



Town of Hamden
Planning and Zoning Department

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February 16, 2010

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, February 9, 2010, at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following items were reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
 Ann Altman
 Ed Grant
 Don Moses
 Ralph Marottoli, alternate sitting for Gerald Dimenstein
 Ed Sullivan, left at 8:05 p.m.
 Jon Cesare
 Peter Reynolds
 Bob Roscow

Staff in attendance:

Leslie Creane, Town Planner
 Dan Kops, Assistant Town Planner
 Tim Lee, Assistant Town Attorney, arrived at 7:08 p.m.
 Stacy Shellard, Clerk

Mr. McDonagh called the meeting to order at 7:29 p.m. Mr. McDonagh introduced the panel and reviewed the meeting procedures.

A. Public Hearing:

Mr. McDonagh explained that there would be no Public Hearing because the applicants have requested postponements.

- 1. Special Permit & Site Plan 09-1160/WS**
 20 & 36 Todd Street, R-2, B-2 Zone
 Assisted Living Community-Phase III
 The Ravenswood Co, LLC, Applicant
Deadline to open Public Hearing 3/18/10

Postponed at the request of the Applicant

- 2. Major Amendment to Special Permit & Site Plan 06-1082**
 2556 to 2566 Dixwell Avenue, CDD-1 Zone
 50 & 64 Sanford Street
 Medical Office Building
 Bernard Pellegrino, Applicant
Deadline to open Public Hearing 3/18/10

Postponed at the request of the Applicant

B. Regular Meeting:**1. Minor Amendment to Special Permit & Site Plan 08-1140**

55 West Woods Road, B-2 zone
 Modification to the Site Plan
 Westwood Property, LLC, Applicant

Withdrawn at the request of the Applicant**2. Special Permit & Site Plan 09-1160/WS**

20 & 36 Todd Street
 Assisted Living Community-Phase III
 The Ravenswood Co, LLC, Applicant

Postponed at the request of the Applicant**3. Major Amendment to Special Permit & Site Plan 06-1082**

2556 to 2566 Dixwell Avenue, CDD-1 Zone
 50 & 64 Sanford Street
 Medical Office Building
 Bernard Pellegrino, Applicant

Postponed at the request of the Applicant**4. Special Permit & Site Plan 03-992**

Gaylord Mountain Road/Talmadge Road
 Morningview Subdivision-Phase I
 Request to release \$150,000.00 bond
 Ravenswood Homes, Applicant

Mr. McDonagh explained that the request to release the bond was changed to a request for a bond reduction. Mr. McDonagh reviewed the request to reduce the bond from \$150,000.00 to \$77,588.00 and explained that Ms. Holly Masi, Zoning Enforcement Officer, recommended the request be denied.

Mr. Dean Fiske, Ravenswood Homes, addressed the Commission and explained that he had originally requested the bond for Phase I be released. He was told that the bond could not be released until the road was accepted by the Town. Mr. Fiske met with the Town Engineer and the Zoning Enforcement Officer and asked for a reduction in the bond. It was explained to Mr. Fisk that the Town's policy allows for two bond reductions, which have already been requested and approved. Mr. Fiske said that he will come and ask for a release of the bond in April, because the road will have then gone through the winter. He stated that he was unaware of the Town's policy with regards to bond reductions, but he now understands the policy. Mr. Tim Lee, Assistant explained that the Commission should table or deny the request.

Mr. Moses made the motion to deny the request for a bond release/reduction. Ms. Altman seconded the motion. The motion passed unanimously.

5. Special Permit & Site Plan 99-866

2 Skiff Street
 Consideration of release of 5 restricted units
 to permit their use as rental apartments

Mr. McDonagh reviewed the letter received from Attorney Robert Leitze requesting that five units at 2 Skiff Street be allowed to be used as rental units. He explained that this is required by the terms of a judgment dated September 30, 2005. Mr. Moses suggested that the Commission should discuss the history of this request because there were only three Commissioners who had been on the Commission when this judgment

was made. Mr. Sullivan stated that Mr. Kops' memo states that effective date is October 1, 2009. Mr. Kops said it should be October 1, 2010. Mr. Lee explained that in 2003 the property owner had an application approved to convert an existing building to residential apartments and build a new building. The Planning & Zoning Commission approved the plans as submitted to the Town. The owner of the property built a bigger building than what had been approved by the Planning & Zoning Commission creating additional apartments for rent. The Town issued a Cease and Desist Order and the developer submitted an application to amend the Special Permit to allow the bigger building. The Commission denied the amendment to the application. The developer appealed the decision to the Superior Court and it was denied. Mr. Lee said the developer then brought an action in Federal Court claiming the town had violated his civil rights by not granting the amendment to the Special Permit. The federal lawsuit and zoning appeal was settled on the condition that the developer would agree that they could not use the five additional apartments for a period of five years. This would allow the owner to come to the Commission after October 1, 2010 and ask they be allowed to use the five units as rental units. The five units do meet all the zoning requirements. The applicant is requesting prior to September 30, 2010 that they be allowed to use the apartments units effective October 1, 2010 and they are asking for an early decision. Mr. Lee explained that it would be at the Commission's discretion to waive the requirement that the applicant wait until October 1, 2010 before coming before the Commission. The Commission discussed with Mr. Lee the Federal Court Judgment. Mr. Roscow stated that he would be abstaining.

Mr. McDonagh explained that the Commission could wait until October 1, 2010 or act now and permit use of the units as of October 1, 2010. Mr. Sullivan asked who had been on the Commission when the application was denied. Mr. McDonagh stated Mr. Moses, Mr. Roscow, Mr. Marottoli and he were on the Commission.

Ms. Altman made the motion to release the permitted use of the five restricted units as rental units of October 1, 2010. Mr. Sullivan seconded the motion.

Mr. Kops reviewed his comments and recommendations. Mr. Moses asked if the Commission votes to release the units as of October 1, 2010 what would this allow the owner to do. Mr. Kops explained that it would allow the owner to market the units, but not allow them to be rented until October 1, 2010. Mr. McDonagh explained that one unit is being used as a caretaker apartment, but the other four units remain unused. Mr. Sullivan asked for clarification that if the Commission releases the permitted use, the owner could not start renting them until October 1, 2010. Mr. McDonagh stated that this was correct.

Mr. Sullivan, Mr. Cesare, Mr. Marottoli, Ms. Altman and Mr. Grant voted in favor of the motion. Mr. Moses voted against the motion. Mr. Roscow and Mr. Reynolds abstained. The motion passed 5-1-2.

C. Old Business/ New Business

1. Review minutes of December 1, 2009

Ms. Altman would like the following changes be made: page 12, Mr. Pattison's comments: The second sentence should read: He feels the work they have done on the proposed zoning regulations was not done in a bureaucratic fashion. Mr. Pellegrino's comments: The last word of 3rd sentence should be "on". The 5th sentence the word address should be "addressed" and add a period at the end of the sentence. Mr. Botte's comments: The 1st sentence "exhibit" should be "exhibits" and the last sentence should read: Mr. Botte canvassed the residents in the area...

Page 13, Ms. Blitzer's comments: The 16th sentence "owner occupied vs renter occupied" should be "owner-occupied vs renter-occupied", the 20th sentence should be "because they don't want it". Ms. Dove's comments: The 2nd sentence "Association's" should be "Association", the 7th sentence should read: The POCD is important and what is in it is a legal document and should be changed to reflect what should happen in Hamden. The 11th sentence, "manor" should be "manner" and the last sentence "through" should be "along".

Page 14, 4th sentence from top should read: She feels that the properties that are split in half with one owner's lot facing Whitney Avenue and the other owner's lot facing Linden Avenue and their zoning does not make sense. Mr. Flanagan's comments: The 1st paragraph, 10th sentence should read: Mr. Flanagan feels that the Hamden Plains and Wintergreen Civic Associations were skipped with respect to participation in the meetings. In the 11th sentence add: "he" does not want to live in that type of area. The 14th sentence should read: The zoning regulations will affect the taxes, and there are only six to seven percent of land in the Town that is zoned for commercial use. Ms. Shansky's comments: The second paragraph, 3rd sentence, "clients" should read "client's". In the 4th sentence "typo graphical" should read "typographical. The 6th sentence should read: During this period she would like the idea of redrawing the line and leaving Mr. Hack's property in the R-2 zone so he can continue to operate and be flexible in his operation in a manner that is appropriate under the Standards and Use Zoning Regulations and Connecticut Law. The 11th sentence: "Statues" should be "Statutes" and "disseminate" should be "discriminate". Ms. McBride's comments: The 3rd paragraph, last sentence should read: Ms. McBride stated that the proposed changes to the building coverage uses words such as "substantial" and "minor" words which are subjective and should be changed to percentages.

Page 15, Ms. Reynold's comments: 2nd sentence, "be" should be "being". Mr. Resch's comments: 1st sentence add "minimum" square requirement. Mr. Villano's comments: 5th sentence, "boarder to boarder" should be "border to border". The 6th sentence "form based" should be form-based". The 10th sentence, "Statues" should be "Statutes". The last sentence item 2: replace "pilot" with "test". Ms. Beals' comments: 1st sentence add: and stated that "she" concurs. ...

Page 16, Mr. Morrison's comments: 1st sentence "of the growth and development states" should read "the Plans of Conservation and development" and "suppose" should be supposed". The seventh sentence "they looking" should read: "they were looking". The 10th sentence, "statue" should read "statute". The 12th sentence "and feels what exists is in the Hamden Mart is already business friendly." should read "and he feels that what exists in the Hamden Mart is already business-friendly". The 13th sentence, "it will no longer business friendly." should read: "it will no longer be business-friendly". Ms. Helou's comments: 10th sentence, should read: Ms. Helou feels that the inconsistency with the proposed regulations and maps that have been overlooked and brings into question the trust issue which may be unintentional. The 11th sentence "residence" should be "residents". The 12th sentence "and *** Jacobs" should read "and Jane Jacobs". The last sentence, remove the word "bridge".

Page 18, Ms. Glynn's comments: the last sentence "on the side and what" should read on the side and asked what". The 5th paragraph, last sentence "that they read" should read "that they were read".

Mr. Roscow made the motion to accept the minutes of December 1, 2009 as amended. Mr. Moses seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Moses, Mr. Grant, Mr. Reynolds, Mr. Roscow and Mr. Marottoli voted in favor of the motion. The motion passes.

2. Review minutes of December 7, 2009

Ms. Altman made the motion to amend the minutes with the following changes: Page 2, Mr. Frolish's comments, 2nd sentence, "effect" should be "affect". The 3rd sentence, "and do" should read "and landlords". The last sentence in the paragraph, "for the Hamden Citizens." and should read "for Hamden's citizens." Ms. Mitch's comments, 2nd to last sentence should read: She said that if Hamden continues to develop Dixwell Avenue under the current regulations, it is going in the wrong direction. Mr. Dove's comments, 7th sentence, "develop" should be "development".

Page 3, Mr. Mitch's comments, 2nd sentence, "restaurant" should be "restaurants". Mr. Guy Jr.'s comment: 1st sentence should read "and only small residential lots".

Page 4, Ms. Esposito's comments, 7th sentence should read: Ms. Esposito referred to the letters received from Saratoga Associates that had been reviewed at a previous meeting which stated that they were pleased with the increase of the lot coverage. The 5th sentence "t-4 and t-5" should be "T-4 and T-5" The 9th sentence, "non-conforming should be "non-conforming". Mr. Chorney's comments: 1st sentence "to consider" should read "to reconsider"

Page 14, 1st paragraph, "so that that they understand" should read "so that the public understand". Under Special Meeting: The 4th paragraph, last sentence "the new regulation allows" should read "the new regulations allow".

Mr. Roscow seconded the motion as amended. Mr. McDonagh, Ms. Altman, Mr. Moses, Mr. Reynolds, Mr. Roscow and Mr. Marottoli voted in favor of the motion. The motion passes.

3. Review minutes of December 8, 2009

Mr. Moses made the motion to table until the March 9, 2009 meeting, Mr. Marottoli seconded the motion. The motion passed unanimously.

4. Review minutes of January 12, 2010

Mr. Moses made the motion to table until the March 9, 2009 meeting, Mr. Marottoli seconded the motion. The motion passed unanimously.

Mr. Kops explained that the Planning Office is working on a series of map amendments and changes. Mr. McDonagh reviewed some of the map changes that will be included in the map amendments. Ms. Altman stated that it was important that they had completed the zoning regulations with the understanding that they would go back and revisit areas that may have needed to be changed.

D. Adjournment

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

The meeting adjourned at 8:18 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions