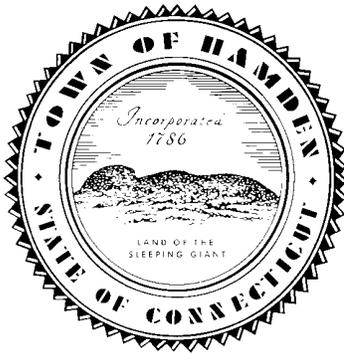


Town of Hamden

Planning and Zoning Department



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April 16, 2012

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, April 10, 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
 Ralph Marottoli, Alternate
 Joe McDonagh, Alternate

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 7:00 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. Major Amendment to Special Permit 07-1120

84-102 Washington Avenue, T-3 Zone

Medical Office/Parking

Richard Atkinson, Applicant

Deadline to open Public Hearing 4/26/12

Mr. Dan Kops, Assistant Town Planner, advised the Commission that the applicant has requested that the public hearing be opened and continued until the April 24, 2012 meeting.

Ms. Altman opened the public hearing for this application and continued it until the April 24, 2012 meeting.

2. Special Permit & Site Plan 12-1192

330 & 336 Welton Street, T-3 Zone
 Place of Worship and Residence
 UJARO DEEP.org, Applicant
Deadline to open Public Hearing 5/31/12

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

“Survey Plan Showing Proposed Place of Worship & Leased Leased Parking” and “Proposed Parking Plan,” dated March 5, 2012, prepared by Torres Engineering, Inc.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the application and the site. He said that the two lots will be merged and a lot line revision will be submitted. Mr. Pellegrino explained that the existing house will be used for the leader of the community and the other building will be used as a place of worship. The only changes to the exterior of the buildings will be cosmetic. The parking area will be located at the rear of the site. There will be four light fixtures, fencing and plantings placed on the site. Mr. Pellegrino stated that the conditions of approval are acceptable and the application meets the special permit criteria. He said that the Sikh community will be a great benefit to the Town of Hamden and the redevelopment of the site will have no adverse impact on the community. The development is within in the CAM and will not have any impact on the resources. The majority of the parking area will be pervious and the storm-management is proactive to the environment.

Mr. Roscow asked if narrowing the handicap parking spaces from 15 feet to 13 feet would meet the State of Connecticut requirements. Mr. Kops explained that the building code requires a space be 8 feet wide with five feet between the spaces. Ms. Leslie Creane, Town Planner explained that the size of the handicap parking spaces is a building code requirement and the Building Department will determine what is necessary. Mr. Kops said that the Town Engineer had noted that reducing the size of the the handicap space would allow more space from the street entrance to the parking area.

Ms. Altman asked if the size of the trees and shrubs to be planted should be shown and Mr. Kops explained that the zoning regulations address the planting standards. Ms. Altman asked if there should be a condition of approval or addressed by the Planning Staff and Mr. Kops replied the Planning Staff would address.

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

The Public Hearing was closed.

Regular Meeting

1. Major Amendment to Special Permit 07-1120

84-102 Washington Avenue, T-3 Zone
 Medical Office/Parking
 Richard Atkinson, Applicant

This item was tabled until the April 24, 2012 meeting.

2. Special Permit & Site Plan 12-1192

330 & 336 Welton Street, T-3 Zone
 Place of Worship and Residence
 UJARO DEEP.org, Applicant

Mr. Marotolli made the motion to approve Application 12-1192 as recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions as stated:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a. Obtain approval from the Town Planner and Town Engineer of a lot line revision merging the two properties and record the Mylar in the Town Clerk's Office.
 - b. Provide documentation indicting whether or not the proposed work constitutes a "substantial improvement" and thus must comply with the provisions of Section 430 of the Zoning Regulations.
 - c. Submit a revised site plan for approval by Town Planner and Town Engineer, containing:
 - i. The width of the handicapped parking space reduced to 13 feet, thereby lengthening the entry portion of the driveway.
 - ii. A tree added at the southwest and northeast corners of the property.
 - iii. Landscaping, including evergreens placed along the rear of the property where feasible.
 - iv. A small bike rack.
 - v. Corrections of the spot and first floor elevations on sheet 2 so that they are all consistent.
 - vi. A dumpster, screened from view, placed on a concrete pad and bermed on three sides by six inches of curbing.
 - vii. Any changes required for compliance with Section 430.
 - viii. All Conditions of Approval.
2. All work must be completed by April 10, 2017.
3. Occupancy of the building in limited to 69 people unless additional approved parking is provided.

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

Ms. Altman stated that on behalf of the Commission and the Town of Hamden she welcomed the Sihk community and its place of worship.

Mr. Campo motioned that the application is consistent with all applicable goals and polices in accordance with the Connecticut Coastal Management Act. Mr. Poitier seconded the motion. The motion passed unanimously.

3. Location Approval 12-027
 849 Dixwell Avenue, T-4 Zone
 Used Auto Dealer
 P&M Motors, LLC

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

"Zoning Location Survey, P & M Motors, 849 Dixwell Avenue"
 Prepared by A. Mello, Jr., dated 12/27/10, rev. 4/9/12

Mr. Kops said that condition one should read: Prior to the issuance of the zoning permit the applicant should submit a final plan for approval by the Town Planner and the Town Engineer.

Mr. Marottoli asked if the site work has been done. Mr. Kops said that the catch basin has been put in and is shown on the survey.

Mr. Roscow asked where the waste oil container and dumpster will be located and how they will be accessed.

Mr. Phil Ney, Applicant, addressed the Commission and stated that the waste oil containers will be located inside the building and the dumpster will be located on the concrete pad where the waste tank is currently located. The

employees will access the dumpster using the existing rear door. The waste oil will be removed by a waste removal company and they will access the rear of the site using Dudley Street. Mr. Roscow asked if the existing floor drain will be capped and Mr. Kops said yes. Mr. Roscow said that there is a standard condition of approval required by the RWA that all interior floor drains be capped. Mr. Roscow asked if cars will be washed on the site. Mr. Ney said that he has received permits that allow the drains to run through the oil separator and were approved by the DEEP and the RWA and that the permit is good through 2021.

In response, Mr. Kops suggested that condition #4 be removed.

Mr. Marottoli made the motion to approve Location Approval #12-027 with the conditions recommended by Mr. Kops and remove condition #4. and the following conditions:

1. Prior to the issuance of the zoning permit the applicant should submit a final plan for approval by the Town Planner and the Town Engineer:
 - A. Drainage calculations for the dry-well.
 - B. A revised site plan showing:
 - i. The location of employee parking.
 - ii. A note stating that any inoperable vehicle will be stored indoors and removed from the property within three days.
 - iii. 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. 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.
5. 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.
6. Solid waste material should be stored in an appropriately sized, covered, solid waste dumpster inside the building.
7. All vehicle washing should be conducted indoors.
8. All servicing of vehicles should be conducted indoors on an impervious surface.
9. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
10. All vehicles being repaired should be stored inside the garage.
11. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
12. All Conditions of Approval should be placed on the survey submitted to the Connecticut Department of Motor Vehicles.
13. A Zoning Permit should be obtained prior to any work on the property
14. All work must be completed by April 10, 2014.

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

4. Minor Amendment to Special Permit 09-1149

2372 Whitney Avenue, T-3 Zone
Sallyport
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, read his comments that recommended approval.

Ms. Altman asked for comments. There were none.

Ms. Mastropetre made the motion to approve the Minor Amendment to Special Permit 09-1149 as recommended by Mr. Dan Kops, Assistant Town Planner. Mr. Campo seconded the motion. The motion passed unanimously.

5. Site Plan 87-833

3300 Whitney Avenue
Request to release the 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 approved.

Mr. Campo made the motion to approve the request to release the bond in the amount of \$12,650.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. Mastropetre seconded the motion. The motion passed unanimously.

6. Zoning Permit 10-3693

36 Marion Avenue
Request to release the bond in the amount of \$10,505.25
Corporate Ridge Construction, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$10,505.25. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

Mr. Campo made the motion to approve the request to release the bond in the amount of \$10,505.25 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Reynolds seconded the motion. The motion passed unanimously.

7. An informational meeting regarding possible amendments to the Zoning Regulations and Zoning Map

Ms. Altman explained that when the Zoning regulations were amended it was expected that revisions were expected. Ms. Leslie Creane, Town Planner, reviewed the procedure necessary to amend the zoning regulations. Ms. Altman said that the informal meetings allow the Commission, the public and the Town Departments to comment on the proposed changes before a formal application is submitted.

Ms. Altman asked for comments from the public to the proposed amendments to the zoning regulations:

Mr. Wayne Chorney, ZBA-Vice Chair, addressed the Commission and suggested that item #8 in Section 230 be italic print. Section 330-Special Requirements, and asked if this would be reviewed by the Traffic Commission or the Planning & Zoning Commission. Ms. Creane advised that it would be reviewed by the Planning & Zoning Commission because it refers to the site and not a public roadway. Mr. Chorney said that Section 350.2.b for parking availability within 300 feet under common ownership. He asked if a review because agreements may be missing and cannot be traced back to the original agreements. Mr. Chorney is not sure that Section 530.1 makes sense and asked how the calculations are done for handicap ramps and decks, and how the areas are calculated should be more specific. Mr. Kops said that ramps would be handicapped. Mr. Chorney said that there should be clarifications on the types of ramps so that it will not require a variance. Mr. Chorney asked what constitutes substantial modifications for non-conforming lots and building uses in Section 530.3. Ms. Creane said that a professional judgment call would be required when modifications are being done. Mr. Chorney reviewed Section 530.3 for joint and separate property owners of a parcel. Ms. Creane said that a single parcel is the determining factor but can have several owners. Mr. Chorney referred to 550.2.9 with regard to A-Frame signs and stated that right of way should read "Town" right of way. Mr. Chorney said that in section 591.1.2.b should include the

distance from a fire hydrant and a parking space can not intrude on the 10 foot requirement. Mr. Chorney asked if Section 730.1 would include an incomplete zoning permit or application, and Ms. Creane stated yes. Mr. Chorney asked if in Section 830 for an accessory unit should include locations of separate entry/exit. Mr. Kops said that accessory apartments in single family homes already must have a separate entry. The proposed change is to define what an accessory apartment must have.

Mr. Roscow referred to Table 3.4-Summary of Transect Zones and asked if the expression line should say "minimum". Ms. Creane explained that the purpose of the expression line is to have a continuous linear connection when looking down the street. The Commission discussed what the minimum height the expression line should be. Ms. Altman stated that the zoning regulations specify what happens in the future and refers to new construction. Mr. McDonagh referred to Section 320.1 and said that not allowing a construction dumpster to be placed in the front yard or side may be impractical. Mr. Kops said that the Town Planner can waive the requirement because there will be properties that will be unable to comply with it. Mr. McDonagh said an email referred to the setback of swimming pools and said that it is impossible to put something in a rear yard in Spring Glen. Mr. Kops explained that the 5 foot requirement for pools is to allow more of a buffer between properties. Mr. McDonagh referred to 520.8 for the clear cutting of trees and asked if less than one half of acre of trees a permit would not be needed. Mr. Kops said the regulation refers to the State Statute requirements. Mr. McDonagh referred to Section 638-Food Service was being amended to change the maximum eating areas outside because of restaurants such as Ibiza Tapas and Mr. Kops said yes.

Mr. Reynolds asked if a property with several businesses be allowed only one free-standing sign and Mr. Kops said yes because they would have a pylon that lists all the businesses. Mr. Reynolds asked if there is no limit to the amount of A-frame signs a business can have. Mr. Kops said that the amendment should be changed to read one A-frame per business. The Commission discussed the rear yard setback and the placement of accessory structures with the Planning Staff.

Ms. Creane explained that based on the comments received at this meeting the draft of the amendments would be revised and another discussion would take place at the May 8, 2012 meeting. Mr. Kops reviewed the emails that the Planning Office received that commented on the suggested amendments to the zoning regulations.

C. Old Business/ New Business

1. Review minutes of March 13, 2012

Mr. Campo said that on page 4, review of the February 28, 2012-Special meeting should be amended to read "Mr. Campo seconded the motion.

Ms. Mastropetre made the motion to approve the February 28, 2012-Special meeting minutes as amended. Mr. Campo seconded the motion. Mr. Campo, Mr. Poitier, Mr. Reynolds, Ms. Mastropetre, Mr. Cesare and Ms. Altman voted in favor of the motion. Therefor, the motion passed.

D. Adjournment

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

The meeting adjourned at 8:15 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission