

Town of Hamden

Planning and Zoning Department



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November 1, 2011

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, October 25, 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
 Lee Campo
 Jon Cesare
 Ed Grant
 Brack Poitier
 Bob Roscow
 Peter Reynolds
 Ralph Marottoli, sitting for Ann Altman

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 7:05 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 11-1186/WS

785 Sherman Avenue, M-Zone
 Self/Outdoor Storage
 Bernard Pellegrino, Applicant
Deadline to open Public Hearing 12/1/11

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that the site is 4.75 acres and was redeveloped as a self storage facility operated by Mr. Joe Moruzzi. Mr. Pellegrino submitted pictures of the site as it exists today. He stated that the application is a request for 3 areas to be used for outdoor storage and reviewed the site plan with the Commission. He explained that two of the outdoor storage areas will be located within the front yard area, and one area will be located in the side yard. A variance was granted by the ZBA in March of 2011 to allow. The rear yard has a steep slope and is not useable for outdoor storage. The largest area will be 60 x 40 square feet, one will be 35 x 20 square feet, and both will be located in the front yard area. The side yard area will be 40 x 25 square feet. Mr. Pellegrino referred to Mr. Kops' comments and stated that the pods are considered outdoor storage areas and Mr. Moruzzi did not know that a special permit was needed. Mr. Kops' comment also

refers to the signs that are on the pods and that can be a condition of approval. Mr. Pellegrino said that the signage is a benefit when the pods are located off site, and will be removed when the pods are returned to the site. The pods do not create an adverse visual impact to the area because there is fencing and landscaping that minimizes the view from the street. Condition #5 states that the pods not be used for storage while on site. Mr. Pellegrino stated that when the pods are returned back to the site some do contain some material. He asked that this condition to be changed to read “no storage of hazardous materials”.

Mr. McDonagh’s concern is that the pods are a less expensive vehicle for created storage. Mr. Pellegrino replied that the intent of a pod was that it would go off site to be used for storage, and because of the economy some are coming back with materials in them because it is a less expensive rate to store the materials. The pods are not climate controlled and do not visually create an impact visually. Mr. Pellegrino said that the pods are intended to be used as off- site storage and he feels that this will be the case when the market for pods returns.

Mr. Kops read his comments that recommend approval based on the conditions as stated and the following plans:

“Site Plan, Proposed Outside Storage Areas, Self Storage Facility, #785 Sherman Avenue, Hamden, Connecticut,” dated 6/14/11, prepared by Juliano Associates

Mr. Kops stated that it was not made clear when the ZBA granted the variance the pods would be used to store materials. Mr. Pellegrino said that materials stored in the pods would not create an adverse visual impact, and that it could have been made clearer when his client was before the ZBA.

Mr. McDonagh asked how many pods are anticipated if used completely. Mr. Pellegrino replied there are 23 pods. Mr. McDonagh asked if when the pods come back on to site would they all be full. Mr. Pellegrino said some pods will come back with materials in them before they go back out because someone might be remodeling their home and the materials need to be removed from the site. The market has dried up and many contractors will no longer store the materials on site.

Mr. Joe Moruzzi, Owner, addressed the Commission and stated that the intent of the business was not to keep them on its site, but when they were rented the customer would use them as storage on their site.

Mr. McDonagh asked Mr. Moruzzi where the full pods were originally being stored and Mr. Moruzzi replied out on the sites. Mr. Pellegrino added that contractors would store them in the fields. Mr. McDonagh said he does not understand why the pods are coming back to the site full. Mr. Moruzzi said that some come back full and some come back empty. Mr. McDonagh understands that a pod’s appearance looks the same whether it is full or empty. Mr. Moruzzi replied that because of the decrease in business he is stuck with all the pods on site. Mr. McDonagh is not sure why a bad economy has the pods coming back to the site full. Mr. Moruzzi said that when they are on his site they are empty and he is sitting on the containers which have cost him a lot of money. Mr. McDonagh asked Mr. Moruzzi if he was using the pods on site and Mr. Moruzzi said yes he sometimes rents them for storage when they are at his facility.

Mr. Tim Lee said his recollection from the ZBA meeting is that the pods have been used at the site for storage or going off site. The ones that are being stored on Mr. Moruzzi's site are in locations not permitted by the zoning regulations. The Zoning Enforcement Office informed Mr. Moruzzi that he was in violation of the zoning regulations and Mr. Moruzzi is now trying to legalize the storage of the pods.

Mr. McDonagh said that the pods are stored on site and the request is to be allowed to use the pods for storage on site. Mr. Moruzzi stated that he is trying to utilize the pods and make money by using them on site until the economy improves. Mr. McDonagh the issues are that the variance application was not clear and also that a pod looks the same whether empty or full.

Mr. Grant asked Mr. Moruzzi if he is a POD distributor. Mr. Moruzzi said that he is not a distributor. He asked what the difference is whether the containers are empty or full because he pays taxes on them and on his property.

Mr. Moruzzi would prefer that they be used off site because he would receive more income. The Commission and Mr. Lee further discussed the variance and whether there is any difference with regard to full or empty containers being stored on the property.

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

Mr. Pellegrino stated that he does object to condition #4. Mr. Roscow said if #4 is removed then the conditions would need to be renumbered.

The Public Hearing was closed.

2. Re-Subdivision 11-1362

2361 Whitney Avenue, T-5 Zone
Hamden Realty Associates, LP, Applicant
Deadline to open Public Hearing 12/15/11

Mr. Brian Enright, Attorney, addressed the Commission and reviewed the application and the history of the property. Mr. Kops explained that this application is similar to Application 11-1360 that was approved in March 2011. Mr. Enright stated that there will be no changes to the property and the application is for title purposes only. He said that Mr. Kops' recommended conditions are acceptable and will submit the easements requested.

Mr. Dan Kops, Assistant Town Plan read his comments which recommend approval with the recommended conditions. Based on the following plans:

“Hamden Center II, 2361 Whitney Ave., Hamden, CT, Re-Subdivision Map of Lot 1 (Portion of Original Parcel A)” prepared by Nafis & Young, dated September 23, 2011.

Mr. Enright stated that the easements are already of record, but he will submit them for re-approval for the record.

Mr. Kops said that there are no variances required, as was stated in his comments.

Mr. McDonagh asked if the existing building is vacant and Mr. Enright said yes.

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

Mr. McDonagh closed the public hearing.

3. Special Permit & Site Plan 11-1187/APZ

524 Brooksvale Avenue, R-1 Zone
Animal Barn
Town of Hamden, Applicant
Deadline to open Public Hearing 12/15/11
Postponed at the request of the applicant

B. Regular Meeting:

1. Special Permit & Site Plan 11-1186/WS

785 Sherman Avenue, M-Zone
Self/Outdoor Storage
Bernard Pellegrino, Applicant

Mr. Roscow made the motion to approve Application 11-1186/WS as recommended by Mr. Kops with condition # 4 deleted and the following conditions:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a) Submit revised plans for approval by the Town Engineer and Town Planner, containing all conditions of approval.
 - b) Remove the advertising signs from the side of the pods facing Sherman Avenue.
2. A Zoning Permit must be obtained.
3. All work must be completed by October 25, 2016.
4. There should be no storage of hazardous materials, refuse, refuse containers vehicles, or and motorized equipment in the the three areas approved for storage of the pods.
5. There should be no outdoor storage of anything other than the approved storage pods.

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

2. Re-Subdivision 11-1362

2361 Whitney Avenue, T-5 Zone
Hamden Realty Associates, LP, Applicant

Mr. Grant made the motion to approve the Re-Subdivision 11-1362/WS as recommended by Mr. Kops and the following conditions:

1. Prior to the filing of the re-subdivision map the applicant must:
 - a) Submit a revised map containing all conditions of approval.
 - b) Set permanent points at each corner of Lot #3 in accordance Section 3.2.1 of the Town's subdivision regulations.
 - c) Submit a copy of the easement governing access and parking, for approval by the Assistant Town Attorney, and then file the approved easement in the Town Clerk's Office.
2. The approved, signed, re-subdivision map must be filed at the Town Clerk's Office in accordance with State Statute.
3. The RWA should be granted access to the site for annual inspections.

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

Mr. Reynolds asked if someone were to park 10 feet into another parking area on the lot, would they be in violation of the easement and Mr. Lee said the easement does allow for parking nearby on the lot.

3. Special Permit & Site Plan 11-1187/APZ

524 Brooksvale Avenue, R-1 Zone
Animal Barn
Town of Hamden, Applicant

Postponed at the request of the applicant

4. Site Plan 11-1471/WS

2389 Dixwell Avenue, T-5
Daycare
Alphabet Academy, LLC

Ms. Amy Small, Alphabet Academy, LLC, addressed the Commission and advised the Commission that the daycare is located on Benham Street and this application is for a second location to help reduce the waiting list. She reviewed the application and stated that a portion of the existing parking area will be used as a play scape and garden.

Ms. Erin DeLohery, Architect, addressed the Commission and reviewed the parking area. Ms. Delohery said there would be 15 parking spaces for the staff, 13 parking spaces for 104 client's (1 for every 8 clients), 2 handicap parking spaces and 5 marked parent drop off spaces. Ms. Delohery reviewed the site plan which shows a small addition being added to the back of the building to square off the back of the building which will create additional usable space. She reviewed the floor plan and explained that a toilet will be added for easy outdoor access by the children coming in from the play area. There will be a toddler room, infant room, a two year old room, and a three year old and pre-k room. Ms. DeLohery reviewed the elevation plans and stated that the front elevation will remain unchanged and that the side elevation change is due to the addition of the bathroom, and the back elevation will change because of the small addition being added. A new gable roof will be placed on the addition located to the side of the building.

Mr. Grant asked if the existing fireplace will be closed off and Ms. Delohery said no.

Mr. Kops read his comments which recommends approval with the conditions and based on the following plan:

Mr. Kops noted condition #4 should read: If a food service license is required it must be obtained prior to the issuance of a building Permit.

Ms. Small asked for clarification of condition 4 because she was not aware that a food service license is needed prior to the building space is completed, and said it can be acquired based on a plan.

Mr. McDonagh said condition #4 should read: A food service license is required prior to the issuance of Zoning Compliance.

Mr. Marottoli asked what the room located in the lower level will be used for.

Ms. Small said it will for offices, storage space and a workroom. The banquet room that was previously on the premise will be used for a "gross motor skill room" which would be for the use of the large muscles of a child when playing, and also would be used by the preschool and pre-k children when there is inclement weather.

Mr. Kenneth Borosin , Kenneth Boroson Architects, addressed the Commission and stated that they will verify with the Building Department that the downstairs area that would be used by the children has the proper egress and ingress for access to the room.

Mr. Roscow made the motion to approve Application 11-1471/WS as recommend by Mr. Kops and condition #4 to read: A food service license is required prior to the issuance of Zoning Compliance, and the following conditions:

1. A Zoning Permit must be obtained.
2. Prior to the issuance of a Zoning Permit, the applicant must submit revised plans for approval by the Town Planner and Town Engineer, containing:
 - a) The offset dimension between the small addition to the building and the rear property line;
 - b) A Bulk Requirements table containing standard information, including required and provided parking, building coverage, and percentage of impervious surface.
 - c) All Conditions of Approval..
3. The building must have a complete lead inspection undertaken and any lead found must be abated prior to the issuance of a Building Permit.
4. **A food service license is required prior to the issuance of Zoning Compliance**
5. All work should be completed by October 25, 2016.

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

5. Site Plan 11-1472/WS

850 Sherman Avenue, M Zone
Gym
Daniel Rector, Applicant

Mr. Dan Kops, Assistant Town Plan read his comments which recommend approval with the recommended conditions. Based on the following plans:

“Plan of Property & Parking Layout Plan, of Property Located at 850 Sherman Avenue, Hamden, Connecticut,” dated October 3, 2011, prepared by B & B Engineering, sheet 1 of 1.
“True Athletics Renovation, 850 Sherman Ave, Hamden Connecticut,” architectural plans sheets A1-A4, prepared by Joseph T. Sepot, dated September 12, 2011

Mr. Daniel Rector, Applicant, addressed the Commission and asked if the changes that need to made on the final plan can be hand written instead of paying to have the plan redone. Mr. Kops stated that the recommended changes are minor in nature and does not object to them being written in on the final plan.

Mr. Grant made the motion to approve Application 11-1472 as recommended by Mr. Kops with the following conditions:

1. A Zoning Permit must be obtained.
2. Prior to the issuance of a Zoning Permit, the applicant must submit revised plans for approval by the Town Planner and Town Engineer, containing:
 - a) Notation of the angle of the non-perpendicular parking spaces.
 - b) Reduced striping lengths for the spaces on the north side of the building.
 - c) A dumpster, located on a concrete pad and screened from view.
3. All work should be completed by October 25, 2016.

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

6. C.G.S. 8-24 11-320

2761 Dixwell Avenue
All Abilities Playground
Town of Hamden, Application

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of the All Abilities Playground, and issue a favorable report to the Legislative Council. Mr. Kops stated if the Legislative Council approves the playground, an application will come before the Commission as a public facility.

Mr. Roscow made the motion to refer the C.G.S. 8-24 11-320 for the All Abilities Playground with a favorable report. Mr. Reynolds seconded the motion. The motion passed unanimously.

7. George Mudry regarding student housing regulations

Mr. George Mudry, 20 Austen Road, addressed the Commission and stated he has collected information with regard to regulations that are used around the country for college students. Mr. Mudry said that Mr. Kops has been very helpful. Mr. Mudry referred to an email response from Mr. Kops that stated that Quinnipiac University had requested to be heard at the November Meeting instead of this meeting as requested by the Commission to review the existing student housing zoning regulations and suggestions to amend them. He responded to Mr. Kops' email with one that stated “he did not realize that Quinnipiac ran the Hamden Zoning”. Mr. Mudry's understanding is that Quinnipiac does not pay taxes, but he has for the last 20 years. He and Mr. McDonagh had a conversation prior to this meeting and it was suggested that he meet with the Planning Staff to provide them with the information

he has compiled. Mr. Mudry said that his understanding is that the Commission does not have the authority to do anything about the students behavior, but he feels they should be aware of what is going on. Mr. Mudry does not feel that is correct and referred to case that had gone before the Supreme Court. He discussed with the Commission students in his neighborhoods and the parking areas that were required by the zoning regulations. Mr. Mudry does not like the locations of the driveway on the neighboring property and considers it a nuisance. Mr. Mudry would like to see the zoning regulations amended to further address student housing.

Ms. Creane explained that when the zoning regulations were being revised she had addressed them with the Civic Associations, but the student housing regulations were not addressed and did not change. Mr. Kops said that some of the regulations with regard to students were changed.

Mr. McDonagh said that the Commission is reactive more than proactive because it reacts to applications that come before it and is proactive because the Commission amends the regulations. The Planning Staff starts the process because they are the professionals. Mr. McDonagh explained that the condition of approval for a Quinnipiac application was that they must come before the Commission to address their parking plan. This is a euphemism for issues connected with the University and their student population as it relates to parking. This concerns the Commission because there is evidence that the members have been misled as to the student population and the amount of parking available to them. At the P&Z meeting in October the Planning Office was asked to look at the Student Housing Regulations to see if additional changes could be made. Mr. McDonagh stated that Mr. Mudry's input was welcome. Mr. McDonagh advised Mr. Mudry that Quinnipiac does not determine what the Commission's timetable is nor when issues will be addressed.

Mr. Mudry said that the University has built dorms that no one wants to move into, and the student population continues to expand.

Mr. Kops advised Mr. Mudry and the Commission that Quinnipiac will be at November 15, 2011 to address the parking plan and student population.

C. Old Business/ New Business

1. Review minutes of September 27, 2011

Mr. Campo made the motion to approve the minutes of September 27, 2011 as written. Mr. Cesare seconded the motion. Mr. McDonagh, Mr. Campo, Mr. Cesare, Mr. Grant, Mr. Roscow and Mr. Reynolds voted in favor of the motion. The motion passed.

Minor Amendment to Special Permit & Site Plan 02-990, 2260 State Street

Ms. Leslie Creane, Town Planner reviewed the application and advised the Commission that she had signed it.

Minor Amendment to Site Plan 74-394, 850 Sherman Avenue

Ms. Leslie Creane, Town Planner reviewed the application and advised the Commission that she had signed it.

D. Adjournment

Mr. Marotolli made the motion to adjourn. Mr. Reynolds seconded the motion. There was no further discussion. Ms. Altman made the motion to adjourn. Mr. Grant seconded the motion. There was no further discussion.

The meeting adjourned at 8:18 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission