



Town of Hamden

Planning and Zoning Department

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November 24, 2011

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, November 15, 2011 at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following were reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
 Lee Campo
 Ann Altman
 Brack Poitier
 Bob Roscow
 Peter Reynolds
 Ralph Marottoli, sitting for Ed Grant

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 7:04 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 11-1187/APZ

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

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

“Property Survey/Site Plan, Property of V & F Paving, LLC, 1025 Dixwell Avenue, Hamden, Connecticut,” revised August 10, 2011.

Mr. Vincent Lavorgna, Brooksvale Park Ranger, addressed the Commission and stated that Brooksvale Park is a licensed exhibitor through the US Department of Agriculture and is also subject to the QVHD regulations. Currently the animals are kept in enclosures outside which have 3 sided shelters in the pens. There is nowhere to house them indoors, nor is there a secure area to care for the animals when they become sick and in need of a

veterinarian's care. Mr. Lavorgna said that there is a six week farm camp held in the summer that allows children to be involved with the animals and care for them. The staff sees the potential for the animals to receive more attention, be seen and interact with by people. The proposed project would create proper housing, centralize the animal operation and expand the husbandry program for breeding. The project would also create more opportunity for children to interact with the animals in a controlled environment. Mr. Lavorgna advised the Commission that the Friends of Brooksvale have adopted this proposal as a major project going forward and fund raising will be done.

Mr. McDonagh asked for comments in favor of the application:

Mr. Fred McCarthy, member of the Veterans Commission and the Friends of Brooksvale, addressed the Commission and stated that the proposed project would allow the facility to be brought up to date and allow the animals and the necessary supplies to be housed under one roof. There are many volunteers and staff members that would also benefit if the facility were to be updated. Mr. McCarthy feels that Brooksvale Park has become a necessity because of the economic crunch and a benefit to everyone. There is a camp for children, along with a sugar festival and a fall festival and the facility operates 365 days a year. Mr. McCarthy stated that he is in favor of the proposal for a new barn and that the project can be done within the budget being proposed.

Ms. Gail Traester, 156 Brooksvale Avenue, member of the Friends of Brooksvale, addressed the Commission and stated that the proposed project would be an asset to the animals and provide proper care for them. It is also an asset to the children and school groups. She said recently a civil war enactment had taken place at the facility. Ms. Traester urged the Commission to approve the application.

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

Mr. McDonagh closed the Public Hearing.

2. Special Permit & Site Plan 11-1188/WS

295 Treadwell Street, T-4 Zone

Day Care

L'Tanya Roach, Applicant

Deadline to open Public Hearing 12/29/11

Mr. McDonagh advised the Commission that the public hearing for this application is being opened and continued at the request of the applicant until the December 13, 2011 meeting.

B. Regular Meeting:

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

524 Brooksvale Avenue, R-1 Zone

Animal Barn

Town of Hamden, Applicant

Mr. Campo stated that he would abstain because he is a member of the Friends of Brooksvale.

Ms. Altman made the motion to approve Application 11-1187/APZ as recommended by Mr. Kops and the following conditions:

1. The designation and testing of all code complying septic system areas must be reviewed and approved by QVHD prior to the issuance of a Zoning Permit.
2. The applicant must obtain a Zoning Permit prior to commencing any work at the site.
3. Any washing of animals should be conducted outside the barn.
4. All work should be completed by November 15, 2016.

Ms. Altman stated that Brooksvale Park and Mr. Lavorgna, Park Ranger, are a treasure to the Town of Hamden.

Mr. Poitier seconded the motion. The motion passed unanimously

2. Special Permit & Site Plan 11-88/WS

295 Treadwell Street, T-4 Zone
Day Care
L'Tanya Roach, Applicant

Postponed at the request of the applicant until the December 13, 2011 meeting.

3. Site Plan 11-1473/WS

1242 Whitney Avenue, T-3.5 Zone
Retail, Catering
Erica O'Brien, Applicant

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

Based on the Floor Plan submitted by Erica O'Brien and Jessica Hazan on October 13, 2011

Mr. McDonagh asked for comments from the Commission and there were none.

Ms. Altman made the motion to approve Application 11-1473/WS as recommended by Mr. Kops and the following conditions:

1. A Zoning Permit must be obtained.
2. A food service license is required prior to the issuance of a Certificate of Zoning Compliance.
3. All work should be completed by November 15, 2016.

Mr. Campo seconded the motion. The motion passed unanimously

4. Site Plan 11-1474/WS

2460 Dixwell Avenue, T-5
Urgent Care, Medical Center
Stony Creek Urgent Care, Applicant

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

Site Plan and Floor Plans dated October 5, 2011, prepared by TMG Architects, LLC.

Mr. Leon Mularski, TMG Architects, addressed the Commission and stated that there are no objections to the conditions of approval as stated by Mr. Kops.

Mr. McDonagh asked for comments from the Commission and there were none.

Ms. Altman made the motion to approve Application 11-1474/WS as recommended by Mr. Kops 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 Gross Leasable Floor Area of each business.
 - B) A table containing the required and provided parking spaces.
3. All work should be completed by November 15, 2016.

Mr. Marottoli seconded the motion. The motion passed unanimously

5. C.G.S. 8-24 11-321

524 Brooksvale Avenue
Animal Barn
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 Animal Barn, and issue a favorable report to the Legislative Council.

Mr. Campo stated that he would abstain because he is a member of the Friends of Brooksvale.

Ms. Altman made the motion to refer the C.G.S. 8-24 11-321 for the Animal Barn with a favorable report. Mr. Poitier seconded the motion. The motion passed unanimously.

6. C.G.S. 8-24 11-322

3490 Whitney Avenue
Installation of sign on Town property
Elwood L. Hoyt Jr., Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of the installation of a sign on Town property, and issue a favorable report to the Legislative Council.

Ms. Altman asked if the West Woods Neighborhood Association was aware of the request for a sign. Mr. Kops explained that representatives from the West Woods Neighborhood Association had attended the ZBA meeting where a variance was approved to allow the placement of the sign.

Ms. Cindy Civitello, West Woods Neighborhood Association, addressed the Commission and stated that there are no issues and that the businesses will benefit from the proposed location of the sign.

Ms. Altman made the motion to refer the C.G.S. 8-24 11-322 for the installation of a sign on Town property with a favorable report. Mr. Campo seconded the motion. The motion passed unanimously.

7. 2011 Parking Plan-Quinnipiac University: Annual Review

Mr. McDonagh stated that this item is a continuation from the September meeting of the Annual Review of the Quinnipiac University Parking Review.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that Quinnipiac University has reviewed the parking regulations for the students and they have been revised. On Page 4 of the regulations it states that only resident seniors with designated senior parking decals are allowed in the commuter parking lots prior to 3:00 pm Monday through Friday. The previous regulations stated that York Hill residents were allowed to park in the commuter parking lots. Mr. Pellegrino submitted pictures of the parking decals and stated that the new regulations took effect on November 14, 2011 and were made available to all the seniors. The purple decal issued only to seniors was issued in addition to the red stickers which is used for all York Hill residents. Only the York Hill residents with a red and purple stickers are allowed in the commuter parking lots. As of November 14, 2011, 282

purple decals have been distributed to seniors who have requested them. Mr. Pellegrino said that 140-150 health science students attend classes at the North Haven Campus and do not require stickers for the Mt. Carmel Campus. Since the last meeting a traffic study was commissioned and it has begun this week with mechanical counts having been taken to determine the peak periods for vehicles traveling from York Hill Campus and Whitney Village. The counts will be taken all week and then the data will be analyzed. The week after Thanksgiving manual counters at various locations will be used to count the turning movements to confirm the students destinations. The counts will be taken on an hourly basis starting at 7:30 a.m and ending at 6:30 p.m for all inbound traffic and from 11:30 a.m to 6:00 p.m for all outbound traffic. In addition to the counts, a level of service analysis at the intersection of Mt Carmel Road and Whitney Avenue will be done to determine how the traffic is moving through the new intersection. There is still work being done at the intersection, so that during the day some parts of Mt Carmel road are still blocked and it does inhibit movement. The final completion of the road should be done by the end of the Thanksgiving holiday. There will be an additional analysis of the bus schedule and ridership which will be done over the next few weeks. A report will be provided next month. Mr. Pellegrino submitted the bus schedule and stated that beginning on October 17, 2011 and continuing through October 28, 2011 the security department employees will be stationed at the York Hill Bus stop and do a manual count. Currently there are three buses that have daily service from 7:30 a.m to 8:00 pm. Two of the buses make a continuous loop from York Hill to the main campus and one bus does a continuous loop which makes stops at Whitney Village. Mr. Pellegrino reviewed the schedule and stated that the majority of the time there is only a 10 minute wait time, but at times the ongoing construction must be factored into the wait time. Mr. Pellegrino said that after Thanksgiving additional monitoring will be done for the bus schedule which will include the amount of riders and confirm the times the buses are picking the riders up.

Mr. Pellegrino said that he has met with the Planning Office staff to review the parking plan for graduate students and the housing data for undergraduate students. Also, during this meeting the parking lot map and the color coded decals were discussed.

Mr. Roscow asked where on campus the buses pick up students to take them to the stores in Hamden.

Mr. Thomas Barger, Quinnipiac Security, addressed the Commission and stated that the buses that take the students shopping are not dedicated shuttles to cross the campus. They pick up students at the York Hill Campus and the south parking lot at the Mt. Carmel Campus. Mr. Roscow asked if students who want to go between the campuses can use these buses and Mr. Barger replied yes. Mr. Barger stated that the buses primary drop off point for classes is at the main hub located in the south parking lot.

Ms. Altman reviewed the times between buses, including the intervals and delays. She stated that she finds the delays unsatisfactory. She feels that if a fourth bus were to be added, the service would be better because the wait time for the buses is not reliable. She understands why the students are not interested in using the buses because of the wait time, so that the decals are a waste of paper and time. Mr. Pellegrino stated that the decals were a request made by the Commission. Mr. McDonagh stated that additional information should be provided because of the erratic bus wait times and that the decals are only half helpful.

Mr. McDonagh asked how many students are residing on the York Hill campus and how many senior decals have been issued. Mr. Pellegrino stated that there are 1,400 students housed on the York Hill Campus, but the key number for the purple decals is 282. Mr. McDonagh asked if the 282 purple decals were issued to all the seniors including those housed at Whitney Village. Mr. Pellegrino said it included both the York Hill Campus and Whitney Village. Mr. Pellegrino said that additional information will be available when the traffic studies are done because an analysis will be done for the York Hill/Sherman Avenue intersection and the Whitney Village driveway.

Mr. McDonagh said that the Planning Office has provided the first page of the traffic study done in 2007. He reviewed the traffic study information provided and stated that when the York Hill Campus was approved the Commission was told that the students would be transported solely by shuttle buses between the campuses. Mr. McDonagh reviewed page 24 of the student handbook which states that the students at the York Hill Campus and Whitney Village are allowed to park at the Mt. Carmel Campus. He asked if this regulation was no longer in effect.

Mr. Pellegrino stated that all students have been notified that if they do not have the proper sticker as of November 14, 2011, they are turned away if they try to park at the main campus. Mr. McDonagh said that he is not happy about the seniors having the privilege to park at the main campus. Mr. Pellegrino explained that once the new dormitories were completed, the goal was to get the seniors back on to campus and that this was not happening. This is why the senior experience program was developed and Mr. Pellegrino reviewed with the Commission what the program entailed. Mr. McDonagh said that the problem of getting the seniors back on campus was self inflicted by the University. Mr. Pellegrino said that part of the problem with getting the seniors back on campus was because there was difficulty getting the new dormitories built. Back in 1994 there was a denial for building the new dormitories. Mr. Kops said that there had been a denial of an application because the parking was inadequate and once the parking issue had been addressed the application was approved, and this was the genesis of the annual parking report.

Mr. McDonagh and Mr. Pellegrino continued a discussion on the decals and the parking lot uses that were allowed by the students. Mr. McDonagh said that the construction is almost complete and there continues to be heavy traffic. Mr. McDonagh continues to have problems exiting his residence and there is concern that the additional cars from the University are added to the mix of the traffic.

Mr. Marottoli asked if there are enough beds available on campus for all the undergraduate students. Mr. Pellegrino replied that there are enough beds for those who want to stay on campus. Mr. Marottoli asked why the University does not make a rule that requires all undergraduate students to live on campus. Mr. Pellegrino stated that the University would not do this because then there would not be enough beds. There is an approval in place to build an additional 500 beds, but the building of this dormitory will not take place when there are still vacancies in the existing dormitories. Mr. Marottoli asked why the University would not want all the students to be on campus and make it a rule. Mr. Pellegrino said that they do not want to make this a rule because of the competitive nature of recruitment.

Mr. McDonagh said that there were discrepancies with the numbers of undergraduates students that had been provided at the September Meeting and he reviewed the information that had been provided. Mr. Pellegrino reviewed Mr. Kops' memo of September 28, 2011 and reviewed the information that the University had submitted. He explained that the numbers were different because of the students that attend classes at the North Haven Campus and the 600 law school students were also included in the parking plan, but not in the housing plan for the undergraduates. Mr. McDonagh reviewed the chart Mr. Kops had included in his comments and asked how many beds are available and Mr. Kops said there are 1,400 beds. There was a further discussion about the amount of undergraduates currently attending the University and living off campus. Mr. Pellegrino said that there are students at University housing on New Road and the students are under University regulations that are not problematic within the neighborhood.

Ms. Altman does not feel that the residents of Hamden attending this meeting would not care about the amount of the students living in the Hamden neighborhoods if they behaved themselves. She asked why there is not a zero tolerance policy for the students living off campus. When the students agree to attend the University they should sign a contract to abide by the rules of the University and if they live in the community and misbehave, they will need to live on the campus. She said that the residents of Hamden are asking the students to be civilized and does not understand why the University refuses to meet the residents on this issue. Mr. Pellegrino stated that the University has worked with the Hamden Police Department and arrests have been made. He further explained that there have been students expelled because of the arrests. Ms. Altman said that the Commission is not asking the students to be kicked out of school, but that the students should be told if they do not behave and the police are involved they must live on campus. Ms. Altman feels that this would be in the best interest of all that are involved and that the University has the power to make this happen.

Mr. McDonagh feels that the conduct of the students living off campus should be subject to the same approach as those living on campus. He said that the fact is that there is not enough housing and when the approval for additional housing was given to build York Hill campus it was understood by the Commission that there would be 1 bed for every undergraduate. He understands that the University is an important part of the community, but the

facts are that there is not enough housing. Mr. Pellegrino said that the number of complaints about the students living off campus has gone down because the Town Police Department and the University security department have been very responsive. Mr. McDonagh said that there are still issues within the community and there is still a significant amount of students living off campus. He said that this was not the intent of the Commission when the York Hill Campus was built and that the understanding was that the intent was to have a 100 percent resident population on campus. The University needs to find a way to build the beds to benefit the University and the students, and to fulfill what was promised to the Commission when the York Hill Campus was approved.

The Commission discussed with Mr. Pellegrino the process for landlords to list rentals with the Commission. There was further discussion of the student zoning regulations and the number of students living off campus. Mr. Pellegrino explained the steps that Quinnipiac is taking to try and get more students back onto the campus.

Ms. Altman asked why the administration at the University does not have a zero tolerance policy.

Mr. Joe Rubertone, Associate Vice President of Facilities Administration, Quinnipiac University, stated that he is an administrator at the University, but he is not the administration and that someone from the administration would need to be present to answer the question with regard to a zero tolerance policy. He said that the Security Department is working to bring students into compliance. However, because of a student's civil rights, the University cannot legislate behavior in a private residence. If an arrest of a student comes to the attention of Quinnipiac discipline action can be taken. Ms. Altman stated that students should sign a code of conduct when they enroll at Quinnipiac University. Mr. Rubertone said that each student is given a handbook with the rules, but he is not sure if they sign it. The students living in a private residence has a contract with the landlord and unless they violate the Town or State ordinance the University has no jurisdiction.

Mr. Marottoli said if the University require all undergraduates to live on campus they would live in a controlled environment. He feels that the residents of Hamden have rights and they should not have to stay awake all night. Mr. Rubertone agreed.

Mr. Tim Lee, Assistant Town Attorney, stated that Quinnipiac University cannot regulate the activity in private houses, but they can regulate student behavior in other ways. Quinnipiac has the ability to discipline the students for conduct that may have occurred, but cannot throw students out of a private residence. Mr. Rubertone said that if the Hamden Police make an arrest the University can discipline a student. Recently students were arrested for activity that occurred at 3272 Whitney Avenue, and six students were expelled. Mr. Rubertone explained that short of police action being taken, the University has no right to discipline at a private residence. Mr. Pellegrino stated that the administration at the University believes that a policy to impose mandatory on campus housing is detrimental to recruit students. There is only a small number of students causing issues in particular neighborhoods and only 3 or 4 houses have had multiple reports. The University's security department and the Town Of Hamden Police Department officers paid for by the school have worked to minimize the issues.

Mr. McDonagh stated that information has been provided by Mr. George Mudry with regard to student housing issues. Mr. McDonagh suggested that the Planning Office review how the information provided might be adopted for student housing regulations.

Mr. Pellegrino stated that he had provided information to the Commission and that the University may also be able to help regarding illegal housing. He would like to come back to the Commission with a report from Mr. Labaris.

Mr. McDonagh would like the Planning Office to look at the information that has been received to see if it can be adapted into the Town's student regulations. Mr. Pellegrino stated that he has been authorized by the University to assist with the process.

Mr. Roscow asked if there is sufficient parking for the graduate students. Mr. Pellegrino said that there is sufficient parking for in the commuter lots for all the students attending school on the campus.

Mr. George Mudry, Hamden resident, addressed the Commission and stated that he agrees with everything that was said at this meeting with regard to the numbers provided. His understanding is that there are 1,400 students living on the campus and one third of them are seniors. He said that the Hamden residents feel that the University is using the new dormitories as a way to bring in more students. The student population continues to increase, but the seniors are not coming onto the campus and the number of students off campus continues to increase. He asked how many students actually live off campus. There are more than a few problems occurring off campus during the school year at a few houses. He submitted articles with regard to student behavior and most recently on the Channel 8 news that reported 70 arrests occurring in New Haven that involved the student shuttle bus from Quinnipiac. The residents in attendance at this meeting feel the intent of the University is to increase the population of students and that they are not interested in putting seniors back on campus because they can be used to house additional students.

Mr. Mudry explained that since the last meeting in September he has been threatened by a student's father vicariously through a neighbor. The Police Department has sat outside his house from 9:00 p.m to 3:00 a.m and once they left the student came back out and became loud again. His wife wants to move because of the continued problems over the last four years. He has talked with the Assistant Dean at Quinnipiac and was told that he could not divulge the disciplinary action taken. Mr. Mudry said whatever action was taken it did not work. The Planning Office has used the power it has and started fining the students. Because of the actions being taken by the Zoning Enforcement Office the students have moved out of the house where the problem was occurring. Mr. Mudry feels that Quinnipiac does have a code of conduct for the students on campus and the students off campus do whatever they want. He said that Quinnipiac should give the students causing problems off campus a warning and if it continues the students should be given the option to leave the school or return to the campus. He said that the problems occurring in his neighborhood are not getting any better.

Ms. Leslie Creane, Town Planner, stated that the reason the Planning Office was able to take action was because there was no Student Housing Permit issued. However, the Planning Office does not have jurisdiction over regulating student behavior and if there had been a student housing permit nothing could have been done.

Mr. Mudry said that bad behavior continues and he emails Quinnipiac on a regular basis, and there are more issues of others being frustrated. He feels that the only way to start to solve the issues of the student behavior is to remain vigilant.

Mr. Jeremy Stull, Senior at Quinnipiac Student, addressed the Commission and stated that Quinnipiac has followed through with a new sticker policy. He said that if you average out the wait time for the shuttle buses it may show 10 minutes but this is not indicative of what happens. Mr. Stull stated that to force undergraduates onto campus is unrealistic and feels if he had been told he must live on campus all four years he may not have chosen to attend Quinnipiac. There has been discussion of adding an engineering school, but Mr. Stull's understanding is there have been no other discussions expand beyond that.

Mr. Eliad Laskin, 55 Vernon Street, addressed the Commission and stated that he has recently moved back to Hamden, but it has not been a good experience. Because of the parties being held by Quinnipiac students in his neighborhood his child has been woken up at night. The students walk in packs and this is dangerous because there are no sidewalks. The neighborhood is poorly lit, the students are drunk and noisy. They urinate on lawns and have threatened his dog. Mr. Laskin loves the town but is considering moving. He has formed a group on Facebook group called People of Hamden, or for residents who do not use Facebook an email address People of Hamden@gmail.com. This was formed for residents of Hamden to send evidence to single out the students causing the problems.

C. Old Business/ New Business

1. Review minutes of October 25, 2011

Mr. Campo made the motion to approve the minutes of October 25, 2011 as written. Mr. Poitier seconded the motion. Mr. McDonagh, Mr. Campo, Mr. Marottoli, Mr. Roscow and Mr. Reynolds and Mr. Poitier voted in favor of the motion. The motion passed.

2. 2012 Meeting Schedule

Ms. Altman made a motion to approve the 2012 meeting schedule. Mr. Marottoli seconded the motion. The motion passed unanimously.

3. Minor Amendment-3040 Whitney Avenue

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

4. Minor Amendment-295-325 Treadwell Street

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

D. Adjournment

Mr. Poitier made the motion to adjourn. Mr. Reynolds seconded the motion. There was no further discussion.

The meeting adjourned at 8:55 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission