



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

October 1, 2012

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, September 27, 2012 at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden with the following results

Commissioners in attendance:

Ann Altman, Chairperson
Lee Campo
Michele Mastropetre
Bob Roscow
Jon Cesare
Myron W. Hul
Peter Reynolds
Ryszard Szczypek
Jennifer Cutrali, sitting for Brack Poitier

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Clerk
Lisa Raccio, Stenographer

A. Public Hearing

Ms. Altman called the meeting to order at 7:00 p.m. The clerk read the Public Hearing items into the record. Ms. Altman introduced the panel and reviewed the Public Hearing procedures.

1. Proposed Amendment to the Hamden Zoning Map 12-929

29 Tabor St, 15 Dickerman St, 35 Murlyn St, 2974, 3000, 3040, 3014 Whitney Avenue
Change Zones from T-3 to T-4 & T-1
File available for review in the Planning Office & the Office of the Town Clerk
Bernard Pellegrino, Applicant

Ms. Altman stated at the Applicant's request the public hearing for this application be opened and continued without testimony until the October 23, 2012 meeting.

Ms. Altman continued the Public Hearing until the October 23, 2012 meeting.

2. Special Permit & Site Plan 12-1201/CAM

182 Welton St, T-3 Zone

Place of Worship

Iglesia Jehova Mi Roca, Applicant

Deadline to open Public Hearing 11/3/12

Mr. Scott Poryanda, Engineer, addressed the Commission and reviewed the application and the existing site. Mr. Poryanda stated that there are no objections to Mr. Dan Kops' comments.

Mr. Szczypek asked how many parking spaces are proposed on the revised plans. Mr. Poryanda said there are 18 parking spaces proposed and an additional two spaces available on the street. Mr. Szczypek asked Mr. Dan Kops, Assistant Town Planner, if one of his comments addressed three persons per vehicle. Mr. Kops explained that the zoning regulations allow one space for every three occupants. Mr. Szczypek asked if the place of worship had plans to grow.

Mr. Juan Aguajo, Pastor, 311 James Street, New Haven, and Ms. Cynthia Rivas, Translator, 217 Lloyd Street, New Haven, addressed the Commission and stated that in the future they would like to have classes as the church grows. There are currently less than 50 members, but growth is expected. Ms. Altman asked if it is expected that there would be a growth in membership. Mr. Aguajo replied yes.

Mr. Szczypek is concerned with the potential growth of membership because the building is large and future traffic and parking could increase within the neighborhood. He asked if a condition of approval should read: Not allowed to exceed a certain population unless there is a parking arrangement for the increased population.

Mr. Aguajo stated that his vision is for a growth in the church, but right now it is not seen, but there are children. The problem they are having right now is that there are a lot of children. For bible study there are too many children, and no classes. His vision is to make classes for the children and separate the toddlers and the youth.

Mr. Poryanda stated that the church would operate during off business hours. If there is growth in members than the applicant can address the neighbors and commercial business in the area so that the parking can be shared if the need arises.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval based on the following plans:

“Site Plan Prepared for Jehova Mi Roca, 182 Welton Street,” prepared by Connecticut Consulting Engineers, L.L.C., dated June 15, 2012, revised September 25, 2012.

Ms. Cutrali asked Mr. Kops how it is determined that the need is one parking space for every three occupant. Mr. Kops replied that the parking requirements are in the zoning regulations. Ms. Cutrali said that cars can hold more than three people and Mr. Kops replied that the parking requirements in the zoning regulations are used for all places of assembly.

Mr. Kops reviewed the proposed parking plan with the Commission.

Ms. Altman asked if the three person requirement means only adults and Mr. Kops replied that the zoning regulations states three people. Ms. Altman asked if a mother, father and two children would prohibit the use of one parking space. Mr. Kops said they would not be prohibited from the use of a parking space but the zoning regulation says that the number of parking spaces determines the number of people that can be in the building simultaneously.

Mr. Roscow asked if a separate motion is needed for the CAM and asked what the reasons would be to find the application consistent with CAM. Mr. Kops explained that a separate motion would be necessary and the application would be consistent with the CAM because of the type of use and there would be minimal site work.

Mr. Hul asked why the parking spaces on Welton Street are being included in the plan. He also asked why three spaces shown on the proposed plan are not viable. Mr. Kops explained that the zoning regulations allow on-street parking along the frontage of the property provided the spaces are legal. This site is not a corner lot and parking space requirements are 22 feet for each car. Mr. Kops reviewed the proposed parallel parking spaces, and the handicap spaces. He explained that there would be difficulty accessing and exiting from them and cars cannot back onto the street.

Mr. Hul asked what size curb cut is allowed. Mr. Kops said that the zoning regulations allow 18 feet maximum for a curb cut. The existing curb cut at the site is legal non-conforming, but to create an extra parking space without blocking the driveway the curb cut would need to be narrowed. If a car blocks the entrance to a parking lot the police could ticket it.

Mr. Hul reviewed condition 2.b.5 for the screening of the southern boundary with a fence and he asked why it is needed. Mr. Kops reviewed the abutting properties and he explained that there will be activities on the site at night and the fence would provide screening of the property lights onto residential properties. Mr. Kops reviewed the lighting requirements and explained that the site lighting photometric study does not include vehicle headlights.

Ms. Cutrali asked if the requirement for three people per parking space is only for a place of worship or is it the same for commercial businesses. Mr. Kops said that the parking requirements are the same for any place of worship.

Ms. Altman asked how many adult members. She also asked how many children there would be and their ages.

Mr. Aguajo said there are approximately 50 adults, and there are 12 children. Ms. Altman said if all the members come at the same time they would be over the allowed amount of people. Mr. Aguajo explained that the members do not all come at the same time. Ms. Altman said that they could all be there on the important holidays. Mr. Aguajo explained that there are single parents with children who do not drive and are brought to the site by a bus.

Mr. Reynolds asked what the rationale is to allow only three people per parking space. Mr. Kops said the requirement is to try and limit the size of the use of the building based on the amount of available parking. Mr. Reynolds said that the concern then is not the amount of people attending but the amount of parking available.

Mr. Tim Lee, Assistant Town Attorney, said that the parking ratio as it relates to capacity is not a perfect equation. However, there has to be some correlation between the amount of parking and the size of the building, and the amount of people that frequent the building.

The Commission further discussed the proposed use, and parking with the Planning Staff and Mr. Aguajo.

Ms. Altman asked for comments from the public in favor of the application:

Ms. Cynthia Rivas, addressed the Commission and stated that she has been a member since the congregation has begun. She said that people come in and out and not everyone stays. This is because they preach as the word is in the bible. Not too many people like to live what is in the bible, and they do not like what they hear because they want to live a liberal life and they leave. The church is not full most of the time. Ms. Rivas said that she will bring her nephews and nieces with her to bible study on Tuesday's because her brothers and sisters do not listen to the word of God. However her nephews and nieces are not constantly in church with her.

Ms. Altman asked for comments from the public against the application and there were none.

Mr. Aguajo stated that he understands about the parking. He said that there was a parent whose son was killed on the street and they did not have the money to pay for a funeral and came to him. They would come to him to get help in the congregation. For him to give someone the help requested he will not be able to help because he doesn't have the parking. There have been three occasions where he has helped a family that has lost a family member. A life is more important than parking.

Ms. Altman said that she appreciates Mr. Aguajo's statement and explained that the Commission must abide by the zoning regulations. All religious denominations are welcome to Hamden and all applicants are treated equally. The Commission tries to accommodate the neighborhoods and the religious institutions. Mr. Aguajo stated that he understands and the law comes from God. He is here because he wants to do things the correct way, the way it is supposed to be done. He will do what needs to be done, but won't have enough money to do what he wants to do to construct the congregation.

Ms. Altman closed the Public Hearing.

3. Special Permit & Site Plan 12-1205

11 Pine St aka 970 Dixwell Ave, T-4 Zone

Parking Improvements

Town of Hamden, Applicant

Deadline to open Public Hearing 11/15/12

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval based on the following plans:

“45 Degree on Site Parking, Keefe Center, 970 Dixwell Avenue, Hamden, Connecticut,”
dated May 16, 2012, prepared by the Hamden Engineering Department.

Mr. Szczypek discussed the existing sidewalks with Mr. Kops and he asked who would maintain them and who is liable for them. Mr. Kops explained that the sidewalks are in the public right of way and would be cared for by the Public Works Department. Mr. Szczypek asked why there is no property lines shown on the plans and Mr. Kops replied that the property is owned by the Town.

Ms. Cutrali asked why there is a need for seven additional parking spaces when there is a large parking lot on George Street. Mr. Kops explained that parents use this side of the building when going in to pick up their children from the daycare program.

Ms. Altman asked for comments from the public in favor and against the application. There were none.

Ms. Altman closed the Public Hearing.

B. Regular Meeting

1. Proposed Amendment to the Hamden Zoning Map 12-929

29 Tabor St, 15 Dickerman St, 35 Murlyn St, 2974, 3000, 3040, 3014 Whitney Avenue

Change Zones from T-3 to T-4 & T-1

File available for review in the Planning Office & the Office of the Town Clerk

Bernard Pellegrino, Applicant

This item is tabled until the October 23, 2012 meeting

2. Special Permit & Site Plan 12-1201/CAM

182 Welton St, T-3 Zone

Place of Worship

Iglesia Jehova Mi Roca, Applicant

Mr. Reynolds made the motion to approve Application 12-1201 with the conditions stated by Mr. Kops, Assistant Town Planner, and the following conditions:

- I. A Zoning Permit must be obtained.
- II. Prior to the Issuance of a Zoning Permit, the applicant must:
 - A. Obtain approval from the Greater New Haven Water Pollution Control Authority to use or repair the existing sanitary sewer lateral or to install a new lateral.
 - B. Submit a revised site plan for approval by Town Planner and Town Engineer, containing:
 - i. Removal of all parking spaces without a 24 foot driving aisle behind them.
 - ii. Re-location of the two handicapped spaces so that they are perpendicular to the front of the building, provided there is at least 24 feet hind them in which to back up and adequate room to turn the vehicles and exit the property while driving forwards.
 - iii. On-street parking along the frontage of the property if parking is permitted. The driveway entrance width may be reduced to 18 feet to accommodate on-street parking.
 - iv. A revised note indicating the number of parking spaces provided and limiting occupancy to three people per parking space.
 - v. Screening in the form of a six foot high fence running from the end of the existing fence along the southern boundary to the front, southeast corner of the property.
 - vi. Wheel stops in all parking spaces..
 - vii. A small bike rack.
 - viii. A lighting plan and Photometric study indicating that the lighting reaches 0 foot-candles at the property boundary.
 - ix. A dumpster, screened from view, placed on a concrete pad and bermed on three sides by six inches of asphalt curbing.
 - x. All Conditions of Approval.
 - C. Submit a performance bond in an amount approved by the Town Planner and Town Engineer.
- III. All work must be completed by September 27, 2017.
- IV. Occupancy of the building is limited to three people per approved parking space.

Mr. Cesare seconded the motion.

Ms. Mastropetre said that she would like a condition that states the specific number of occupants allowed. Mr. Lee said that a condition could read: The occupancy is limited to 45 people. However, if additional parking is obtained they can increase the occupancy as per the zoning regulations. Ms. Mastropetre agreed to the condition as stated by Mr. Lee.

Ms. Cutrali asked if the limit is 45 people but the congregation grows and larger buses are used to shuttle the members, would there be a need for a limit. Mr. Lee explained that the applicant can go to the ZBA for a variance to allow the use of the bus as a special circumstance. Ms. Mastropetre is concerned with the neighboring properties.

Mr. Reynolds asked if the number of people allowed is implied by the number of parking spaces and Mr. Kops replied yes. Mr. Reynolds does not feel that a occupancy number needs to be specified, unless parking becomes an issue. Mr. Lee said that parking must comply with the Zoning Regulations and if parking becomes a problem then it would be handled by the Zoning Enforcement Officer.

Ms. Altman asked if the amount of people allowed to occupy the space would differ if peopled walked to the site. Mr. Lee said that the applicant must comply with the zoning regulations, but would only come to the attention of the town if there were problems at the site.

Ms. Mastropetre withdrew her request to amend the conditions of approval.

The motion passed unanimously.

Ms. Mastropetre made the motion to find the application consistent with the CAM Act. Mr. Campo seconded the motion. The motion passed unanimously.

3. Special Permit & Site Plan 12-1205

11 Pine St aka 970 Dixwell Ave, T-4 Zone
Parking Improvements
Town of Hamden, Applicant

Ms. Mastropetre made the motion to approve Application 12-1205 with the conditions stated Mr. Kops, Assistant Town Planner, and the following conditions:

1. The applicant must obtain a Zoning Permit.
2. All work must be completed by September 27, 2017.

Ms. Cutrali seconded the motion. The motion passed unanimously.

4. Special Permit & Site Plan 03-999

20 & 36 Todd Street
Request to call bond
Ravenswood Construction, Applicant

Ms. Altman stated that there has been a request to table this item indefinitely.

Ms. Mastropetre made the motion to table this item indefinitely. Mr. Hul stated that the motion should include a date that this item will be heard. Ms. Mastropetre withdrew the motion.

Ms. Mastropetre made the motion to table this item until the January 8, 2013 meeting. Mr. Campo seconded the motion. The motion passed unanimously.

5. C.G.S. 8-24 12-333

11 Pine St aka 970 Dixwell Ave
Parking Improvements
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 Parking Improvements and issue a favorable report to the Legislative Council.

Mr. Campo made the motion to refer the C.G.S. 8-24 12-333 for the Parking Improvements with a favorable report to the Legislative Council. Ms. Mastropetre seconded the motion. The motion passed unanimously.

6. C.G.S. 8-24 12-334

2384 Whitney Ave
Demolition of Building
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed the history of the property and his comments for C.G.S. 8-24 12-334 and C.G.S. 8-24 12-336. The Planning Office recommends that the Planning & Zoning Commission vote in favor of the demolition of the building and the sale of the building, and issue a favorable report to the Legislative Council. Mr. Kops stated that a question had been raised by Mr. Hul about the purchase price and the sale price. The Commission does not get involved with the financial issues. He explained that an appraisal was done when the

property was purchased by the Town and again when the owners of Eli's was going to purchase the property. The value had dropped.

Ms. Altman said that the agenda for C.G.S. 8-24 12-336 states that the request is for the "sale of the building" and should read "sale of the property".

Mr. Campo asked why the Town is demolishing the building and Eli's does not buy it as is. Mr. Kops explained that the Town Council would make the decision who would be responsible to demolish the building and remove the debris. The Commission needs to determine if they agree or disagree with the request. Mr. Kops explained that the demolition of the building was considered with the price of the sale.

Mr. Cesare asked if the Town could use the property for additional parking. Mr. Kops said he did not know what the evaluation was done to determine the use and he reviewed the approved plans for the use of the Town Hall which includes a parking garage.

Mr. Reynolds asked if the property will be put on the market. Mr. Kops explained that the Legislative Council had approved a bid waiver for the sale of the property.

Ms. Altman explained that included in the motion for C.G.S. 8-24 12-336 should be "the sale of the property".

Mr. Roscow asked where the site is located. Mr. Kops reviewed the location of the property and noted that it was previously "Conte's Jewelers". Mr. Roscow asked what the use of the property would be and if the sight line would be taken into consideration. He is concerned with the site line when the Police and Fire Departments are entering and exiting the site. Mr. Roscow said he has always objected to the entry to the Police Department and instead of selling the property he would rather have the site lines to the site. He feels that another building on the property would create an alley way.

Ms. Altman said she would like to see the 8-24's tabled, so that the Commission can receive additional information with regard to the site. Mr. Tim Lee, Assistant Town Attorney, explained that if an 8-24 is tabled by State Statute the Legislative Council would still be allowed to vote on it. If the Commission sends an unfavorable review then the Legislative Council would be required to approve the 8-24's by a 2/3 majority vote.

Mr. Roscow would like a negative referral for the sale of the property until the sight lines into roadway system from the fire and police headquarters and reviewed by the Town Planner. Dan recommends that the motion for demolition and sale of the building should be separate. The demolition of the building would improve the sight lines, however, the Planning and Zoning approved the project with the site lines back in 2008. Ms. Altman said it makes sense to recommend the 8-24 for the demolition, but that the Commission is not happy with recommending the sale until it is established that the use of the property would not be of any use for egress from the Police Department and the fire department.

Mr. Szczypek asked if the request to demolish the building because it is considered a hazard. Ms. Altman explained that the demolition is included as part of the sale. Eli's may have said they would buy the land without the building. Mr. Szczypek says there are many unanswered questions and he is not comfortable with giving a favorable report.

Ms. Mastropetre stated that she attended the last Council Meeting and they were discussing an unrelated site. She said that Mr. Leng had made a comment that the Town is tight for space. This property is adjacent to the Town Hall and future parking garage. Ms. Mastropetre cautions against a decision being made about the demolition of the building.

Mr. Hul is concerned about the demolition of the building and why the Town is spending the money to demolish the building. He said the address on the building is 2386 and 2390 Whitney Avenue and not

2384 Whitney Avenue. Mr. Hull asked if the appraisal that was recently done by the Town and the buyer done with or without the building and Mr. Lee replied he did not know. Mr. Lee said from a P&Z perspective it does not matter how the appraisal was done. The question of the sale of the property benefiting the Town is a question for the Legislative Council. Mr. Hul said he asking the question about the appraisal to determine the best interest of the Town.

Ms. Altman referred to the address to make sure it has properly been addressed. Ms. Mastropetre said that the address is correct in Vision Appraisal and the numbers on the building could be the mailing address. Ms. Cutrali said she looked up the address in Vision Appraisal and the legal address is 2384 Whitney Avenue.

Ms. Altman asked for the Consensus of the Commission about the demolition of the building.

Mr. Campo made the motion to send a negative referral for C.G.S. 8-24 12-334, the demolition of the building to the Legislative Council.

Ms. Mastropetre said that the Commission needs additional information that would provide what condition of the building is in. A comment was made that the Town is tight for space. Ms. Mastropetre questioned if the condition of the building is poor and if it would cost more to fix it then take it down vs. put a new building up. Ms. Altman confirmed that the negative report is being sent from the Commission because they are unsure whether the best use of the building is demolition or reuse by refurbishing the building for Town use.

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

7. C.G.S. 8-24 12-335

SCSU Parking Garage
Temporary Grading Easement
Town of Hamden, Applicant

Mr. Szczypek asked how long the temporary grading easement would be needed. Mr. Tim Lee, Assistant Town Attorney, advised the Commission that the temporary easement is good only for the time it takes to complete the work that involves going over the Town's property. Mr. Szczypek asked if the Town's property would be restored to is original condition and Mr. Lee replied yes.

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

Ms. Cutrali made the motion to refer the C.G.S. 8-24 12-335 for the Temporary Grading Easement with a favorable report to the Legislative Council. Ms. Mastropetre seconded the motion. The motion passed unanimously.

8. C.G.S. 8-24 12-336

2384 Whitney Ave
Sale of Building
Town of Hamden, Applicant

Ms. Altman said that the reason for a negative referral from the Commission is for the sale of the property to the Legislative council. The negative referral is because the Commission does not know the condition of the building and if it should be demolished. Also, if the house is demolished would it provide a better egress/ingress of the property.

Mr. Roscow made the motion to send a negative referral to the Legislative Council for C.G.S. 12-336. The reason for the negative referral by the Commission is that previously stated by Ms. Altman. Mr. Szczypek seconded the motion. The motion passed unanimously.

9. Special Permit 95-750

4121-4139 Whitney Avenue
Request Bond Release \$30,850.00
Mount Carmel Associates, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$30,850.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

Mr. Szczypek made the motion to approve the request to release the bond in the amount of \$30,850.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. Mastropetre seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review minutes of September 11, 2012

Mr. Campo made the motion to approve the meeting minutes of September 11, 2012 as written. Ms. Mastropetre seconded the motion.

Mr. Campo, Ms. Mastropetre, Mr. Roscow, Mr. Cesare, Mr. Hul and Mr. Reynolds voted in favor of the motion. Mr. Szczypek and Ms. Cutrali abstained. Therefore, the motion passed 6-0-2.

2. Minor Amendment – 1199 Whitney Avenue

Ms. Altman advised the Commission that this item was reviewed at the September 27, 2012 meeting.

3. Minor Amendment - 2165 Dixwell Avenue

Mr. Dan Kops, Assistant Town Planner, reviewed the minor amendment signed of by Ms. Leslie Creane, Town Planner.

4. Minor Amendment - 955 Mix Avenue

Mr. Dan Kops, Assistant Town Planner, reviewed the minor amendment signed of by Ms. Leslie Creane, Town Planner.

5. Minor Amendment - 119 Sanford Street

Ms. Altman advised the Commission that the agenda showed 119 Skiff Street and the correct address is 119 Sanford Street.

Mr. Dan Kops, Assistant Town Planner, reviewed the minor amendment signed of by Ms. Leslie Creane, Town Planner.

Mr. Szczypek advised the Commission that as the Commission's representative he attended the Regional Planning meeting on September 13, 2012. He explained that the Town of Southington has amended their zoning regulations to allow the production of medical marijuana in an industrial zone. The State of Connecticut will allow the production and dispensing of medical marijuana starting in October, 2012. Mr. Szczypek asked how the production of medical marijuana would be addressed if there was such an application in Hamden. He said that the State will be strict and secure. He asked if there is an agriculture user in Hamden would it be allowed in an orchard

instead of a building. Mr. Kops said that Two Guys from Woodbridge have a hydroponic system in green houses and is agriculture in a residential zone. He is unsure if it would be allowed in a manufacturing zone, but there is nothing in the zoning regulations that precludes the processing of marijuana in a manufacturing zone. Ms. Altman said that Two Guys from Woodbridge is located in Hamden, and in Union Square in New York there is Two Guys from Woodbridge and it does not mention grown in Hamden.

D. Adjournment

Ms. Cutrali made the motion to adjourn. Ms. Mastropetre seconded the motion. The motion passed unanimously. There was no further discussion.

The meeting adjourned at 8:30 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission