment to Special Permit & Site Plan 00-0899 2040 Dixwell Avenue

The Minor Amendment to Special Permit & Site Plan 00-0899 2040 Dixwell Avenue was signed off by Town Planner Creane.

4. 2011 Meeting Schedule Calendar

**Ms. Altman motioned to accept the 2011 Meeting Schedule Calendar presented. The motion was seconded by Mr. Reynolds and passed unanimously.**

Mr. McDonagh asked when the Commission members' terms end. The Planning office will contact the Town Clerk for a list of the Commissioner's terms. Mr. McDonagh said if the Commissioners whose terms are expiring wish to continue they should submit a letter along with their resumes to the Town Clerk and the Mayor.

Proposed amended text to update regulations for flood zone will be on agenda for December 14<sup>th</sup>.

### D. Adjournment

There was no further business to come before the Commission and Chairman McDonagh called for a motion to adjourn. **Commissioner Roscow motioned to adjourn the meeting. Commissioner Cesare seconded the motion that passed unanimously.** The meeting was adjourned at 8:43 PM.

Submitted by: \_\_\_\_\_  
**Peggy Craft, Acting Clerk of the Commission**