



## Town of Hamden

### Planning and Zoning Department

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March 2, 2012, Revised 1/9/13 per Commission review at the 3/13/12 meeting

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, February 28, 2012 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:

Ann Altman, Chairperson  
Lee Campo  
Brack Poitier  
Peter Reynolds  
Michele Mastropetre  
Jonathan Cesare  
Bob Roscow  
Ryszard Szczypek  
Ralph Marottoli, sitting for Joe  
McDonagh

Staff in attendance:

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

Ms. Altman called the meeting to order at 7:26 p.m. The clerk read the Public Hearing items into the record. Ms. Altman introduced the panel and reviewed the Public Hearing procedures.

#### **A. Public Hearing**

##### **1. Special Permit & Site Plan 12-1190/WS**

31 Overlook Drive, M Zone  
General Auto Repair  
Josh Clemente, Applicant  
*Deadline to open Public Hearing 3/29/12*

Mr. Dan Kops, Assistant Town Planner, read his comments that recommend approval with a list of conditions of approval as stated.

Mr. Josh Clemente, Applicant, addressed the Commission and stated that the conditions of approval are acceptable.

Mr. Szczypek asked if the Fire Marshall has reviewed the application. Mr. Kops said that the Deputy Fire Marshal was sent a copy of the application and the plans, and no comments were received back.

Ms. Altman asked for comments in favor or against the application. There were none.

Ms. Altman closed the public hearing.

## **2. Special Permit & Site Plan 12-1191/WS**

640 Ridge Road, R-4 Zone

Recreation-Parking Lot

Town of Hamden, Applicant

*Deadline to open Public Hearing 4/19/12*

Mr. Dan Kops, Assistant Town Planner, advised the Commission that there are two applications for this location. This application is for the north side of the park. There is a minor amendment that will be heard during the regular meeting and it will be for the south side of the park. Mr. Kops reviewed the site with the Commission.

Mr. Elliott Fuller, Assistant Town Engineer, addressed the Commission and reviewed the application. He explained that the playground is known as Larry's Playground. Mr. Fuller reviewed the site plan for the existing parking lot and playscape area. He reviewed the proposed parking area and re-location of the playscape. Mr. Fuller explained to the Commission what the existing conditions are at the site and the test holes that were done by the Parks and Recreation staff which showed water existed only eight inches down. He said that the area is abandoned for a large portion of a year due to the ponding of water in the area and he feels that unsafe conditions exist. Additional test holes were done at the proposed location for the playscape, and it showed that there is water two feet down. There have been discussions with the contractor on how to resolve the drainage issues in the area. It was determined that relocating the playscape would involve less work and expense with minimal disturbance to the surrounding area. Mr. Fuller advised the Commission that the playscape company will remove the existing structures. He reviewed the planting plan for the area.

Mr. Dan Kops, Assistant Town Planner, read his comments that recommended approval based on his recommended conditions as stated and as depicted in the submitted plans.

Mr. Szczypek referred to the playscape and asked the new structure that is being used is from a manufacturer that is a reputable company. Mr. Fuller replied yes. Mr. Szczypek is concerned with the liability to the Town because the playscape will be located on town property. Mr. Szczypek asked if safety precautions would be taken during the construction because of the proposed location being near the ball fields.

Ms. Julie Smith, Deputy Chief Administrator Officer, addressed the Commission. Mr. Szczypek asked who would be liable for injuries at the playground. Mr. Lee stated that for any town property if there is negligence involved in the operation of a town facility the Town would be liable. Mr. Szczypek is concerned that the playground complies with playground regulations and federal safety rules.

Ms. Smith said that the Town will be working with CIRMA, the Town's insurance company. She stated that all the equipment used at the playground meets top safety standards and the Town's Risk Manager is a qualified playground inspector.

Mr. Poitier asked when the work is scheduled to begin. Ms. Smith replied that they hope to begin in the spring. Mr. Poitier is concerned with the amount of activity in the area, because the baseball season will have begun. Ms. Smith said that there is no good time to do the work, because there is always activity at the park and the playground. Mr. Poitier is concerned with the safety during the construction because of the children and the adults that will be in the area. Ms. Smith said that the playground will be closed during construction.

Mr. Roscow asked if all the existing equipment on the playground is being removed and replaced with one playscape. Mr. Fuller reviewed the equipment that is not being replaced and the equipment that will remain on the site. Mr. Roscow asked if the path to the sidewalk on Ridge Road will remain open. Mr. Fuller said he will review the path and determine if it can remain.

Ms. Leslie Creane, Town Planner, advised the Commission that the playscape apparatus is prefab and will not be installed by volunteers.

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

Mr. Bob Pattison, 21 Barrett Street, addressed the Commission. He asked if the two feet of gravel base will be incorporated under the new structure to provide proper drainage. Mr. Pattison asked if the proposed parking area would increase the amount of parking spaces. He said that during baseball season there is a parking overload. Mr. Pattison is concerned that the proposed turnaround will be ineffective because even with signs people will park in it. He would like to see the Police Department enforce the no parking in the turnaround so the purpose of the turnaround would be effective. Mr. Patterson asked if there will be any health concerns with regards to the old foundation being covered and reseeded.

Mr. Fuller in response to Mr. Patterson's questions stated that there will be two feet or more of stone placed at the site and under the new structures and this would allow for proper drainage. The condition of the existing structure was due to the water and soil conditions. When the contractor submits his cut sheets Mr. Fuller will review them to verify the placement of the stone. Mr. Fuller said that the new playscape is rubber and must be placed where the soil conditions are better than where the existing one is located.

Mr. Kops stated that the actual paved area of the parking lot located near the playscape is going to be reduced in size.

Mr. Fuller reviewed the existing parking area and the proposed parking lot on the north side of Ridge Road. He explained that the proposed lot will be safer and have better clarification of where to park. There will be 3,400 square feet less paved area, but the proposed parking spaces will be defined and should add seven to eight more spaces. Mr. Fuller reviewed the planting plan and stated that with the new configuration of the area there will be an additional 3,400 square feet of green space. Mr. Fuller said he cannot comment on the enforcement of the turnaround, but signs and bollards are proposed and they should help with the flow of traffic. There will also be a dumpster in the area that will be located on a pad and screened.

Ms. Altman asked for comments against the application:

Mr. Patterson stated that when Spring Glen Elementary School was putting in a new playground the Spring Glen residents were in disagreement of the structure being used. He feels that the public should be made aware of the type of playscape structure being placed at the park.

Ms. Lisa Kleintjes Kamemeto, 114 Carleton Street, addressed the Commission and stated that she is the Whitneyville Traffic Chairperson, and she serves on the Hamden Traffic Calming Alliance and the Mayor's Steering Committee. She said that the Committees have been very clear with their communications to the Town that people should be educated about what the expectations will be with regards to traffic and parking. The communication to the people could be through brochures and publicity. The committees are willing to help communicate this information. Ms. Altman explained that the enforcement and education of traffic is not within the Planning & Zoning Commission's jurisdiction and should be addressed through the Mayor's office. Ms. Kleintjes-Kamemeto said the Commission should consider this information because of the changes being made at the park.

Ms. Creane said that she has been involved in the planning of this project and thought has been given to what people should and should not do. The Planning & Zoning Commission does not have the authority, but their interest have been represented. There have been discussions about the use of bollards for the turnaround. The Police Department has committed to enforcing the parking restrictions, especially during the baseball season.

Ms. Altman closed the public hearing.

## Regular Meeting

Mr. Tim Lee stated that the public does not make comments during a regular meeting. The Commission can ask the applicant if they would allow the public to comment.

### 1. Special Permit & Site Plan 12-1190/WS

31 Overlook Drive, M Zone  
General Auto Repair  
Josh Clemente, Applicant

***Mr. Poitier made the motion to approve the Special Permit & Site Plan 12-1190 as recommended by Mr. Kops, Assistant Town Planner with the following conditions:***

1. Submission of a revised site plan showing:
  - A. A note stating that two parking spaces are required for the storage component of the building.
  - B. The dumpster screened from view, placed on a concrete pad and bermed with six inches of asphalt.
  - C. All Conditions of Approval.
2. All hazardous materials and waste chemicals should be stored inside the building on an impervious floor with some form of secondary containment.
3. Non-hazardous materials must also be stored inside the building.
4. Any interior floor drains must be capped.
5. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations and all material should be stored inside.
6. Waste oil tanks should be stored inside, above ground on a bermed impervious surface capable of containing at least 110% of the volume of the tanks.
7. Solid waste material should be stored in an appropriately sized, covered, solid waste dumpster inside the building.
8. All vehicle washing should be conducted indoors.
9. All servicing of vehicles should be conducted indoors on an impervious surface.
10. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
11. All vehicles being repaired should be stored inside the garage.
12. Inoperable vehicles should be removed from the site within 72 hours.
13. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
14. All Conditions of Approval should be placed on the survey submitted to the Connecticut Department of Motor Vehicles.
15. RWA inspectors should be granted access to this property during the annual inspection program.
16. All work must be completed by February 28, 2017.

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

### 2. Location Approval 12-026

31 Overlook Drive, M Zone  
General Auto Repair  
Josh Clemente, Applicant

Mr. Dan Kops, Assistant Town Planner, stated this request was addressed in the comments he read for Special Permit & Site Plan 12-1190 which recommended approval with the conditions as stated.

***Mr. Campo made the motion to approve Location Approval 12-026 with the following conditions:***

1. Submission of a revised site plan showing:
  1. A note stating that two parking spaces are required for the storage component of the building.
  2. The dumpster screened from view, placed on a concrete pad and bermed with six inches of asphalt.
  3. All Conditions of Approval.
2. All hazardous materials and waste chemicals should be stored inside the building on an impervious floor with some form of secondary containment.
3. Non-hazardous materials must also be stored inside the building.
4. Any interior floor drains must be capped.
5. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations and all material should be stored inside.
6. Waste oil tanks should be stored inside, above ground on a bermed impervious surface capable of containing at least 110% of the volume of the tanks.
7. Solid waste material should be stored in an appropriately sized, covered, solid waste dumpster inside the building.
8. All vehicle washing should be conducted indoors.
9. All servicing of vehicles should be conducted indoors on an impervious surface.
10. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
11. All vehicles being repaired should be stored inside the garage.
12. Inoperable vehicles should be removed from the site within 72 hours.
13. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
14. All Conditions of Approval should be placed on the survey submitted to the Connecticut Department of Motor Vehicles.
15. RWA inspectors should be granted access to this property during the annual inspection program.
16. All work must be completed by February 28, 2017.

*Ms. Mastropetre seconded the motion. The motion passed unanimously.*

### **3. Sub-Division 04-1333**

484 Shepard Avenue  
 Road Acceptance-Maplecrest and  
 request to modify the conditions of approval  
 Coppola Construction Co., Inc.

Ms. Marci Silverman addressed the Commission and stated that she would accept Mr. Kops' comments.

Mr. Dan Kops, Assistant Town Planner, read his comments that recommend that the Commission endorse road acceptance by the Legislative Council with the recommended condition:

**The applicant pay the Town in advance for the cost of the stop bar, and street sign installation.**

And changes to the original conditions as follows:

**Condition #3 be changed to read:**

**“The homeowners are responsible for the maintenance of the cul de sac and the detention basins.”**

**Condition #6 be changed to read:**

**“The plantings existing as of February 28, 2012 are sufficient.”**

Ms. Mastropetre asked how condition # 3 would be enforced. Mr. Lee reviewed the process that is followed when a sub-division is approved which would include the formation of a homeowner's association. He reviewed what a homeowner's association responsibilities are vs. the Town's responsibilities. Mr. Lee explained that zoning permits were issued prior to a homeowner's association being formed and he reviewed the history of this sub-division. He further advised the Commission that it would be difficult to enforce the need for a homeowner's association because it was not included in the deeds of the homeowners. Mr. Lee said that it is in the best interest of the homeowner's that they maintain the cul-de-sac and the detention basins, but as a condition of approval it would be difficult to enforce.

Ms. Altman asked the residents of the Maplecrest Subdivision if they had any comments with regards to the conditions. There were none.

Mr. Reynolds asked what a stop bar is. Ms. Creane explained that it is a striped line on the street and located at the stop sign.

Ms. Silverman stated that her client is willing to pay the fees required as a condition. She said that she had spoken to Mr. Ted Braza, Traffic Department to get the amount owed.

Ms. Creane advised the Commission that the residents would only be responsible for maintaining the island within the cul-de-sac, it does not include the roadway.

Mr. Marottoli asked if there are similar situations within the Town where residents must take care of a cul-de-sac. Mr. Lee said that the Town does not own the property within the grassed area or where the detention basin lies. It is presumably owned by the former development and there maybe easements that exist giving the homeowners the right to go on the property. The Town does not have the right to go on the property because it is private property. The developer who owns the property has absconded and has not been responsible for the completion of the development. This is why Mr. Coppola who holds the bond has become responsible to complete the project, but he does not own the property.

Mr. Szczypek asked if the island within the cul-de-sac is grass and Ms. Creane said that shrubs have been planted. Mr. Lee said that when the original subdivision was approved it was to be maintained by the homeowners association, but because one does not exist it would benefit the homeowners to maintain the area. Mr. Lee explained that the property is owned by Connsite Development who is no longer in existence and who did not fulfill their obligations. Coppola Construction who holds the bond is fulfilling the obligations but are left with the residual problem of how to address the land within the cul-de-sac and the detention basin.

Mr. Kops explained that the subdivision has been problematic and sometimes there is no good solution. The proposal is for the homeowners to take care of the cul de sac and detention basins voluntarily, but that there is no homeowners association because it is not on their deeds so there can be no enforcement. Mr. Kops said once a year the residents should hire professionals to clean the detention basins. The Commission further discussed the maintenance of the culdesac and the detention basin with Mr. Lee and Mr. Kops.

***Mr. Reynolds made the motion to endorse road acceptance by the Legislative Council with the added condition and modification of existing conditions as stated by Mr. Dan Kops, Assistant Town Planner as the following:***

**The applicant pay the Town in advance for the cost of the stop bar, stop sign and street sign installation.**

And changes to the original conditions as follows:

Condition #3 be changed to read:

**“The homeowners are responsible for the maintenance of the island in the cul de sac and the detention basins.”**

Condition #6 be changed to read:

**“The plantings existing as of February 28, 2012 are sufficient.”**

***Mr. Campo seconded the motion. Mr. Campo, Mr. Poitier, Mr. Reynolds, Ms. Mastropetre, Mr. Roscow, Mr. Szczypek and Mr. Marottoli voted in favor of the motion. Mr. Cesare voted against the motion. The motion passed 7-1-0.***

**4. Special Permit & Site Plan 12-1191/WS**

640 Ridge Road, R-4 Zone  
Recreation-Parking Lot  
Town of Hamden, Applicant

Mr. Szczypek asked how the existing parking differs from the existing vs. proposed. Mr. Fuller explained that there are no formal parking spaces as it exists. When Public Works regrades the area. There is a proposed plan and Mr. Fuller will layout the limits of the grading, which will be larger and more formal. This will create more parking and he reviewed the proposed parking area site plan.

Ms. Altman stated that it should be remembered that Larry's Playground was erected to honor the memory of one of Hamden's citizens who met a violent death.

***Mr. Marottoli made the motion to approve the Special Permit & Site Plan 12-1191 as recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions:***

1. Submission of a revised site plan showing:
  - A. The number of parking spaces provided.
  - B. No Parking signs in the cul-de-sac.
  - C. All Conditions of Approval.
2. All erosion controls should be installed prior to the commencement of construction activities.
3. Additional controls should be stored on-site for repairs.
4. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
5. All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
6. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary container and kept in a locked indoor area with an impervious floor when not being used.
7. RWA inspectors should be granted access to this property during the annual inspection program.
8. All work must be completed by February 28, 2017.

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

**5. Minor Amendment to Special Permit 96-774/WS**

640 Ridge Road, R-4 Zone  
Parking Lot Improvements  
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, read his comments that recommend approval based on the conditions as stated and as depicted in the submitted plans.

Mr. Bob Pattison, 21 Barrett Street, addressed the Commission and stated that future sidewalk is currently a rightaway with a bollard that has a sign for “no parking”, but cars park in front of it. He commended the Town for addressing the issues of parking in the area. Mr. Pattison said speed is being addressed by the Traffic Calming condition, but he would like to see a raised crosswalk or flashing sign making drivers aware of the pedestrian crossing. Mr. Pattison is concerned that the Town will spend the money to help address the safety of children, and he feels that parents will still park on the sidewalk to watch the children play soccer. He asked the Commission if there would be a better methodology to address the issues of parking on the sidewalks, such as raising the height of the curbs.

Ms. Creane explained that speed and traffic in the area are issues that the Traffic Authority should address. There are standard curb height standards to avoid safety issues. Ms. Creane stated that the Chief of Police has made a commitment to increase enforcement in the area, especially at the start of the baseball season.

Mr. Szyzpek said that the Commission's jurisdiction is limited to the parking lot area. However, he feels that the Commission should recommend signage to make traffic in the area aware of the crosswalk.

Mr. Campo said that when people park on the street it calms the traffic because the vehicles slow down.

Ms. Altman asked if the role of the P&Z Liaison will be to address traffic safety with the Traffic Commission. Ms. Creane said yes and that she would attend the meetings with the Liaison. She said the Traffic Commission holds public meetings and that the dates of the meetings are posted in the Town Clerk's Office

***Mr. Marottoli made the motion to approve the Minor Amendment to Special Permit 96-774 as recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions:***

1. Submission of a revised site plan, for approval by the Town Planner and Town Engineer showing:
  - A. Any changes required by the Hamden Traffic Authority
  - B. All Conditions of Approval.
2. Any erosion controls should be installed prior to the commencement of construction activities.
3. Additional controls should be stored on-site for repairs.
4. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
5. All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
6. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary container and kept in a locked indoor area with an impervious floor when not being used.
7. RWA inspectors should be granted access to this property during the annual inspection program.
8. All work must be completed by February 28, 2017.

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

**6. C.G.S. 8-24 12-325**

640 Ridge Road  
Park Improvements  
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner stated this request was addressed in the comments he read for Special Permit & Site Plan 12-1191 which recommended that the Planning & Zoning Commission vote in favor of the Park improvements, and issue a favorable report to the Legislative Council.

***Mr. Roscow made the motion to refer the C.G.S. 8-24 11-325 for the park improvements with a favorable report to the Legislative Council with the changes as recommended by Mr. Kops, Assistant Town Planner and the following changes:***

1. A note indicating the number of parking spaces provided.
2. No Parking signs in the cul-de-sac.
3. Any changes required by the Hamden Traffic Authority

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

**7. C.G.S. 8-24 12-323**

Route 10  
Dixwell Avenue Streetscape-Phase III  
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of Dixwell Avenue Streetscape-Phase III, and issue a favorable report to the Legislative Council.

Ms. Mastropetre asked if Public Works would maintain the the public improvements and Mr. Kops said yes.

***Ms. Mastropetre made the motion to refer the C.G.S. 8-24 11-323 for Dixwell Avenue Streetscape-Phase III with a favorable report. Mr. Campo seconded the motion. The motion passed unanimously.***

**8. Sub-Division 89-1064**

Leatherman II Subdivision  
Request to release bond in the amount of \$15,000.00  
Estate of Bernard Barnett, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$15,000.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

***Mr. Roscow made the motion to release the bond in the amount of \$15,000.00. Mr. Poitier seconded the motion the motion passed unanimously.***

**9. Site Plan 87-833**

3300 Whitney Avenue  
Request to release bond in the amount of \$12,650.00  
Albert Mastrobuoni, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$12,650.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be denied.

***Mr. Campo made the motion to deny the request to release the bond. Mr. Roscow seconded the motion. The motion passed unanimously.***

**10. Special Permit & Site Plan 05-1066**

2319 Whitney Avenue, T-5 Zone  
Amendment of Condition 1 to extend years of operation  
of Heliport  
Extension of deadline to complete construction  
2319 Hamden Center I, LLC, Applicant

Mr. Carl Porto, Attorney, addressed the Commission and reviewed the history of this application.

Mr. Dan Kops, Assistant Town Planner read his comments which recommend granting an extension of the completion date and extending the operation until February 14, 2016.

Mr. Porto stated that he accepts Mr. Kops' comments.

***Mr. Szczypek made the motion to grant the extension of the completion date until February 14, 2016 and extend the operation date until February 14, 2016. Mr. Roscow seconded the motion. The motion passed unanimously.***

**11. C.G.S. 8-24 12-324**

3280 & 3281 Whitney Avenue, 1270 Sherman Avenue  
Assignment of Traffic Facilities and Sidewalk Easements  
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor for the Assignment of Traffic Facilities and Sidewalk Easements, and issue a favorable report to the Legislative Council.

***Mr. Roscow made the motion to refer the C.G.S. 8-24 11-324 for the Assignment of Traffic Facilities and Sidewalk Easements with a favorable report. Mr. Szczypek seconded the motion. The motion passed unanimously.***

**12. C.G.S. 8-24 12-326**

2372 Whitney Avenue  
Lease agreement between the Town  
and the Hamden Chamber of Commerce  
for use of space in the Memorial Town Hall  
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, read his comments which recommends that the Commission vote in favor of the lease agreement and issue a favorable report to the Legislative Council.

Ms. Altman asked if the Commission has the authority over the size of the rent and Mr. Lee said that they do not.

Mr. Roscow said on page 1 of the lease agreement there is a typographical error on page one which says "sale" and should say "lease".

Mr. Cesare said that did a walk through the area where the Hamden Chamber of Commerce will lease space and their furniture has already been brought in. He asked if the lease has not been signed why they were able to bring the furniture in. Ms. Creane explained that the furniture was donated to the Chamber of Commerce by Whitney Center after their renovations and had no place to store it. Ms. Creane explained that If the lease is not approved they will remove the furniture, but that it was an expedient use of labor.

Mr. John DeRosa, Legislative Council, Chairman of the Town Building Committee, addressed the Commission and stated that he was on the walk through at the Town Hall. He said that anyone who moves furniture into the building without a TCO has no right to be in the building because of Town Liability if someone were to get hurt. Mr. DeRosa said that no one should move furniture in until it has been approved by the Commission and the Legislative Council.

Mr. Szczypek asked why an C.G.S. 8-24 is needed. Mr. Lee explained that there is a leasing interest of a Town owned property and reviewed what requires a C.G.S. 8-24.

Ms. Mastropetre asked what was the original intent for the use of the building was when it received the approval for the renovation. She asked if there was an RFP to allow other people to have an opportunity to lease an area of the

building. Ms. Mastropetre said the leased space seems to be where the Legislative Council was to be located and it was clarified that the plan was wrong and the space in question was located on the upper level. Ms. Mastropetre is concerned with having a non-municipal office in a building with the Police Department and that this raises a red flag for the security of the building. She feels that because of the Police Department there should be limited access to the building.

Mr. Lee said that Ms. Mastropetre's concerns are appropriate for the use of space, whether it be because of the location of the Police Department or the intent of use. Mr. Lee explained that the Commission can make a determination or recommendation to the Legislative Council as to whether the request is an appropriate use of the space. The Commission can state their concerns with regard to the space having public access to the building because it is close to the Police Department. When a recommendation is being made it can also state that a question was raised to what the intent was for use when the approval was received. The Council can approve the lease with a simple majority vote if a positive referral is received. If a negative referral is sent then the Council would have to approve the lease by a two thirds vote.

Ms. Creane said that there had been a previous use of the building that was non municipal when Connex Credit Union was renting a space. The Police Department will have a firewall between them and the rest of the building which will make the area secure and not allow the public to move between the Police Department and the public area. The auditorium area was planned with the intent that there would be public events.

Ms. Mastropetre said that having non-municipal employees with keys to the building is a concern and she asked who would monitor the building. She feels that the space would be better suited for a municipal office.

Ms. Altman asked who will pay for the use of the building after business hours.

Ms. Creane said that the Council Office will have only one person in the space when it moves back to the building and the use of this space would allow another entity to occupy the space and addresses the safety of a one person office.

Mr. Poitier said that it appears that the Commission is considering leasing a space within the building, the intended use of the building when it was approved and also the safety and access to the building prior to a certificate of occupancy being issued. Ms. Creane said that the Certificate of Occupancy is considered by the Building Department and not a concern for the P&Z Commission. The furniture being moved into the building is an issue the Building Committee should address. Mr. Poitier feels that issues presented should be addressed before the Commission can recommend an approval for the leasing of the space.

Ms. Altman feels that the C.G.S. 8-24 should send a negative report recommending that the request to lease the space be sent and the Legislative Council would need to consider all the concerns of the Commission.

Mr. Szczypek stated that a negative report should be sent to the Council because the Commission did not receive enough information with regard to the leasing of space. He asked if the Town is leasing space in a non-municipal building that could be moved into the space in question.

Ms. Altman said that the Commission can send a favorable or unfavorable report to the Legislative Council. The Commission cannot veto the project, but they could table the matter to allow for more information.

***Ms. Mastropetre made the motion to send an unfavorable report to the Legislative Council. Mr. Cesare seconded the motion. Ms. Mastropetre, Mr. Cesare, Mr. Campo, Mr. Marottoli, Mr. Poitier, Mr. Reynolds and Mr. Roscow voted in favor of the motion. Mr. Campo abstained. The motion passed 8-0-1.***

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

1. Review minutes of January 24, 2012

*Mr. Szczypek made the motion to approve the minutes as written. Mr. Poitier seconded the motion. Mr. Szczypek, Mr. Campo, Mr. Cesare, Ms. Altman, Mr. Reynolds, Mr. Poitier and Mr. Roscow voted in favor of the motion. Therefor, the motion passed.*

2. Minor Amendment-64 Marlboro Street

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

Ms. Altman reviewed the letter that was sent from Mr. Joe McDonagh, Former P&Z Commission Chairman to Mr. Lahey, President, Quinnipiac University. She asked the Planning Staff to report to the chairperson when a response is received, and add this item to the agenda for the March meeting.

**D. Adjournment**

*Mr. Szczypek made the motion to adjourn. Mr. Marottoli seconded the motion. There was no further discussion. The motion passed unanimously.*

The meeting adjourned at 9:33 p.m

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