



Town of Hamden
Planning and Zoning Department

**Hamden Government
Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075**

May 4, 2009, revised 8-5-09 per Commission review at the 5-26-09 meeting

MINUTES: THE ZONING SECTION, PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and a Regular Meeting on Tuesday, April 28, 2009 at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following was reviewed:

Commissioners in Attendance:

Joe McDonagh, Planning and Zoning Chair
Ed Grant, Zoning Section Chair
Bob Roscow
Ralph Marottoli, sitting for Gerald Dimenstein
Len Grabowski, sitting for Donald Moses

Staff in attendance:

Dan Kops Jr., Assistant Town Planner
Tim Lee, Assistant Town Planner
Stacy Shellard, Commission Clerk
Lisa Raccio, Stenographer

Mr. Grant called the meeting to order at 7:00 p.m., reviewed the agenda and meeting procedures, and introduced the panel.

Public Hearing:

1) Zoning Regulation Amendment 09-911

Change Sections: 552.3, 553, 556, 700. Add Section 739.3

To permit hotel/motel in a M-1 Zone

Mankoff Development, LLC, Applicant

Mr. Michael Brandi, Attorney, addressed the Commission and reviewed the application for a Zoning Regulation Amendment to add the use of hotel/motels in an M-1 zone. He stated that the Planning and Zoning Commission has the ability to amend the zoning regulations under the Connecticut State Statue 8-3, and the Hamden Zoning Regulation 8-10. There is a broad discretion as part of a legislative enactment in the General Statutes and the Barry Case Law. The proposed amendment has been made available to the public, and properly noticed in the New Haven Register.

Mr. Brandi advised the Commission that in the application it references Section 739.1 and it should be 739.3. He has advised the Town Attorney and the Planning Office of the error. He reviewed the current language in the Hamden Zoning Regulations, and the proposed changes to them, with the addition of a new section as stated in the application.

Mr. Brandi said to the Commission that the Proposed Zoning Regulation Amendment is not site specific. There is only one M-1 zone presently in Hamden, which is located on Sherman Avenue. There is currently manufacturing, commercial, and industrial use. Also, there are office buildings, laboratories, business schools and a series of personal service establishments. The Plan of Conservation and Development cites the need for hotel/motels in the town center area. He feels this would provide a benefit to the Town of Hamden. The Plan of Conservation and Development refers to the need to develop commercial non-residential areas of town for economic growth, which will not draw on town services. This would increase the tax revenue, job growth, and have no negative impact on residential areas. The proposed regulation amendments would be consistent with the overall Plan of Conservation and Development. There is a lack of hotels and motels in the Town of Hamden. Mr. Brandi stated that he feels this is an appropriate amendment and asks the Commission to support it.

Mr. Kops, Assistant Town Planner, read his comments and said given that the projected adverse impact of allowing hotel/motels in the M-1 Zone on Sherman Avenue is negligible and the fact the availability of lodging would be a welcome amenity, as well as that hotels would be in keeping with the mix of businesses currently allowed. The Planning and Zoning Department has no objections to the Zoning Section's approval of the proposed amendment of the Zoning Regulations. If approved the Commission should establish the effective date at May 15, 2009.

Mr. McDonagh advised Mr. Brandi that the parking should be a minimum of 1.5 parking spaces per guest room. Mr. Kops, stated that that his recommendation is to make the parking spaces as a minimum of 1.5 parking spaces which would include a restaurant facility. Mr. Brandi advised that the proposed regulation of a minimum of 1.5 parking spaces were for a restaurant was if one was to be put on the site. If the requirement is a minimum is 1.5 parking spaces per bedroom it would create too much parking. The Commission asked if a hotel were to be built, how large a restaurant would be built and the amount parking spaces needed. Mr. Brandi advised would be approximately 2,000 to 3000 square feet. If the range is left as intended a special permit would still be necessary, allowing the Commission to set the parking level.

Mr. Kops, advised the Commission that if a convention center or banquet facility were added to a hotel/motel it would be treated separately and there would be a need to add parking spaces. Mr. Lee advised that the application was noted as between 1 and 1.5 parking spaces. The Commission discussed the percentage of impervious service and the RWA comments. Mr. Kops advised that the recommendation of the RWA for the sanitary system could be addressed in the impending new Zoning Regulations the Commission will consider in the near future.

Mr. Grant asked for comments for comments from the public against the application there were none. Mr. Grant asked for comments in favor of the application.

Mr. Pasquale Nuzzolillo, owner of Diversified Vending LLC, 594 Sherman Avenue, advised the the Commission that he is in favor of the Proposed Zoning Amendments. He feels this will enhance the area and value of his property. There are consultants that come to his company and when accommodations are needed they must go to North Haven or New Haven. A hotel/motel would help other businesses in town and the tax base. He feels if a restaurant were also built that his employees would utilize it instead of fast food. He stated to the Commission that Mr. John Esposito who owns an oil company across the street, and was unable to attend the meeting, and is in favor of the Proposed Zoning Regulation.

Ms. Antoinette Landino, Owner of Cascades Banquet Facility advised the Commission that she agrees with Mr. Nuzzolillo. It would allow her to send customers using her facility over to a hotel/motel within walking distance.

Mr. Grant asked for any additional comments there were none.

The Public Hearing was closed.

Regular Meeting:

- 1) **Minor Amendment-Site Plan 95-1106**
1697 Whitney Avenue, CDD-3 Zone
DVD Rental Vending Machine
Emily McGowin, Applicant
Tabled from the 3/24/2009 meeting

Mr. Kops, Assistant Town Planner stated to the Commission that at the meeting on 4/24/09 he had read his comments and recommendations for the DVD rental Vending Machine outside the building adjacent to the wall at Walgreens. At that time there were concerns raised by the residents. The Commission voted to table the matter pending receipt of information from the applicant with regard to any problems with existing kiosks at other locations. A letter received from Red Box indicates they have over 12,000 kiosks throughout the country. Approximately 5,000 are placed at Walgreen Stores. The letter states that they have never been notified of a situation that an outdoor kiosk had caused a public nuisance, or a public safety issue. The kiosk design is not conducive to loitering. The patrons choose their movie for rent and then depart. The time spent is three to five minutes and usually involves one to two people. The Planning Office received several communications from

residents with concerns too noise at night, loitering, and the potential impact to Best Buy Video located in Spring Glen.

Mr. Kops advised the Commission that they have a limited field of discretion for a site plan application. This application is for a minor amendment to a site plan application. The commissioners would have to determine if the impact would be adverse. They are not allowed to vote against an application because it could have an impact of competition on another business. Mr. Kops stated that the Commission can add on conditions to address concerns raised by the residents of Spring Glen.

Mr. Tim Lee, Assistant Town Attorney stated to the Commission that he agrees with Mr. Kops. He stated that when considering a site plan application, they must determine if it application complies with the Zoning regulations. If it does comply with the Zoning Regulations they would be obligated to approve the application.

Mr. McDonagh stated that the Commission is allowed to put conditions on an amendment to a site plan. A letter from Mr. Peterson, Redbox states that generally the patrons of the kiosk are patrons of the Walgreen store. Mr. McDonagh said there had been a site plan application for a gas station/convenience store on Whitney Avenue, and a condition set forth by the Commission to limit the hours of operation. Walgreen's hours of operation are limited to 8 a.m and 10 p.m.. The hours of operation for the kiosk should also be limited.

Mr. Roscow stated that the overall lighting has no cutoff on the sites parking lot is intense and goes directly into the surrounding neighborhoods. This is not in compliance with the current regulations. The lighting of the parking lot was a condition of the approved site plan and should be brought into compliance when considering tonight's motion.

Mr. McDonagh made the motion to approve the Minor Amendment of Site Plan 95-1106 as recommended by Mr. Kops, Assistant Town Planner, with the following conditions:

1. Prior to the installation of the kiosk the applicant must obtain a Zoning Permit.
2. All work must be completed by March 24, 2014.
3. The hours of operation of the kiosk are limited to between 8 a.m and 10 p.m.
4. The site lighting on the entire site must be brought into compliance with the current zoning regulations.

Mr. Roscow seconded the motion. The motion passed unanimously.

2) Zoning Regulation Amendment 09-911

Change Sections: 552.3, 553, 556, 700. Add Section 739.3
To permit hotel/motel in a M-1 Zone
Mankoff Development, LLC, Applicant

Mr. McDonagh made the motion to adopt the proposed modifications to our Zoning Regulations for sections 552.3, 553, 556, 700, and add section 739.3 to permit a hotel/motel in a M-1 zone including the language for Section 739.3.g should read: Off street parking will be provided between the rate of 1 and 1.5 parking spaces per bedroom at the discretion of the Planning and Zoning Commission. The effective date of the amended regulation would be May 15, 2009. Mr. Roscow seconded the motion. The motion passed unanimously.

3) Minor Amendment-Site Plan 85-754

3394 Whitney Avenue, B-2 Zone
Retail Expansion
Barry Steinberg, Applicant

Mr. Alex Martins, Engineering Technician, Steinberg Associates, addressed the Commission and reviewed the application. The concerns of the Town Engineer are being addressed and corrected. During the construction of the addition to the building, they will follow the guidelines set forth by the RWA.

The Commission reviewed with Mr. Martin the location of the parking area and their safety concerns for patrons that would be entering and exiting the site at the southern side of the building. Mr. Martin advised the Commission that there is handicap parking available.

Mr. Kops, Assistant Town Planner, read his comments and recommended approval based on the following plans:

“Addition to South Side,” Sheet SP-1 dated 1/14/09 revised 3/04/09

With the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Provide a detailed plan showing the addition, equipment and other components of the food service operation for review and approval by Q.V.H.D.
 - b. Provide revised plans containing the following, for approval by the Town Engineer and Town Planner:
 - i. An updated survey of existing conditions in the vicinity of the proposed work.
 - ii. A revised legend showing that all of the required yards are ten feet, including the rear yard.
 - iii. All of actual distances from property boundaries to the building.
 - iv. A note indicating the parking spaces will be striped.
 - v. More detail in Elevation A-A, including but not limited to; an up-to-date cross-section showing the existing slope, the distance between the wall and rear of building, curtain drain, wall height, footing elevations and the type of wall proposed.
 - vi. Treatment of the tree near the southwesterly limit of work.
 - vii. An explanation of how the slope shown in Elevation A-A will be stabilized during construction.
 - viii. A larger dumpster with a commensurate pad, screening and curbing and a note stating that the dumpster will be plugged and covered to prevent leaks.
 - ix. Removal of the handicapped parking space to the north side of the building and any necessary modifications to the sidewalk to make it accessible.
 - x. Landscaping, especially on the southern end of the property.
 - xi. Existing and proposed drainage.
 - xii. A stormwater management plan describing the inspection and maintenance schedule and identifying the responsible parties.
 - xiii. A landscaping plan, with attention paid to the southern end of the property.
 - xiv. All conditions of approval.
 - c. Submit a performance bond in an amount approved by the Town Engineer and Town Planner.
2. All erosion controls should be installed prior to the commencement of construction activities.
3. During construction:
 - a. Silt sack inserts should be used to prevent soil deposits from entering the collection structures.
 - b. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary. All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
 - c. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary contained and kept in a locked indoor area with an impervious floor when not being used.
 - d. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - e. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.

- f. The RWA should be notified of any spills of hazardous materials.
- 4. All work must be completed by April 28, 2014.
- 5. After completion of the project:
 - a. RWA inspectors should be granted access to the site to conduct routine inspections.
 - b. If a grease dumpster is used on the site, extra care should be taken to prevent the spill of waste grease and fry oil when it is transferred to the dumpster. The pick-up of waste grease should be closely monitored so that any spills that do occur can be properly remediated.

Mr. McDonagh asked if the convenience store only sells pre packaged food and sodas. Mr. Nadeen Khalid advised the Commission that there will be a sandwich shop. He said that there will be two entrances for the store. The options for the entrances are limited because of the buildings location.

Mr. McDonagh made the motion to approve the Minor Amendment for Site Plan 85-754 with the conditions as recommended by Mr. Kops, Assistant Town Planner, and the removal of condition xiii which is stated in condition x , and the following conditions:

- 1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Provide a detailed plan showing the addition, equipment and other components of the food service operation for review and approval by Q.V.H.D.
 - b. Provide revised plans containing the following, for approval by the Town Engineer and Town Planner:
 - i. An updated survey of existing conditions in the vicinity of the proposed work.
 - ii. A revised legend showing that all of the required yards are ten feet, including the rear yard.
 - iii. All of actual distances from property boundaries to the building.
 - iv. A note indicating the parking spaces will be striped.
 - v. More detail in Elevation A-A, including but not limited to; an up-to-date cross-section showing the existing slope, the distance between the wall and rear of building, curtain drain, wall height, footing elevations and the type of wall proposed.
 - vi. Treatment of the tree near the southwesterly limit of work.
 - vii. An explanation of how the slope shown in Elevation A-A will be stabilized during construction.
 - viii. A larger dumpster with a commensurate pad, screening and curbing and a note stating that the dumpster will be plugged and covered to prevent leaks.
 - ix. Removal of the handicapped parking space to the north side of the building and any necessary modifications to the sidewalk to make it accessible.
 - x. Landscaping, especially on the southern end of the property.
 - xi. Existing and proposed drainage.
 - xii. A stormwater management plan describing the inspection and maintenance schedule and identifying the responsible parties.
 - xiii. All conditions of approval.
 - c. Submit a performance bond in an amount approved by the Town Engineer and Town Planner.
- 2. All erosion controls should be installed prior to the commencement of construction activities.
- 3. During construction:

- g. Silt sack inserts should be used to prevent soil deposits from entering the collection structures.
 - h. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary. All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
 - i. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary contained and kept in a locked indoor area with an impervious floor when not being used.
 - j. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - k. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - l. The RWA should be notified of any spills of hazardous materials.
4. All work must be completed by April 28, 2014.
5. After completion of the project:
- a. RWA inspectors should be granted access to the site to conduct routine inspections.
 - b. If a grease dumpster is used on the site, extra care should be taken to prevent the spill of waste grease and fry oil when it is transferred to the dumpster. The pick-up of waste grease should be closely monitored so that any spills that do occur can be properly remediated

Mr. Roscow seconded the motion. The motion passed unanimously.

4) Site Plan 09-1444/WS

835 Mix Avenue, R-5 Zone
 Telecommunications Antenna
 Youghogheny Communications DBA Pocket Communications
 Carrie Larson, Attorney

Ms. Carrie Larson, Attorney, addressed the Commission and reviewed the application. She stated there are two buildings at this location. The building located to the north has existing antennas on the building that are owned by Sprint. The other building will have their antennas which will not exceed the height of the the existing antennas that are owned by Sprint. The equipment will be located on the roof and there will be no ground disturbance. She reviewed with the Commission the elevation of the buildings. Included in the plans is the FCC guidelines and the antenna specifications.

Mr. Kops, Assistant Town Planner, read his comments and recommended approval based on the following plans:

NHCT0415E, 865 Mix Avenue, Hamden, CT 06514, sheets T-1, C-1, C-2, C-3, A-1, A-2, dated 12/12/08

With the following conditions:

- 1. Prior to the Issuance of a Zoning Permit the applicant must
 - a. Submit revised plans containing:
 - i. Sheet C.1 signed and sealed by a licensed surveyor and noting the zoning designations of all abutting properties.
 - ii. A note stating that the antennae will be colored or painted to match the material of the building.
 - iii. All conditions of approval.
 - b. Submit a demolition bond to cover the demolition and removal of the wireless communication facility in the event it is no longer in operation, in an amount approved by the Town Engineer and Town Planner.

2. Prior to commencing the work the applicant must obtain a Zoning Permit.
3. All work must be completed by April 28, 2014.

Ms. Larson advised the Commission that she has no objections to the conditions.

Mr. Roscow made the motion to approve the Site Plan 09-1444/WS with the conditions as recommended by Mr. Kops, Assistant Town Planner, and the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must
 - a. Submit revised plans containing:
 - i. Sheet C.1 signed and sealed by a licensed surveyor and noting the zoning designations of all abutting properties.
 - ii. A note stating that the antennae will be colored or painted to match the material of the building.
 - iii. All conditions of approval.
 - b. Submit a demolition bond to cover the demolition and removal of the wireless communication facility in the event it is no longer in operation, in an amount approved by the Town Engineer and Town Planner.
2. Prior to commencing the work the applicant must obtain a Zoning Permit.
3. All work must be completed by April 28, 2014.

Mr. McDonagh seconded the motion. The motion passed unanimously.

5) Site Plan 09-1445

814 Dixwell Avenue, B-2 Zone
Secondhand-Pawn Shop, Commercial Office and Residential
Apartment
Robert Moccio, Applicant

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

With the following conditions:

4. Prior to commencing any work or opening the business the applicant must obtain a Zoning Permit.
5. All work must be completed by April 28, 2014.

Mr. Grant asked for comments from the Commission. There were none.

Mr. Roscow made the motion to approve the Site Plan 09-1145 with the conditions as recommended by Mr. Kops, Assistant Town Planner, and the following conditions:

1. Prior to commencing any work or opening the business the applicant must obtain a Zoning Permit.
2. All work must be completed by April 28, 2014.

Mr. McDonagh seconded the motion. The motion passed unanimously.

6) Site Location Approval 09-006

2259 State Street, CDD-1 Zone
New Car Dealer's License
Gary Williams, Applicant

Mr. Williams, applicant, reviewed his application and advised this was for a change in ownership of an existing repair shop. There would be no changes made to the site.

Mr. Kops, Assistant Town Planner read his comments and recommending approval of Location Approval 09-006, based on the following plans:

Property Survey Prepared for Ace Automotive & Service by Godfrey-Hoffman Associates, July 5, 1995.

Mr. Kops advised the Commission that the agenda references this application for a new car dealer's license and it should be for a general repair license.

Mr. McDonagh made the motion to approve the application for a General Repair License for Site Location Approval 09-006 as recommended by Mr. Kops the Assistant Town Planner and the following conditions:

1. Prior to commencing any work or opening the business the applicant must obtain a Zoning Permit.
2. All work must be completed by April 28, 2014.

Mr. Roscow seconded the motion. The motion passed unanimously.

7) Site Location Approval 09-007

42 Crest Way

Auto repair shop-change of ownership

Unlimited Mobility, LLC, Applicant

Mr. Joe Cavallaro, Owner addressed the Commission and reviewed the application. He advised that this application is for a new car dealer, which allows for general repairs. He will be installing vans with handicap accessories.

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

1. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
2. Waste material, including any contaminated soil or gravel around the waste oil storage tank should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.
3. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
4. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
5. Solid waste dumpsters should be placed on paved surfaces.
6. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
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. Damaged vehicles that are leaking automotive fluids should be stored inside the garage or at a minimum, on an impervious surface where the leaks can be contained and cleaned up.
11. RWA inspectors should continue to be granted access to this property during the annual inspection program.

All of the conditions should be placed on the location plan to be submitted to the Connecticut Department of Motor Vehicles

Mr. Roscow made the motion to approve the application for a New Car Dealer license for Site Location Approval 09-007 as recommended by Mr. Kops, Assistant Town Planner and the following conditions:

1. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
2. Waste material, including any contaminated soil or gravel around the waste oil storage tank should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.
3. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
4. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
5. Solid waste dumpsters should be placed on paved surfaces.
6. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
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. Damaged vehicles that are leaking automotive fluids should be stored inside the garage or at a minimum, on an impervious surface where the leaks can be contained and cleaned up.
11. RWA inspectors should continue to be granted access to this property during the annual inspection program.
12. All of the conditions should be placed on the location plan to be submitted to the Connecticut Department of Motor Vehicles

A. Old Business/New Business

1. Review Minutes of March 24, 2009

Mr. Marottoli advised that on page 2 the name should read Mr. John Morrison and not Mr. John Morrissey. Mr. Grabowski made the motion to approve the minutes of March 24, 2009 as amended. Mr. Marottoli seconded the motion. Mr. Grant, Mr. Grabowski and Mr. Marottoli voted in favor of the motion. The motion passed.

B. Adjournment

Mr. McDonagh made the motion to adjourn the meeting. Mr. Roscow seconded the motion. The motion passed unanimously.

The meeting closed at 8:30

Submitted by: _____
Stacy Shellard, Clerk of Commissions