



Town of Hamden

Planning and Zoning Department

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March 14, 2011

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, March 8, 2011 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
Jon Cesare
Brack Poitier
Greg Tignor, sitting for Vacancy

Staff in attendance:

Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Clerk
Dee Rich, Stenographer

Mr. McDonagh called the meeting to order at 7:08 p.m. The clerk read the Public Hearing items into the record. Mr. McDonagh reviewed the meeting procedures.

Mr. McDonagh praised Mr. Edward Sullivan, Commissioner, who passed away in February, and a moment of silence was observed.

A. Public Hearing

1. Special Permit & Site Plan 10-1174

1378 Shepard Avenue, R-3 Zone
Removal of fill
John & Virginia Rossotto, Applicant
Deadline to open Public Hearing 3/31/11

Mr. Joe Porto, Attorney, addressed the Commission and asked that the Public Hearing be continued until March 22, 2010.

Mr. McDonagh stated that he would recuse himself because the applicants are a business associates.

Ms. Altman made the motion to continue the Public Hearing for Applications 10-1174 until the March 22, 2011 meeting. Mr. Cesare seconded the motion. The motion passed unanimously.

2. Special Permit & Site Plan 10-1175

1380 Shepard Avenue, R-3 Zone
Removal of fill
John & Virginia Rossotto, Applicant
Deadline to open Public Hearing 3/31/11

Mr. Joe Porto, Attorney, addressed the Commission and asked that the Public Hearing be continued until March 22, 2010.

Mr. McDonagh stated that he would recuse himself because the applicants are a business associates.

Ms. Altman made the motion to continue the Public Hearing for Applications 10-1175 until the March 22, 2011 meeting. Mr. Cesare seconded the motion. The motion passed unanimously.

3. Special Permit & Site Plan 11-1176

1670 Whitney Avenue, T 3.5 Zone
Outdoor Cafe
Michael Migliaro, Applicant
Deadline to open Public Hearing 3/31/11

Mr. Edward Bruce, 191 Montowese Avenue, North Haven, addressed the Commission and stated that he is representing the applicant Mr. Mike Migliaro. He reviewed the application and stated that it is in accordance with the SGVD zoning requirements. A variance was received from the ZBA for the size and use of the outdoor area. Mr. Bruce explained that the area to be used was a 20 x 20, 400 square foot area, and that it had been incorrectly stated in the Assistant Town Planner's comments as 800 square feet. Mr. Bruce said that the original proposal was to use planters to separate the outside area from pedestrians. He received comments from Mr. Fran Albis, SGVD Consultant, who suggested that rod iron fencing be used. The proposed fencing will be black aluminum rod iron and it will be 36 inches in height and planters will be placed within for aesthetics. The seating area will have one table that can sit six people and two tables that will sit four people and this will allow for the safe movement of patrons and staff. Mr. Bruce stated that the comments received from the Police Department suggest that bollards be used because they are concerned with pedestrian and patron safety. Mr. Bruce feels that the large pear trees located near the street would act as natural bollards along with a large traffic signal pole and a pole for the restaurants sign. There is also street parking on Whitney Avenue which should act as a barrier to the area. The fencing will be portable and can be removed for maintenance of the area and will be removed at the end of the season to allow for snow removal of the area. Mr. Bruce said that if the Commission wanted, bollards could be a condition of approval.

Mr. Bruce is concerned with the traffic on Whitney Avenue because it abruptly goes down to one lane without any warning. He submitted to the Commission photos showing marking that could be used to indicate that the two lanes would be going down to one. Mr. Bruce said that they have been used in East Lyme and would be an inexpensive solution for the Department of Transportation.

Mr. McDonagh explained that he would need to contact the Traffic Commission and it is its responsibility and because it is a State road it would need to go to the Department of Transportation. Mr. McDonagh feels that the use of bollards would be redundant because vehicles are usually parked on the street in front of the building.

Mr. Grant asked if the applicant had received approval from QVHD.

Mr. Steven Barraco, General Manager, addressed the Commission and stated that they have QVHD approval.

Ms. Altman asked how the fencing would be secured, because if it were to be secured by drilling holes into the pavers, when the fencing was removed it could be a hazard to pedestrians. She is also concerned with vandalism if the fence is not secured.

Mr. Bruce said that the pavers are new and he would like to avoid drilling into them if possible. He would like to weld a frame to the fencing for stability or have sections of fencing that could be bolted to planters.

Ms. Altman stated that Spring Glen Civic Association will want to be involved and that applicant should consult with them. She would prefer to see the fencing bolted to planters. Mr. Bruce stated that he would be speaking to the Spring Glen Civic Association. Mr. Grant said that the applicant has consulted with the SGVD Consultant.

Mr. Dan Kops, Assistant Town Planner, explained that the applicant had submitted and consulted with the SGVD Consultant and has met all the requirements of the zoning regulations for the SGVD. The applicant does not need to go to the Spring Glen Civic Association. Mr. Kops said that the SGVD Consultant had some objections to the original plans and the applicant made the changes requested. The SGVD Consultant endorsed the final plan submitted and if there were to be any significant changes the applicant would need to submit the changes to him. The Commission discussed with Mr. Kops the modifications that had been made to the original plan.

Mr. Kops read his comments recommending approval the conditions as stated.

Mr. Kops feels that the planters are more attractive and if the fence were bolted to them it would keep the fence from being removed. Mr. Kops said there is a requirement per section 452.8.1.d that the Commission must state a reason for their decision on the record.

Mr. Bruce submitted illustrations that show different styles of fencing. He discussed with the Commission the fence he would like to use.

Mr. McDonagh asked for comments in favor of the application. There were none.

Mr. McDonagh asked for comments against the application:

Joyce & Mark Clark, 25 Hawthorne Avenue, addressed the Commission and stated that there has been previous activity and noise during the summer months at Café Amici's and asked if there would be any time restrictions placed on the outdoor area. The parking has been an issue in the past and the sidewalk on the Hawthorne Avenue side of the business is in disrepair. The large trucks that deliver to the restaurant travel fast down the streets. There are young children in the area and safety is an issue.

Mr. McDonagh asked for comments. There were none.

Mr. Barraco said that the restaurant hours are Sunday through Thursday 4:00 p.m-9:00 p.m and Friday and Saturday 4:00 p.m to 10:00 p.m, He stated that there will be no live entertainment and that the restaurants seats patrons until closing and that everything is cleared by 11:00 p.m,

Mr. McDonagh closed the Public Hearing

B. Regular Meeting:

1. Special Permit & Site Plan 10-1174

1378 Shepard Avenue, R-3 Zone

Removal of fill

John & Virginia Rossotto, Applicant

Tabled until the 3/22/11 meeting

2. Special Permit & Site Plan 10-1175

1380 Shepard Avenue, R-3 Zone

Removal of fill
John & Virginia Rossotto, Applicant

Tabled until the 3/22/11 meeting

3. Special Permit & Site Plan 11-1176

1670 Whitney Avenue, T 3.5 Zone
Outdoor Cafe
Michael Migliaro, Applicant

Mr. McDonagh would like the word bollards removed from condition 1.A.i and the design shows planters in four locations around the fence. He said that the parked cars on Whitney Avenue do provide a level of protection for pedestrians and the restaurant.

Mr. Kops said that the Police Department review was based on the original plan that was submitted and the Commission may want to remove Condition 1.A.i Mr. McDonagh stated that 1.A.i should read: All conditions of approval. Mr. Kops said that it should read as item 1: Prior to a Zoning Permit being issued the Applicant must provide revised plans containing all conditions of approval.

Mr. Tignor made the motion to approve Application 11-1176 with the following conditions:

1. Prior to a Zoning Permit being issued the Applicant must provide revised plans containing all conditions of approval.
2. Obtain approval of the food service operation from QVHD prior to obtaining a Building Permit..
3. All work must be completed by March 8, 2016.
4. There shall be neither outdoor food preparation nor outdoor display of food.
5. The outdoor cafe may operate a maximum of six months per year.

Mr. Cesare seconded the motion.

Mr. Tignor stated that the reason for the approval is that he feels that the Commission suggests the request for an outdoor patio will appeal to the community aesthetically and that it will provide a recreational outlet for the community. Mr. McDonagh said that it enhances the area with outdoor dining, changes the dynamics of the neighborhood, and that Park Central Tavern also has an outdoor dining area which makes neighborhood feeling.

Mr. Kops said that the conditions should be numbered 1 through 5. ***The motion passed unanimously.***

4. Minor Amendment to Site Plan 09-1447/CAM

2664-2666 State Street, T-4
Revised Parking Area and Landscaping
Edward Mauro, Applicant

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

Ms. Altman asked about the reference to the CAM Act. Mr. Kops explained that the work that had been done was within the CAM area.

Ms. Altman made the motion to approve the Minor Amendment to Site Plan 09-1447/CAM. Mr. Tignor seconded the motion. The motion passed unanimously.

5. Special Permit & Site Plan 09-1447

2664-2666 State Street, T-4

Request to release bond in the amount of \$16,479.00

Edward Mauro, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$16,479.00. He advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved. Mr. McDonagh said that it should be a 50 percent reduction of the bond and not the release of a bond.

Mr. Grant made the motion to reduce the bond by the amount of \$16,479.00. Mr. Poitier seconded the motion the motion passed unanimously.

6. Special Permit & Site Plan 07-1109

1960 Whitney Avenue

Request to release bond in the amount of \$21,940.00

Nickabam, LLC, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$21,940.00. He advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be denied.

Ms. Altman made the motion to deny the request to release the bond in the amount of \$21,940.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Tignor seconded the motion. The motion passed unanimously.

7. C.G.S. 8-24 11-310

Brooksvale Park

Bridge Replacement over Brooksvale Pond Spillway

Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of the easement for the for the Bridge Replacement and issue a favorable report to the Legislative Council.

Mr. Tignor made the motion to refer the C.G.S. 8-24 11-310 for the bridge replacement 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 January 11, 2011**

Mr. Poitier said his name is spelled incorrectly.

Mr. Poitier made the motion to approve the Minutes of January 11, 2011 as amended. Mr. Grant seconded the motion. Mr. McDonagh, Mr. Cesare, Mr. Grant and Mr. Poitier voted in favor of the motion. The motion passed.

2. Minor Amendment-3000 Dixwell Avenue

Mr. Dan Kops, Assistant Town Planner reviewed the application and advised the Commission that Leslie Creane, Town Planner, had signed it.

**3. Minor Amendment-South Sleeping Giant Wellfield
Sleeping Giant Golf Course**

Mr. Dan Kops, Assistant Town Planner reviewed the application and advised the Commission that Leslie Creane, Town Planner, had signed it.

4. Minor Amendment-2505 Whitney Avenue

Mr. Dan Kops, Assistant Town Planner reviewed the application and advised the Commission that Leslie Creane, Town Planner, had signed it.

D. Adjournment

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

The meeting adjourned at 8:00 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions