



## Town of Hamden

### Planning and Zoning Department

Hamden Government Center  
 2750 Dixwell Avenue  
 Hamden, CT 06518  
 Tel: (203) 287-7070  
 Fax: (203) 287-7075  
 www.hamden.com

August 1, 2011

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Special Meeting on Tuesday, July 26, 2011 at 7:00 p.m. in the Social Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following items were reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman  
 Lee Campo  
 Jon Cesare  
 Brack Poitier  
 Ann Altman  
 Ryszard Szczypek  
 Bob Roscow  
 Ralph Marottoli, sitting for Ed Grant

Staff in attendance:

Leslie Creane, Assistant Town Planner  
 Tim Lee, Assistant Town Attorney  
 Stacy Shellard, Clerk  
 Genevive Bertolini, 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 11-1181

3011 Whitney Avenue, T-4 Zone  
 Educational Building  
 Quinnipiac University, Applicant  
***Deadline to open Public Hearing 9/29/11***

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the application. He reviewed the history of the building and stated that the last use was a doctor's office and an insurance office. The site sits on a ½ acre lot and has 2 levels with 4998 square feet of interior space, and 23 existing parking spaces. Mr. Pellegrino said that Quinnipiac University purchased the building with the intent to use it as a permanent location to house the Ireland Great Hunger Collection. The collection has been at the main campus library and Quinnipiac recently acquired additional pieces and volumes of literature and have not been able to provide easy access to the collection by students, visiting scholars and the public. The collection includes approximately 700 volumes of writing, historical documents, maps and prints related to the great famine of the late 1800's in Ireland. Many of which survived the famine and were brought to the United States. The collection also includes prints, sculptures,

paintings and artifacts both historical and more recent that relate to the Great Hunger of Ireland. Quinnipiac University has gained national recognition for the collection and for the study of this time period in Irish history. The site plan primarily deals with the interior renovations to house the collection and provides space to study of the collection. There will be some exterior repairs to the parking area which will include handicapped parking, increased landscaping and changes to the sidewalk. There will be work done to the rear of the building to house the utilities that will be on the site. Mr. Pellegrino said that that anticipate 2 staff members. The site will be served by the Quinnipiac University transit system. The public will have access to the collection during operating hours outside of class time and events.

Ms. Altman stated that the use of the proposed use of the building will be good for Hamden and she asked why a Special Permit is needed. Mr. Pellegrino explained that the site is in a T-4 zone and any application by Quinnipiac University needs a public hearing under the current zoning regulations.

Mr. Tripp Wyeth, Architect, addressed the Commission and explained that the lower level of the building is approximately 3 feet below grade and that the entrance will enter through the main level. The main level will house the viewable portion of the collection and there will be seating for the curatorial staff to bring items for study. Down stairs will be offices, mechanical and bathroom support. There will also be one study room, reception area, and an elevator and material storage. Mr. Wyeth explained that there will be stairs located at the front and back of the building and the elevator is necessary to meet the ADA and State code requirements. There are two chimneys that will be removed because they do not function. On the rear of the building there are two dormers that are mechanical to house air distribution for the buildings. The windows are not being replaced.

Ms. Leslie Creane, Town Planner read the staff comments which recommend approval based on the following plans:

“Quinnipiac University Hamden Connecticut  
Ireland's Great Hunger Collection At Quinnipiac University  
3011 Whitney Avenue, Hamden Connecticut”

With the following conditions:

1. The applicant must obtain a Zoning Permit.
2. Prior to the Issuance of a Zoning Permit the applicant must provide a bond in an amount approved by the Town Planner and Town Engineer.
3. All work should be completed by July 26, 2016.

Mr. McDonagh read an email from Franz Douskey which reviewed the history of the building and stated his support for the project.

Mr. McDonagh asked if there were public comments for the application:

Ms. Cindy Civitello, 61 Berkeley Court, West Woods Civic Association, addressed the Commission and said that she had sent an email out to the Civic Association email list and received no negative comments. Ms. Civitello stated that the West Woods Civic Association supports this application and she feels it will be a great asset to the community.

Ms. Elaine Dove addressed the Commission and stated that she is concerned about Quinnipiac University and what appears to be a megalomania that they have. There are 111 pieces of property in Hamden that have been taken of the tax roll and 9 pieces of property in North Haven. In Hamden it is a total of 165 million dollars in assessed value that have been taken of the tax roll. Ms. Dove feels that it is the Commission's duty to protect the welfare of the Hamden residents and there is a problem in Hamden in funding the pension plan. Ms. Dove said that the Commission needs to drive the conversation with Quinnipiac University. She said that in January of 2010 she had

given the Commission an entire list of the Quinnipiac University properties and nothing has been done. Ms. Dove did a comparison with other Universities in the area and reviewed the enrollments that they have. The acquisition of land by Quinnipiac University in Hamden is significant and they are now acquiring properties North Haven. She explained that Yale has an extraordinary endowment and owns 408 pieces of property in New Haven, West Haven and Hamden and Ms. Dove is perplexed as to where Quinnipiac University gets the money because they have negligible endowment and they get 28 million dollars in grants and gifts. She said that grants are to be used for projects. Ms. Dove stated that if the school goes under the Commission would have unwittingly allowed this project to go forward. She does not understand why the Commission has not had conversations with the University. Ms. Dove said that Quinnipiac University has a precarious financial status which is supported by the IRS 990 data and she asked that the Public Hearing be continued. She stated that there is only one Irish Museum in the United States and it is located in Kansas City, Missouri. There is a gentleman in Greenwich, Connecticut who is trying to put a privately funded museum in Washington, D.C. and has to date not succeeded. Ms. Dove does not understand why Quinnipiac University can take four hundred thousand dollars off the Hamden's tax roll for a collection of Irish Famine History that can be housed at the library on campus. She stated she is a "Ryan". Ms. Dove said when the residents of Hamden are screaming about their taxes they should be reminded that Quinnipiac is responsible for our taxes and they will know why the retirement cannot be funded, because Quinnipiac has taken a lot of properties off the tax roll, and when someone goes back in history and looks at these minutes they will see that she had referred to this issue. She said that she does not understand why there is a need for an Irish museum when there is one small museum in Kansas City, Missouri. Ms. Dove stated that the Commission needs to think about the welfare of the citizens of Hamden.

Mr. McDonagh stated that he finds it offensive that Ms. Dove suggests that the Commission does not think about the welfare of the citizens of Hamden. He said that the Commission has responsibilities that are defined by law and asked Mr. Tim Lee, Assistant Town Attorney, to address the ownership of building.

Mr. Lee explained that the Planning & Zoning Commission may not take into consideration the ownership of a building. They are subject to making sure that the application complies with the zoning regulations and that under the zoning regulations the University is a permitted use subject to a Special Permit. This project is permitted under the zoning regulations and the University is rightfully before the Commission and the Commission is rightfully considering the proposal. Mr. Lee said that when the Commission is considering the proposal they cannot take into consideration the tax consequences of the use, but they must consider whether the proposal complies with and meets the special permit criteria under the zoning regulations.

Ms. Altman finds it extraordinary that there is only one Irish Museum in the country and she cannot think of a reason that there should not be one in Hamden. She stated that the museum would allow easy access and it would be a privilege to have this collection in Hamden. Ms. Altman said that when she growing up in England there was very little talk about the Great Irish Famine and that it was genocide like any other genocide. She feels that Hamden should be proud to have the collection and would be a good use of the proposed building. Ms. Altman said that it is not her responsibility to consider the tax roll and must consider that the use of the building does not adversely affect the health and welfare to the citizens of Hamden. She said that the scorn in the previous speaker's voice when the word Irish and Irish memorabilia was used was an extraordinary tone. Ms. Altman stated that Hamden is an inclusive community and last week she had heard a horrible prejudicial comment by someone that stunned her and feels that this is on par with it. Ms. Altman asked that the record reflects that she objects strongly to the tone of voice when with the term "Irish Memorabilia" was mentioned.

Ms. Christine Esposito, 1742 Whitney Avenue, addressed that Commission and asked what the name of the facility would be. Mr. McDonagh replied "The Ireland Great Hunger Collection at Quinnipiac University. Ms. Esposito asked how the building fits into "Educational Building". Ms. Esposito said that she does have reservations about the application with regard to the tax dollars and if granted it will be a museum and the University will not be holding classes in the building. She asked if there would be anyway an arrangement could be made so that the University will pay taxes to the Town of Hamden.

Mr. McDonagh stated that the Commission has no control who buys the property and it would be inappropriate and illegal to say they do not like who owns the property.

Ms. Esposito asked what piece of literature or magazine commended Quinnipiac University with regard to them having the collection.

Mr. Steve Williams addressed the Commission and asked if information could be given about the changes being made to the landscaping and sidewalks. He stated that he is not for or against the application and asked what the hours of operation would be. Mr. Williams also asked what security would be used because there is elderly housing located to the rear of the building and would like to know about the parking and how it will be controlled so that the 30 residents would not be disturbed.

Mr. McDonagh asked Mr. Pellegrino to address the questions that were asked.

Mr. Pellegrino stated the use will involve educational activities and there will be courses on Irish study that will utilize the collection. The primary use of the collection is for educational and academic purposes, along with research being done by professors at the school and visiting scholars who may wish utilize items in the collection for educational purposes. Mr. Pellegrino said that the University does want to make it available to the public as it does for the rest of their resources. The University wants it to be accessible to the residents of Hamden and Greater New Haven community, but it is secondary to the educational purposes. Mr. Pellegrino does not know the name of the magazine that commended the University.

Mr. McDonagh said that the University does distinguish academic and non academic uses and there are properties that they own that are on the Hamden tax roll based on the state tax. Mr. Pellegrino said that the Pilot and Pequot funds that the Town receives for the University properties are significant. Any time that the University buys a property or builds a new building there is an assessment and then the calculation increases the overall assessed value of university owned property and is part of the equation that is used by the State for reimbursement to the town for the Pilot and Pequot funds. It is not 100 percent what the town would garner on the taxable value of the property, but it is still in the 50 percent range. It is a significant amount of money that the town does receive by virtue of the University's holdings and improvements. In many cases the properties that the University acquires are in less than stellar condition and once they are improved, the Pilot and Pequot contribution may exceed what the Town was taxing the prior owner. Mr. Pellegrino said that there have been discussions both in public and private forums with members of the administration about the University's growth and the positive effects with regard to private development and job creations. He stated that it also benefits the businesses in town that pay taxes by increasing the income that the University brings to Hamden and to Greater New Haven have been significant over the last twenty years. There will be a positive impact financially and culturally and the impact to the businesses that will benefit from Quinnipiac University presence.

Ms. Altman stated that the building could be used for apartments and put three kids in each apartment that would need to be educated by the Town of Hamden. She feels that the cost to the town would be far greater to the Town than the taxes that would be received.

Mr. McDonagh asked about the hours of operation, what the impact would be on the elderly housing and the landscaping.

Mr. Pellegrino said that the hours of operation would be during normal business hours, but that there could be special events and classes held. The security will be served by the University's security which is supplemented by the Town Police presence that is paid by the University.

Mr. Tripp Wyeth said reviewed the landscaping around the front of the building and reviewed the planting plans. The walking paths will be improved and there will be a handicapped entrance to the lower level.

Mr. Steve Williams asked if the cement divide between the Housing Authority building and the Quinnipiac building will be changed.

Mr. Wyeth said that the cement divide will remain and the curbing will be replaced and there will be bollard lights over the parking spaces and they will not be directed towards the elderly housing.

Mr. McDonagh said that a lighting plan was submitted and meets the criteria of the zoning regulations.

Mr. Szczypek asked if the parking lot at the most southern end will be accessed through the easement on Whitney Avenue and Mr. Tripp replied yes. Mr. Szczypek asked if the parking is included in the count. Mr. Tripp reviewed the parking area. Mr. Szczypek said that if there is an event or evening class and there was not enough spaces drivers would need to go back out onto Whitney Avenue and go to the right to access the remaining parking area. Mr. Tripp said that it will function as it currently does now. Mr. Szczypek is concerned that the need to go back out onto Whitney Avenue to circle around for a parking space may not be safe. Mr. Tripp feels that they anticipate that the available spaces will service the need of the facility. Mr. Pellegrino stated that if they try to connect the parking areas they would lose some parking spaces. He does not think there will be a high volume of visitors and the students will utilize the University's bus and the students have limited access to areas with their parking passes. The University's security enforces parking and the use of the campus transit system.

Mr. Williams said that his understanding is that the parking lot in question belonged to the Housing Authority but at this meeting it was said that there is an easement. Mr. Pellegrino said that University owns the parking spaces and has an easement to use the driveway to access their parking lot and reviewed the parking area.

Ms. Elaine Dove said that the pilot funds are payment in lieu of taxes which is a service of the State and is only received if the State has the money. She feels that the State is in crisis and Mr. Pellegrino had said that the properties that the University has acquired were distressed properties and the 50 percent received by the State would be better than what the Town would get by a private owner. Ms. Dove said that the pilot funds do not always come to the Town and if the State is in good financial condition it would be up to 50 percent but the Town might only get 10 percent.

Mr. McDonagh said that the amount received by a Pilot Fund is not an issue before the Commission. Ms. Dove is aware that the Commission cannot make a decision based on the funds received from the State but wanted to make the public aware of it.

Mr. Marottoli said that he feels that the Irish Museum is a good idea and would also like to see an Italian Museum.

Mr. Marottoli said that he feels that the Irish Museum is a good idea and would also like to see an Italian Museum. He feels that Quinnipiac University has done a good job of buying properties that no one else would want and putting the property back into good condition. He asked if in the future the first consideration should be putting the museum on campus to be better used by the students and showcase the campus.

Mr. Roscow said that the zoning regulations encourage adapted use and feels this applicant addresses this.

Mr. McDonagh asked if the conditions are acceptable by the applicant and Mr. Pellegrino replied yes.

Mr. McDonagh closed the Public Hearing.

## **2. Special Permit & Site Plan 11-1182**

1025 Dixwell Avenue, T-4 Zone

Place of Worship

Bishop Lethenial McClam, Applicant

***Deadline to open Public Hearing 9/29/11***

Mr. Kops read his comments which state that the staff are unable to recommend approval, but if the Commission decides to approve the application it should reference the following plans:

Property Survey/Site Plan, Property of V & F Paving, LLC, 1025 Dixwell Avenue, Hamden, Connecticut,” revised April 27, 2011

and 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. All Conditions of Approval
    - ii. A note that occupancy is restricted to 27 persons based on the available parking.
    - iii. A narrative explaining the use, including number of members of the church and hours of operation
    - iv. A copy of a Watershed Application sent to the RWA
    - v. Floor plans and a response from the RWA.
    - vi. A description of the use of the remainder of the site
  - B. Provide a bond in an amount approved by the Town Planner and Town Engineer.
2. All work should be completed by July 26, 2016.

Mr. Kops noted that that condition iv. Should read: A copy of a Watershed Application sent to the RWA and a response from the RWA.. Condition v. should read: Floor Plans.

Bishop Lethenial McClam, Applicant, addressed the Commission and stated that he has been ill and that his son has been handling the application. Unfortunately, his son was unable to attend the meeting due to a family obligation. .

Mr. McDonagh asked Bishop McClam if he had any concerns with regards to the conditions of approval. Bishop McClam asked how it was determined that the occupancy can only be 27 people when there are a lot of parking on the premises. Mr. Kops explained that the site plan submitted only shows 9 parking spaces. Bishop McClam stated that there is enough parking for 25 vehicles. Mr. Kops reviewed the parking notes on the site plan.

Mr. McDonagh suggested to Bishop McClam that this item be tabled until the September 13, 2011 meeting and this would allow the proposed plan to be revised to show all the available parking on the site.

Bishop McClam agreed that the item should be tabled and will grant a 35 day extension. Mr. Tim Lee, Assistant Town Attorney will have the application sign an agreement for the 35 day extension.

Mr. McDonagh continued the Public Hearing until the September 13, 2011 meeting.. Mr. McDonagh extended his wishes to Bishop McClam for good health.

### **3. Special Permit & Site Plan 11-1183**

1890 Dixwell Avenue, T-4 Zone

Retail, Liquor Store

Bhavana Parikh, Applicant

***Deadline to open Public Hearing 9/29/11***

Mr. Kops read his comments which recommend approval with the following conditions:

1. A Zoning Permit must be obtained.
2. Prior to the issuance of a Zoning Permit the applicant must pay any outstanding fines owed to the Town.

3. Any site work must be completed by July 26, 2016.

Mr. Kops advised the Commission that the applicant has paid all outstanding fines owed to the Town and Condition 2 can be removed and condition 3 will become condition 2.

Mr. McDonagh asked the applicant if she accepts the conditions of approval.

Ms. Bhavana Parikh, Applicant, stated that the conditions of approval are acceptable.

Mr. McDonagh asked if there were comments for or against the application. There were none.

Mr. McDonagh closed the public hearing.

## **B. Regular Meeting:**

### **1. Special Permit & Site Plan 11-1181**

3011 Whitney Avenue , T-4 Zone  
Educational Building  
Quinnipiac University, Applicant

***Ms. Altman made the motion to approve Application 11-1181 as recommended by Mr. Kops with the following conditions:***

1. The applicant must obtain a Zoning Permit.
2. Prior to the Issuance of a Zoning Permit the applicant must provide a bond in an amount approved by the Town Planner and Town Engineer.
3. All work should be completed by July 26, 2016.

***Mr. Roscow seconded the motion.***

Mr. McDonagh noted that he is in favor of the motion because this request helps to identify the great famine and the great hunger, and also because he is an Irish Citizen.

***The motion passed unanimously.***

### **2. Special Permit & Site Plan 11-1182**

1025 Dixwell Avenue, T-4 Zone  
Place of Worship  
Bishop Lethenial McClam, Applicant

This item is tabled until the September 13, 2011 meeting.

### **3. Special Permit & Site Plan 11-1183**

1890 Dixwell Avenue, T-4 Zone  
Retail, Liquor Store  
Bhavana Parikh, Applicant

***Ms. Altman made the motion to approve Application 11-1183 as recommended by Mr. Kops to remove condition 2 and condition 3 will become condition 2 with the following conditions:***

1. A Zoning Permit must be obtained.
2. Any site work must be completed by July 26, 2016.

**4. Site Plan 11-1470**

60 Connolly Park, T-5 Zone  
 Food Processing  
 Yunas Rassoull, Applicant

Mr. Kops read his comments which recommend approval with the following conditions:

1. A Zoning Permit must be obtained.
2. A food service license is required.
3. All work should be completed by July 26, 2016.

Mr. Yunas Rassoull, Applicant addressed the Commission and also present is Mr. Leonard Carroll, Architect.

Mr. McDonagh asked if the business exists at another location. Mr. Rassoull replied that a bakery exists at another site. Mr. McDonagh asked if it would be a bakery that will supplies products for sale to other locations. Mr. Rassoull said that this location will be a wholesale bakery at this location that will supply specialty baked items for diabetics, and sugar alternatives for health food stores and restaurants.

Mr. McDonagh asked Mr. Rassoull if he had any objections to the recommended conditions of approval and Mr. Rassoull replied he has no objections.

***Mr. Roscow made the motion to approve Application 11-1470 as recommended by Mr. Kops with the following conditions:***

1. A Zoning Permit must be obtained.
2. A food service license is required.
3. All work should be completed by July 26, 2016.

***Mr. Poitier seconded the motion. The motion passed unanimously.***

**5. Special Permit & Site Plan 03-997**

3594 Whitney Avenue  
 Trailside Village Retail Building  
 Request to release bond in the amount of \$126,489.00  
 Ravenswood Construction, LLC, Applicant  
***Tabled from the 7/1211 meeting***

Mr. McDonagh reviewed the request to release the bond in the amount of \$126,489.00 He advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

Mr. Kops advised the Commission that the applicant had advised Ms. Masi that he was sending a withdrawal request which has not been received.

***Mr. Roscow made the motion to table this item until the September 13, 2011 meeting. Mr. Szczypek seconded the motion. The motion passed unanimously.***

**6. C.G.S. 8-24 11-317**

496 Newhall Street  
 Hamden Business Incubator Project  
 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 Hamden Business Incubator Project and issue a favorable report to the Legislative Council. He explained that an amendment to the zoning regulations would be required if a proposed use is not allowed in the zone. The Commission discussed with Mr. Kops the remediation work that is being done in the area and if this project would be impacted. Mr. Kops stated that the project is state funded and the remediation should be completed prior to the start of this project.

***Mr. Roscow made the motion to refer the C.G.S. 8-24 11-317 for the Hamden Business Incubator Project with a favorable report and a note that the zoning regulations may need to be amended if the use is to be manufacturing or a similar use to the Legislative Council. Mr. Campo seconded the motion. The motion passed unanimously.***

#### **7. Special Permit & Site Plan 00-909**

79 Bowen Street

Request to release bond in the amount of \$99,300.00

Ralph Mauro, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$99,300.00. He advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

Mr. Kops advised the Commission that the application fee of \$100.00 was not received and he recommended that the request to release the bond be denied.

***Ms. Altman made the motion to deny the request to release the bond in the amount of \$99,300.00 as recommended by Mr. Dan Kops, Assistant Town Planner. Mr. Campo seconded the motion. The motion passed unanimously.***

#### **C. Old Business/ New Business**

##### **1. Review minutes of July 12, 2011**

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

Mr. McDonagh stated that there will not be a P& Z meeting held in August.

#### **D. Adjournment**

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

The meeting adjourned at 8:22 p.m.

**Submitted by:** \_\_\_\_\_  
Stacy Shellard, Clerk of the Commission