



Town of Hamden
Planning and Zoning Department

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

Fax: (203) 287-7075

July 19, 201, revised 7-20-10

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, July 13, 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
 Peter Reynolds
 Ed Grant
 Ann Altman
 Jon Cesare
 Ralph Marottoli, sitting for Bob Roscow

Staff in attendance:

Leslie Creane, Town Planner
 Dan Kops, Assistant Town Planner
 Tim Lee, Assistant Town Attorney, arrived at 7:05
 Stacy Shellard, Clerk
 Lisa Raccio, Stenographer

Mr. McDonagh called the meeting to order at 7:00 p.m. 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 10-1163/WS

455 Sherman Avenue Rear, M Zone
 Warehouse, outdoor storage and excavation
 GAR Development, LLC, Applicant
Deadline to open public hearing by 7/22/10

Mr. McDonagh stated that the application has been withdrawn at the request of the applicant.

2. Special Permit & Site Plan 10-1165/WS

2856-2862 Whitney Avenue, T-4 zone
 Daycare
 Suzanne Miller, Carrot Patch, LLC, Applicant
Deadline to open Public Hearing 8-12-10

Ms. Suzanne Miller, Applicant, addressed the Commission and stated that she and Nicole Miller Stevens, her daughter, have owned the daycare on Johnson Road in Hamden since 2005. They opened a daycare in Cheshire 2006 and the one at Alice Peck School in 2007. The daycare at Alice Peck was opened at the request of the Town. Ms. Miller reviewed her professional background and qualifications, as well as her daughter's qualifications and those of the employees at the daycare. Ms. Miller explained that she has spent the last three years building the childcare program at Alice Peck School and was given only ninety days notice by the Town to vacate the building because the space was needed for special need students. It is difficult to find a location that meets the requirements that are needed to provide

a daycare. Ms. Miller has worked with the Fire Marshal, Building Inspector, Planning Office and the Mayor's office to find a location that meets all the requirements. This location was the only site that the Fire Marshal would be able to approve. It is a beautiful site that is convenient for parents and is a safe and protected location for the children. Ms. Miller said that they are good neighbors and citizens and that they never received any complaints from neighbors at the current location about noise or parking problems.

Ms. Miller explained that on the application they had asked to be allowed 72 children on the site. This is the amount of children allowed by the State Department of Public Health Daycare Licensing. Ms. Miller reviewed the interior space and explained that she has changed the request to the State licensing department and are now asking to be allowed 57 children. She explained that 57 children is the least amount the business could have to make it viable. Ms. Miller said that the playground area would be fenced and she could provide more detail with the fencing and plantings if needed. The children will be protected from the parking area by fencing when leaving the daycare and entering the playground. Ms. Miller understands that parking spaces one through four needed to be removed, and this would still leave adequate parking. She will have something placed in the center of the drop off circle and there will be signage. The Fire Marshal has said that the drop off circle is adequate for emergency vehicles and he has requested that whatever is placed in the center is not a permanent barrier. Ms. Miller said that a traffic study was done by Mr. Jim Bubaris, Bubaris Traffic Associates, and his report states that the drop off circle is of an adequate size and makeup. She will be installing lights in the parking lot, playground and drop off circle. There will also be security cameras placed on the perimeter of the property. Ms. Miller has spoken to the Building Department about the changes that need to be made to the interior of the building.

Mr. Dan Kops read his comments and recommends approval based on the following plans:

“Map for William K. & Shirley English, #2856-2862 Whitney Avenue, Hamden, Connecticut”, dated October 18, 1984, with undated modifications, submitted June 2, 2010..

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. Clear delineation between existing and proposed conditions and clear, accurate, scaled depictions of all proposed improvements.
 - ii. Fencing of the playground.
 - iii. A safe access to the playground.
 - iv. A solid fence on the south side of the play area, combined with evergreens on the north side of the fence, to provide screening to the south.
 - v. Bushes such as rhododendron, laurel and similar varieties to be planted at the top of the western slope in a manner that retains the current natural woodland appearance.
 - vi. A dumpster screened from view by an enclosure. The dumpster should be placed on a cement pad with a six inch berm on three side.
 - vii. Removal of parking spaces 1-4 next to the playground and 10-14 next to the bank.
 - viii. Typical 9 x 18 foot parking space dimensions.
 - ix. Placement of parking spaces 1-4 five feet from the **retail** building.
 - x. A handicapped parking space near the daycare center.
 - xi. The addition of one parking space in the daycare center garage and one next to it.
 - xii. A note indicating the staff parking is assigned to the lower parking lot next to the store.
 - xiii. Installation of a stop sign at the intersection with Whitney Avenue.
 - xiv. Trimming of the hedge in front of the bookstore.
 - xv. Installation of a stanchion with a “keep right” sign creating a counter-clockwise traffic flow in the drop-off area.
 - xvi. Installation of a stop sign at the end of the daycare center driveway.

- xvii. Trimming of the vegetation impairing visibility to the left (west) when exiting the daycare center.
- xviii. Daycare center site lighting, accompanied by a photometric study.
- xix. Documentation of any increase in impervious surface.
- xx. All conditions of approval.
- b. A bond in an amount approved by the Town Planner and Town Engineer
- c. A sign-off by QVHD.
- 2. All work should be completed by July 13, 2015.
- 3. Prior to the issuance of the Certificate of Zoning Compliance the applicant must provide a copy of the license approved by the State of Connecticut **Department of Public Health**.
- 4. There may be no more than 57 children.
- 5. Hours of operation are restricted to 7:30 AM to 6:00 PM **Monday through Friday**.

Note: Bold changes were wording recommended by the Assistant Town Plan to his written report

Mr. Grant asked Ms. Miller if there would be ten employees. Ms. Miller replied that there would be ten employees when the daycare center is at full capacity. Mr. Grant asked if during the day there would only be ten cars and where the employees would park their vehicles. Ms. Miller said that there would be ten cars and they would park behind the bookstore.

Ms. Altman asked how close to the edge of the playground where the children will be outside is to any residential properties. Ms. Miller believes there is 60 feet towards the south and approximately 50 feet towards the Charlton Hill side of the property. Ms. Altman asked if the daycare center would be open to 6:00 p.m. Ms. Miller said that 6:00 p.m. is the expected closing time.

Mr. McDonagh asked Ms. Miller to clarify what area is gravel including the 60 foot buffer. Ms. Miller reviewed the area and said that there is a grassy section beyond the gravel. Mr. McDonagh asked if the property to south is another housing complex and Ms. Miller said yes. Mr. McDonagh asked if the building at 2860 Whitney Avenue is occupied and Ms. Miller said it is not. Mr. McDonagh reviewed the traffic study with Ms. Miller and asked what time the staff arrives. Ms. Miller stated that the center opens at 7:00 a.m and the staff begins to arrive about five minutes before. The staffs' arrival times will be staggered until it is fully staffed which corresponds with the childrens drop off times. Mr. McDonagh asked how many children are at the Alice Peck School facility. Ms. Miller said right now there are approximately 30 children and they have stopped taking new children. She explained that at the height of their current operation there were 48 children. Mr. McDonagh asked if there were siblings attending the daycare which would account for not having 57 vehicles coming onto the site. Ms. Miller said there are sibling pairs and Mr. Bubaris uses tables of statistical data of what a daycare with 57 children creates for trips in and out of the site. Mr. McDonagh stated that he has skepticism about traffic studies in general. Mr. McDonagh reviewed the floor plan and the amount of each age group has for children. He asked if they would accept children over the age of five. Ms. Miller said they do not accept children over the age of five and do not provide after school daycare.

Mr. Marottoli asked if the vehicles stop and the parents get out to remove the children or does an employee take the children out of the car. Ms. Miller said that the parents get out of the car and bring their children to the teachers in the classroom and then exit the building. Mr. Marottoli asked if the parents stop the cars in the circle will it cause a queuing backup of cars. Ms. Miller stated that it does not cause a backup because it is quick procedure and it is a continual stagger of parents. It would be unusual to have 3 or 4 cars at a time in the drop off circle. Mr. Marottoli asked if 2-3 cars could become stacked because a parent gets delayed, and what happens if a car needs to pull out. Ms. Miller said a parent will wait if they need to pull out.

Mr. McDonagh asked for comments in favor of the application.

Ms. Mary Grunt, Hamden resident, addressed the Commission and stated that her two children have attended the daycare at Alice Peck School, and in the fall her 4 year old will be attending school. Ms. Grunt said that there are currently 30 children attending the daycare and the parents are never at the school at the same time. She picks up her children at 4:00 p.m. and said that she does not see more than three parents there. She does not feel that there will be a

back up in the drop off circle at the proposed location. Ms. Grunt stated that the childrens activities vary and they will not all be out on the playground at the same time. The children are well behaved and sent to this daycare to learn. Ms. Grunt would like the daycare be allowed to continue at the new location.

Mr. James McCormack, addressed the Commission and stated that his 20 month old child has been attending the daycare at its current location for 10 months. Mr. McCormack said that there is more traffic for children that use the Alice Peck School facility than the daycare. He likes the location and feels that the education the children receive is phenomenal. Mr. McCormack is in favor of the proposed daycare and would like to see it remain in Hamden.

Mr. McDonagh asked for comments against the application.

Mr. Geoffrey Einhorn, Attorney, representing Charlton Hill Condominium Association, addressed the Commission and stated that the health, safety and welfare of the residents is at stake if the daycare is approved. He said that the application fails to conform to 4 of the 7 threshold requirements called for in section 718.4 of the zoning regulations for a special permit. Mr. Einhorn reviewed the Town Engineer's letter dated June 9, 2010 and he feels that the comments note the insufficient nature of the application. Mr. Einhorn submitted pictures to the Commission and reviewed them. The road that enters from Whitney Avenue onto Charlton Hill Road is a private road and is not as wide as a public road, and there are no turn aisles which could lead to congestion when entering Charlton Hill. The gravel driveway entering the proposed daycare is narrow. The drop off circle is not wide and a three point turn could not be done in the area. There is no suggestion of the area being paved, curb cutting or widening of the access onto Charlton Hill Road. Mr. Einhorn stated that there is no turn signal at Whitney Avenue. The survey map that was provided is not an A-2 survey. There have been over 18 incidents where emergency vehicles needed to access Charlton Hill. Mr. Einhorn said that there could be potential traffic jams at certain times of the day when people are going to the daycare and this could limit access to Charlton Hill Condominiums. Mr. Einhorn has not seen the traffic report and had been in the Planning Office on July 12, 2010 and it was not in the file. He said that Section 718.2.d of the zoning regulations requires a traffic report be submitted 10 days prior to a public hearing, and as the Chairman had noted he does not put much faith in traffic reports in general. Mr. Einhorn said regardless of the amount of people entering and leaving the daycare the access road would make Charlton Hill Road congested and the traffic cannot sustain the proposed use. Mr. Einhorn feels that the parking spaces are deficient and referred to the Town Engineer's comments. The applicant calls for no paving or widening of existing gravel road, or widening of Charlton Hill as it intersects with Whitney Avenue. The drop off circle was not drawn to scale and that there is not enough room to maneuver cars and children. The children who are required by state law to be restrained in car seats and the parents must exit the car to remove the children. Mr. Einhorn stated that this process will take many minutes. He said that the proposed use is not appropriate for an old barn and the residential nature of the area. The 92 units at Charlton Hill are owned by older residents who use the road. The applicants have not had an impact study or investigation study for lead paint or pesticides on the site. Mr. Einhorn said that the easements rights given by Charlton Hill for access to the property may not be applicable for the intended use. He asked who would be responsible to pay for the liability and maintenance of the access road. He feels that the applicant has failed to comply with most of the zoning regulations, and clearly lacks the requirements for a special permit application and threshold. Mr. Einhorn said that the application does not have an accurate survey, detailed site plan, floor plans or elevation plans with three dimensional views. There are no improvements shown on the plan, no traffic or pedestrian plans has been done, no stormwater management plan and the parking plan is incomplete. Mr. Einhorn stated that the application does not discuss the 25 year off-site lease. Also, there is no signage, no lighting plan, and no description of the play area. A steep ledge which drops off in the back is not shown. The applicant has not received approval from QVHD, DOT or Fire Marshal. Mr. Einhorn stated that the application is deficient and the applicant has failed to provide adequate approvals and satisfy the minimum threshold for daycare use at the location. He said that his clients are asking the Commission to deny the application.

Ms. Altman asked Mr. Tim Lee, Assistant Town Attorney if the application is deficient because the traffic study was not available ten days before the public hearing and if anything the Commission does is tainted by the lack of information. She asked if the Public Hearing should be continued for ten days. Mr. Lee stated that this application does not require a traffic study and the applicant agreed to voluntarily submit the traffic study, so there is not a requirement to submit ten days prior to the public hearing.

Ms. Altman stated to Mr. Einhorn that she does not feel that he has made a good case for the health and safety of the residents being impacted, but that he had made good remarks about the site plan being deficient. Ms. Altman asked how the easement affects the responsibility of the road, because this is not a Town issue.

Mr. Einhorn said that the road is owned by Charlton Hill with an easement back to the original grantor whom he believes is the English family who will be leasing the property to the applicant. Mr. Einhorn stated that he cannot give his opinion as to whether a commercial use can be upheld. It is a generic easement that would apply for the English family purposes and their assigns. It is his contention that it is not broad enough to cover the assigns and extend beyond the English Family. This may not be an issue for the Commission, but Mr. Einhorn would like them aware of it when making a decision and an issue his client may want to pursue further.

Ms. Altman asked who would be responsible for the snow plowing. Mr. Einhorn said that Charlton Hill would be responsible and that if an accident were to happen Charlton Hill and the plowing company could be liable. He said that the easement was an intention to allow the English family the use of the house and barn, not 57 other invitees. There needs to be access to Charlton Hill by emergency vehicles and the owner's visitors without delay.

Mr. Marottoli asked if Charlton Hill owns the access road to Whitney Avenue and if the book store and bank uses the access road. Mr. Einhorn said that the bank drive-thru access is on the access road and the book store may be owned by the English family.

Ms. Bernice Gilman, President of Charlton Hill Condominium Association, addressed Commission and stated that this location is a private road with 92 units with traffic all day. The access to the bank drive-through window is on Charlton Hill Road. Ms. Gilman said that adding the cars to the daycare center would add more traffic than the road can handle. It raises safety issues because there should be sidewalks for the children and if walking to Whitney Avenue they would have to cross the access to the drive-through window at the bank. The sidewalk to Charlton Hill is private. Ms. Gilman would like to see the daycare center stay in Hamden, but feels that there are more appropriate locations.

Mr. Frank Gillon, 36 Charlton Hill, addressed the Commission and stated there has been no discussion of the configuration of the driveway from Charlton Hill down to the front of the proposed daycare. He said it is a sharp descent and has a sharp right hand turn that does not have a clear view of the proposed driveway for the daycare. The traffic for the daycare will come up the hill and will be making a left hand turn in front of the people descending the condominiums. Beyond the left hand turn there is a driveway for the ATM and drive through teller for the bank. The traffic study does not comment on the physical conditions of Whitney Avenue and the access drive. There are poor sight lines to the traffic on Whitney Avenue, and the traffic travels at a high rate a speed. Mr. Gillon reviewed the traffic flow and said that traffic increases on Whitney Avenue at peak hours. He feels that the traffic count does not indicate the dangers of the intersection. Mr. Gillon is concerned with the liability that Charlton Hill Condominium owners will have for the access road. He said that there should be an A-2 survey and it would address the problems spoken about. Mr. Gillon does not feel the drop off circle will be operable because of the dimensions and that parents will take at least five minutes when dropping off and picking up children. This could also create a situation where there is a backup of cars onto the access road. There is no indication of what constitutes site lighting, curb cuts and other amenities needed to open the daycare facility. Mr. Gillon feels the proposed construction has been minimized as not substantial. The barn is going to be occupied by 67 people and the building will require substantial work to satisfy all the requirements necessary to open.

Ms. Altman asked Mr. Lee asked if there is a requirement for an A-2 survey with this application. Mr. Lee stated that an A-2 survey is required for a special permit application, but the Commission has the discretion to waive the requirements.

Mr. McDonagh reviewed the letters that were received in favor of the application and against the application.

Ms. Altman asked Mr. Lee asked if the Commission is responsible for determining who is liable for the access road. Mr. Lee stated that the Commission has the responsibility to look out for the health, safety and welfare of the residents

and that the access road can fall within this jurisdiction. He has not seen the easement between Charlton Road and the English family. He understands from Attorney Einhorn that Charlton Hill owns the road and the English family has the right to use the road. If this is the case then Charlton Hill has the obligation to maintain the road and make sure it is safe for travel. Ms. Altman asked whether Charlton Hill residents who carry the liability interpret the easement to the English property as an easement to anyone who uses the property. The easement was going to family could be fought as an easement not going to a business. Mr. Lee said that Mr. Einhorn had said that the issue of the easement may bring further action between Charlton Hill and the daycare and he feels it is a private issue and not a concern for the Commission. If the daycare does not have rights to the easement then the project cannot go forward. Ms. Altman asked if the issue of no sidewalks to Whitney Avenue and that it is a private road should be a concern to the Commission. Mr. Lee replied that it falls under the Commission's jurisdiction regarding the health safety and welfare of the public.

Mr. Ed Drew, 63 Charlton Hill, addressed the Commission and stated that he supports the comments made by the Charlton Hill representatives because it is a senior community. He loves children and feels that the idea for a daycare is a good one, but not at this location. Mr. Drew said that many seniors have vision impairments. The seniors are good drivers, but there is risk involved and he would not want anything to happen to the children that would be playing down the street.

Mr. Bryan Campbell, 73 Charlton Hill, addressed the Commission and stated that the handicap parking for the New Alliance Bank is located to the side of the building and is accessed from Charlton Hill Road. There are five regular spaces for the bank that is adjacent to the Charlton Hill entrance. Mr. Campbell said that the traffic must be coordinated when entering and exiting onto Whitney Avenue. Mr. Campbell said he is not in favor of this application.

Ms. Carole Passarelli, 57 Charlton Hill, addressed the Commission and stated that she is a health care professional and reviewed her background. She said that there is traffic coming from Our Lady of Mt. Carmel Church that adds to the traffic congestion. Ms. Passarelli stated that she was the consultant to the Hamden School system with an office down the hall from the daycare. She said the daycare has a good program and that there is a need for quality and safe early childcare and education programs in Hamden. The drop off circle works at Alice Peck School because of the large drop off circle and large parking lot. The parents need 5-10 minutes when dropping off the children because of their needs. Ms. Passarelli said that in the winter ice and snow piles up on Charlton Hill and this narrows the egress and access up and down the hill. She reviewed page 22 of the NIAC certification manual and feels that the play space would be where cars will be. Ms. Passarelli feels that the noise level is an issue because it could affect the neighbor's quality of life and that children that are walking to Whitney Avenue would be a safety issue. She said that 57 parents accessing the road would be a safety issue. Ms. Passarelli stated that this location for a daycare is not appropriate with issues of safety.

Mr. Bud Finch, Charlton Hill Resident, addressed the Commission and stated that he was previously an educator and is impressed with the facility being proposed. He said there is a safety issue with the egress at Whitney Avenue because it is the most dangerous place in Hamden. Mr. Finch has lived at Charlton Hill for 31 years and is in fear when entering Whitney Avenue because it has become such a busy area, especially when Quinnipiac University is in session. He reviewed the area and said that speed and signs are disobeyed every day. He feels that it is a safety issue for people who do not know the area and will access Charlton Hill four times a day that cannot be disregarded.

Ms. Carolyn Hardin-Engelhardt, 34 Charlton Hill, addressed the Commission and stated she is concerned for the education of children and was on the Board of Education for 18 years. She feels that a more comprehensive study of the area needs to be done with the traffic study. Ms. Hardin-Engelhardt said that the parking area is also used by other businesses. She is against the application.

Mr. Fred Hirsh, 14 Charlton Hill, addressed the Commission and stated that he had spent several years on the Economic Development Commission and knows how the Town of Hamden works and that they do a good job. He said that there are 92 units at Charlton Hill and there could be 184 cars using the facility, and going into the future with younger people moving in this could bring more cars. Mr. Hirsh said that the traffic situation will only get worse.

Mr. Bill Baskett, 41 Charlton Hill, addressed the Commission and stated that the drop off circle will have an impact. He said if three or four cars back up behind the circle into the access road that this must be considered. Mr. Baskett stated that he is appalled that there is no requirement for a traffic study, because this is a high impact traffic area. The playground location needs to be looked at because of the noise. The kitchen location and trash location to neighboring properties is an issue. Mr. Baskett feels that the kitchen fan would be noisy, and the trash area could be unsightly. He asked if the traffic study was done recently or when the largest amount of traffic was in the area, which is when school is in session and more problems occur.

Ms. Abby Kleinberg, 2 Charlton Hill, addressed the Commission and stated that she agrees with the other comments that have been made. Her concern with the trash because her garden area looks over the daycare. The trash pickup at Charlton Hill is twice a week, and there has been a problem with wildlife in the past. Ms. Kleinberg is also concerned with parents starting or leaving their cars running because her home is located right at the property line.

Mr. Rudolph Sannino, 10 Charlton Hill, addressed the Commission and stated that he is against the application because the liability to the residents of the condominium.

Ms. Barbara Tonry, 1 Charlton Hill, addressed the Commission and stated that her unit is located 100 feet from the proposed building and drop off circle. Her concern is when there is snow and if the road is not plowed that the children cannot be picked up. Ms. Tonry said she is against the application.

Ms. Karen Cassesse, Village Green Condominium (2838 Whitney Avenue), addressed the Commission and said her property is directly behind the proposed location. The area was a wooded area and was cleared one year ago and has not been maintained. Ms. Cassesse said she is concerned with the traffic because there is a light at her road that people ignore and go through.

Mr. McDonagh stated that he feels that there are important issues and would like to continue the public hearing to allow the applicant to provide additional information.

Ms. Altman said that in the past the Commission has been stringent of the requirements provided on applications by other daycares. She is uncomfortable acting on the application without additional information being provided.

Mr. McDonagh would like to see additional details and dimensions for the drop off circle. He suggested that the public hearing be continued until July 27, 2010.

Ms. Miller stated that she can provide the information necessary that would be to the satisfaction of the Planning Staff. Mr. McDonagh said it must be seen by the Commission. Ms. Miller said that they must be out of their current location in 2 ½ weeks. If unable to open this center, families will have to look elsewhere for care and the staff will have to be laid off. Ms. Miller has been working with the Planning Office and the Town officials, and has done everything to show that this is a viable program. She said that she is willing to comply with the restrictions and conditions, but if she has to wait two weeks they cannot have the daycare.

Ms. Altman said that she sympathizes with Ms. Miller, but the Commission must take everything into consideration. There is a major problem in the future for the daycare because the residents of the condominium have hired an attorney and the easement is a significant legal issue. She said this decision if rushed could set a precedent for future applications.

Mr. McDonagh reviewed condition 1.a.1 of the proposed conditions from the Planning Office and said that this is what the Planning & Zoning Commission requires.

Ms. Miller said that there are minimal changes to the map used and is the map used for all the parcel uses, and that the only change being made is to the playground.

Mr. McDonagh feels it is a considerable change of use from the prior use of the building. The bank was changed to a bank and the store was an office before it opened. The daycare is a considerable change from the use as a barn and will be a more intensive use.

Ms. Megan English, owner of the property, addressed the Commission and stated that the barn was always a commercial business. She reviewed the businesses that had used the property. Ms. English said that the bank and book store have an easement and there has been no issue of liability. She stated that now that there is a proposal for a daycare it has become an issue.

Mr. McDonagh explained that the issue of liability was raised by the residents and is not an issue that the commission deals with. His concern is that the plans are not adequate for a competent decision.

Ms. English said that her father had not rented the barn for 15 years and this is why Charlton Hill does not like the proposal.

Mr. McDonagh said there are a number of issues for the significant use of the property and the concerns regarding the access road and the Commission would like to see a more detailed plan to make a decision.

Ms. Altman said that after the public hearing a vote will be taken and it could be to approve the application with conditions or to deny the application. If the application is denied, Ms. Miller would have to start again. The Commission must consider problems the applicant would have and the questions regarding the application raised by people. The precedent that this application would set is import for the future for the question of how the commission functions when making a decision that is fair and does not favor one applicant over another.

Mr. McDonagh asked if the Commission agreed with continuing the public hearing for two weeks to allow the applicant to provide additional information.

Mr. Tom Summini, Project Manager, addressed the Commission and stated that the survey provided is a class E survey taken from an A-2 survey. The survey of Mr. English's property was submitted, received and stamped in 1984. The only alteration being made to the survey was a square box that denotes a 2,500 square foot playground area and a circle that denotes a drop off circle that is 65 feet in diameter. Mr. McDonagh advised Mr. Summini that the Commission needs a plan that is drawn to scale and that he should speak with the Planning Office. Mr. Summini stated that Ms. Miller cannot wait until the next meeting, but she can provide the information being requested to the Planning Office so they can sign off on the Plan. Mr. McDonagh explained that he does not feel the plans are adequate to make a decision. Ms. Altman explained to Mr. Summini that the sense of the Commission is that additional information is needed and if he insists that a decision be made at this meeting, he may not like the outcome. Mr. McDonagh explained that the Commission has the right to ask for additional information before making a decision. Mr. Summini asked if the information was given to them tonight would they make a decision. Mr. McDonagh asked Mr. Summini if he can provide revised plans containing clear delineation between existing and proposed conditions and clear accurate scaled depictions of all proposed improvements.

Mr. Summini asked why Mr. Kops recommendations were not provided prior to the meeting so that she could provide the information at this meeting.

Mr. Kops explained that his comments were not finalized until today and he reviewed the report from Town Engineer dated July 9, 2009, and stated that it has been in the file. Ms. Miller said that she had the report but did not realize that she needed a new A-2 survey for it to be valid.

Mr. McDonagh explained that a special meeting can be held on July 20, 2010 to address this application.

Mr. McDonagh continued the meeting until a July 20, 2010.

3. Major Amendment to Special Permit & Site Plan 01-921

75 Leeder Hill Drive, T-4 zone
Elimination of sidewalk requirement
Leeder Hill Realty, Applicant
Deadline to open Public Hearing 8-12-10

Mr. Dan Kops, Assistant Town Planner, reviewed his report and recommendations.

Mr. Howard Goldfarb, Leeder Hill Realty, addressed the Commission and stated that because the sidewalk from the Yale Book Facility to Leeder Hill Road is overgrown no one uses it. There are telephone poles between the curbing and where the proposed sidewalk would be, and large trees would have to be removed. Mr. Goldfarb explained that the area is densely wooded and the neighbors across the street have indicated to him they do not want to look at the building and the parking lot. There is a requirement that a 50 foot buffer to the street and parking lot must be maintained. Mr. Goldfarb said that the tornado of 1989 took down trees and they were replanted. He would have to take down 10-12 feet of the required buffer area to install the sidewalk. Mr. Goldfarb reviewed the area and which properties have sidewalks and he explained that the sidewalks are not contiguous. The south side of the street from Whitney Avenue to Dixwell Avenue has accessible sidewalks to walk down the street.

Ms. Altman reviewed the Town Engineer's comments.

Mr. McDonagh said to Mr. Goldfarb that there seems to be a dispute between himself and the Town Engineer. Mr. McDonagh said the public hearing can be continued on July 20, 2010 so that Mr. Goldfarb can meet with the Town Engineer to resolve the differences.

Ms. Altman asked if the grass area would be replaced by sidewalk. Mr. Goldfarb said it is not all grass area, but it has tall trees and grass. Ms. Altman said that when she was on the council and represented this district there was always complaints about trash in this area that was not cleaned up. Mr. McDonagh stated that the policy is to require sidewalks to encourage pedestrian traffic, but feels Mr. Goldfarb is objecting to the expense of clearing the area. Mr. McDonagh said that the Town Engineer comments are dated July 3, 2010, and Mr. Goldfarb said he did not receive them.

Mr. Goldfarb asked if he could show a video of the area. Mr. McDonagh said that the Commission would see it at the July 20, 2010 meeting. Mr. Goldfarb submitted the public hearing picture of the signs and an affidavit that is required by the zoning regulations.

Mr. McDonagh asked for comments against the application:

Mr. Bill Mitch, President of the Whitneyville Civic Association, addressed the Commission and stated that the Civic Association is opposed to the application. He explained that the Civic Association has worked with the Planning Office for several years to calm traffic in the area and increase pedestrian and bicycle traffic, and that there are plans to put a bike lane on Putnam Avenue. Mr. Mitch said that Putnam Avenue is the center of the neighborhood and should have sidewalks on both sides of the street. He feels that just because they are not contiguous is irrelevant and a sidewalk can be put in and keep a buffer area. Mr. Mitch asked that the application be denied.

Ms. Lisa Kumamoto, Traffic Committee Chairperson, Whitneyville Civic Association, addressed the Commission and stated that an extensive report was submitted to the Mayor for creating a livable area with sidewalks. She is opposed to the application.

Ms. Kathleen Shumaker, Legislative Council representative to the 5th district, 22 Lilac Street, addressed the Commission and stated that she has bicycled on the north side of the street. She reviewed the area with sidewalks and stated that people do walk on the sidewalk. Ms. Shumaker said that the spirit of what is trying to be done in the neighborhood is to have sidewalks on both sides of the street and create more density that allows more people walk and bicycle. It is important conductivity to the Farmington Canal Trail. Ms. Shumaker asked the Commission to deny the application.

Mr. Frank Pasquence, 304 Putnam Avenue, addressed the Commission and stated he does not want the sidewalk because it goes nowhere. He said where there is sidewalk it is overgrown and you have to walk in the road.

Mr. Goldfarb submitted to the clerk pictures of the area.

Mr. McDonagh continued the public hearing until a special meeting on July 20, 2010.

B. Regular Meeting:

1. Special Permit & Site Plan 10-1163/WS

455 Sherman Avenue Rear, M Zone
Warehouse, outdoor storage and excavation
GAR Development, LLC, Applicant

Mr. McDonagh stated that the application has been withdrawn at the request of the applicant.

2. Special Permit & Site Plan 10-1165/WS

2856-2862 Whitney Avenue, T-4 zone
Daycare
Suzanne Miller, Carrot Patch, LLC, Applicant

Tabled until the July 20, 2010 special meeting.

3. Major Amendment to Special Permit & Site Plan 01-921

75 Leeder Hill Drive, T-4 zone
Elimination of sidewalk requirement
Leeder Hill Realty, Applicant

Tabled until the July 20, 2010 special meeting.

4) Site Plan 10-1458/WS

400 Goodrich Street, T-4 zone
Office & File Storage Facility
Tri-Con Construction Managers, LLC, Applicant
Withdrawn at the request of the applicant

5) Location Approval 10-013/CAM

2965R State Street, M Zone
Auto Repair
Gary Williams, Applicant

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

Ms. Altman made the motion to approve the application for Location Approval 10-013 as recommended by Mr. Dan Kops, Assistant Town planner with the following conditions:

1. Prior to obtaining the Chairman's signature of approval on the K-7 form and survey, the applicant must submit a revised plan showing:
 - a. The location and status of the monitoring wells.
 - b. The latest revision date.
 - c. All Conditions of Approval

2. All catch basins with sumps should be inspected at least three times a year. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
3. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
4. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
5. Scrap metal or other parts in contact with petroleum products should be stored in a watertight container.
6. Solid waste material should be placed in an appropriately sized, covered solid waste dumpster. The dumpsters should be plugged
7. All vehicle washing should be conducted indoors.
8. 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.
9. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
10. All damaged vehicles should be stored indoors.
11. Any monitoring wells no longer in use should be properly abandoned by a Connecticut licensed well driller.
12. Prior to obtaining a Zoning Permit the applicant must be all the provisions of Condition #1.
13. A Zoning Permit must be obtained prior to conducting further business

Mr. Cesare seconded the motion the motion passed unanimously.

Ms. Altman made the motion that the Commission finds the application to be consistent with all applicable goals and policies in accordance with the Connecticut Coastal Management Act, CGS 23a-90-22a-112. Mr. Cesare seconded the motion. The motion passed unanimously.

Mr. McDonagh asked for a motion to add the request to reduce the bond for Special Permit and Site Plan 03-997 & 03-999

Mr. Grant made the motion to add the request to reduce the bond for Special Permit and Site Plan 03-997 & 03-999. Mr. Marottoli seconded the motion. The motion passed unanimously.

6. Special Permit and Site Plan 03-997 & 03-999

20 & 36 Todd Street
 3594 Whitney Avenue
 Request to reduce the bond from \$381,755.00 to \$288,900.00
 Ravenswood Co., LLC

Mr. McDonagh reviewed the request to reduce the bond from \$381,755.00 to \$288,900.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer.

Ms. Altman made the motion to reduce the bond from \$381,755.00 to \$288,900.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Reynolds seconded the motion. The motion passed unanimously.

7) C.G.S. 8-24 10-295

Construction of Skiff Street Underpass
 For Farmington Canal Greenway
 Town of Hamden, Applicant

Mr. Reynolds made the motion to refer the C.G.S. 8-24 10-295 for the Construction of the Skiff Street Underpass with a favorable review to the Legislative Council. Mr. Grant seconded the motion. The motion passed unanimously.

8) C.G.S. 8-24 10-296

Temporary Easement at 100 Skiff Street
for the Construction of the Skiff Street Underpass
Farmington Canal Greenway
Town of Hamden, Applicant

Mr. Reynolds made the motion to refer the C.G.S. 8-24 10-296 for the temporary easement at 100 Skiff Street, for the construction of the Skiff Street Underpass with a favorable review to the Legislative Council. Mr. Grant seconded the motion. The motion passed unanimously.

9) C.G.S. 8-24 10-297
Easement at 2335 Dixwell Avenue, Rear
for the Construction of the Skiff Street Underpass
Farmington Canal Greenway
Town of Hamden, Applicant

Mr. Reynolds made the motion to refer the C.G.S. 8-24 10-297 for the easement at 2335 Dixwell Avenue, Rear, for the construction of the Skiff Street Underpass with a favorable review to the Legislative Council. Mr. Grant seconded the motion. The motion passed unanimously.

10) C.G.S. 8-24 10-298
Acceptance of Fee Simple and Easement Interests in Morningside Court
The Ravenswood Co, LLC, Applicant

Ms. Altman made the motion to refer the C.G.S. 8-24 10-298 for the acceptance of fee simple and easement interests in Morningside Court with a favorable review to the Legislative Council. Mr. Cesare seconded the motion. The motion passed unanimously

C. Old Business/ New Business

1. Review minutes of May 18, 2010(Planning Section)

Mr. McDonagh stated that the minutes of May 18, 2010 will be tabled until the July 27, 2010 meeting.

2. Review minutes of June 22, 2010

Mr. Reynolds made the motion to approve the minutes as written. Mr. Grant seconded the motion. Mr. McDonagh, Mr. Cesare and Mr. Grant voted in favor of the motion. The motion passed 4-0-0.

D. Adjournment

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

The meeting adjourned at 9:28 p.m

Submitted by: _____
Stacy Shellard, Clerk of Commissions