



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 23, 2010,

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Special Meeting on Tuesday, July 20, 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,
 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 10-1165/WS

2856-2862 Whitney Avenue, T-4 zone
 Daycare
 Suzanne Miller, Carrot Patch, LLC, Applicant
Public Hearing continued from July 13, 2010

Ms. Joan Molloy, Attorney, addressed the Commission and read into the record a letter withdrawing the Special Permit & Site Plan 10-1165/WS. She submitted the letter to the clerk.

Mr. McDonagh stated that the application for this item has been withdrawn.

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

75 Leeder Hill Drive, T-4 zone
 Elimination of sidewalk requirement
 Leeder Hill Realty, Applicant
Public Hearing continued from July 13, 2010

Mr. Howard Goldfarb, Leeder Hill Realty, addressed the Commission and stated that he had talked with the Town Engineer and discussed the installation of the sidewalk. Mr. Goldfarb said that they discussed the sidewalk that would go nowhere and the substantial amount of trees that would need to be removed. Mr. Goldfarb submitted to the Commission pictures and a drawing of where the trees are located and the size of the trees. He discussed with the Town Engineer the 650 feet to the east going towards Whitney Avenue has no sidewalks and the Town Engineer said that the Town may put a sidewalk there in the future. Mr. Goldfarb said that if the Town was to put a sidewalk in, he

would consider putting a sidewalk on his property. Mr. Goldfarb stated that the cost of putting a sidewalk in would be \$25,000.00-\$30,000.00 and he objects to spending this money for a sidewalk if the next three properties may not have sidewalks for a long time.

Mr. Dan Kops, Assistant Town Plan read his comments which noted the Town Engineer still recommended denying the request. Mr. Kops again recommended denying the request.

Ms. Altman stated that she was not on the Planning & Zoning Commission when this application was before them, but she said a sidewalk was a condition of approval. Mr. Goldfarb said that it was never discussed with him or his associate. He had learned that the condition for sidewalks was put in during the second half of the meeting. Ms. Altman explained the process for the Public Hearing and Regular Meeting. She explained that conditions can be added or removed during the regular meeting and that Mr. Goldfarb should have received a written document with the conditions. Mr. Goldfarb stated that he had received the written document, but they had already signed a contract with the Contractor and machinery manufacture, and they could not back out of it. Ms. Altman said she would like to know the date of the meeting and the date of the letter to Mr. Goldfarb. Mr. McDonagh said that it was approved in 2001. Mr. Goldfarb said that his associate did not stay for the regular meeting when the application was approved. Mr. McDonagh stated to Mr. Goldfarb that he had asked for an amendment to remove the sidewalk condition in 2002 and it was denied, and that Mr. Goldfarb has known for eight years that the sidewalk needed to go in. Mr. Goldfarb said that the issue of the sidewalk did not come up until the Zoning Enforcement Officer called him 2-3 months ago and reminded him that it needed to be done, and if he did not want the sidewalk he must ask for an amendment to the application. Mr. McDonagh said that Mr. Goldfarb has the right to ask for an amendment, and the reason he was contacted by the ZEO is that he failed to meet the conditions of the 2001 approval of the Special Permit.

Mr. Goldfarb said that it is a lot of money to put a sidewalk in that no one will ever use. Ms. Altman said that if no one ever buildt a sidewalk for the reasons Mr. Goldfarb states then there would never be any sidewalks. Ms. Altman stated that there is a lot of effort by the Whitneyville Civic Association to insure traffic calming, build a bike lane, and to change the profile of Putnam Avenue. Ms. Altman feels that Mr. Goldfarb is asking the Commission to remove a condition that the Civic Association wants to see in Whitneyville.

Mr. McDonagh reviewed the Town Engineer comments which recommend denying Mr. Goldfarb's request. Mr. Goldfarb said that he had discussed with the Town Engineer if they put the sidewalk in for the three properties he would be willing to put his in. He said that the Town Engineer had told him that the Town would have to put the sidewalks in, because the property owners would never put them in unless they had to come before the P&Z Commission with changes needed for their properties. Mr. McDonagh advised Mr. Goldfarb that the Commission could not impose sidewalks unless an application comes before the Commission.

Ms. Altman said that the applicant clearly does not want to spend the money, and she asked what enforcement could be taken to have the applicant complete the sidewalk. Mr. Kops explained that theoretically the bond could be called so that the work would be completed. Mr. Goldfarb stated that he is unaware of a bond because he has not received a bill from the surety company. The Commission further discussed the bond with Mr. Lee, Ms. Creane and Mr. Kops, and actions that could be taken if necessary to make an applicant comply with conditions of approval.

Mr. McDonagh asked for comments in favor of the application and there was none. Mr. McDonagh asked for comments against the application:

Mr. Paul Fioretti, 220 Putnam Avenue, addressed the Commission and asked who would be liable if the Commission approved the amendment to eliminate the sidewalk and someone was injured because the sidewalk was not put in. He said that he has lived in the area for 22 years and has had to help people walking in this area because there was no sidewalk. Mr. Fioretti stated that nine years ago the Commission made a decision that as a condition of approval a sidewalk was to be put in. This decision was based on what existed on Putnam Avenue and the surrounding neighborhoods. Mr. Fioretti feels that the neighborhood has changed and there are more people and businesses using the street to access a school, Farmington Canal and stores. Mr. Fiorotti stated that the applicant should put the

sidewalk in for the health, safety and well being of the people that would use the sidewalk. Mr. Fiorotti would like the request to amend the application be denied.

Mr. Bill Mitch, Whitneyville Civic Association President, addressed the Commission and would like the sidewalk put in. He said it is part of a larger plan to promote biking and walking in Whitneyville. Mr. Mitch said that he should not have to cross Putnam Avenue several times to access the Farmington Canal. He feels it would set a bad precedent because if an applicant is not required to meet a condition of approval, why should he be required to maintain his sidewalks. Mr. Mitch is against the application.

Mr. Gary Robison, 101 Putnam Avenue, Whitneyville Civic Association, Corresponding Secretary, addressed the Commission and stated that he would like the sidewalk be put in. He reviewed the area and from Carlton Street to Stop & Shop there is no place to cross Putnam Avenue safely.

The Commission and Mr. Lee discussed with Mr. Goldfarb what is the Town's right of way and that the property owners have an obligation to maintain so that it will not impede vehicle and pedestrian traffic. Mr. Goldfarb said that the Town maintains the other properties but stops at his.

Mr. Fiorette stated that when the Yale Book facility was built they were required to build a sidewalk. Mr. Fiorette stated there is a common need for sidewalks.

Mr. McDonagh closed the Public Hearing at 7:40 p.m.

B. Special Meeting:

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

2856-2862 Whitney Avenue, T-4 zone

Daycare

Suzanne Miller, Carrot Patch, LLC, Applicant

Mr. McDonagh stated that this item was withdrawn at the applicants request.

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

75 Leeder Hill Drive, T-4 zone

Elimination of sidewalk requirement

Leeder Hill Realty, Applicant

Ms. Altman made the motion to deny the Major Amendment to Special Permit & Site Plan 01-921. Mr. Reynolds seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review minutes of July 13, 2010

Ms. Altman made the motion to approve the minutes as written. Mr. Reynolds seconded the motion. The motion passed unanimously.

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 7:45 p.m

Submitted by: _____
Stacy Shellard, Clerk of Commissions