



# Town of Hamden

## Planning and Zoning Department

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July 17, 2012

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, July 10, 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  
 Brack Poitier  
 Michele Mastropetre  
 Bob Roscow  
 Jon Cesare  
 Myron W. Hul  
 Peter Reynolds  
 Joe McDonagh, Alternate sitting for  
 Ryszard Szczypek

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. Special Permit & Site Plan 12-1196/WS

1315 Dixwell Ave(aka 1299-1315), T-4 Zone  
 Daycare  
 Harmony Kids Connecticut, LLC, Applicant  
**Deadline to open Public Hearing 7/26/12**

Mr. James Segaloff, Attorney, addressed the Commission and reviewed the application. He explained that he has worked with the Planning Staff to address their concerns about the site. Mr. Segaloff stated that he is prepared to accept all the recommended conditions set forth in Mr. Kops' comments. Harmony Kids of Connecticut will be leasing the site. The proposed changes to exterior of the building and the playground area will enhance the aesthetics of the site for the neighborhood. Mr. Segaloff said that Stone Academy was previously using the site and

it was an intensive use and the proposed plan is to have a daycare with 106 children. He reviewed the other businesses that are currently occupying space on the site and the existing parking. Mr. Segaloff explained that an agreement has been made with the landlord to have the parking spaces that are currently assigned to the existing tenants in front of the building assigned exclusively to the daycare. The process necessary to receive a daycare license from the State of Connecticut was reviewed. When the parents bring their children into the daycare there will be a traffic monitor and a greeter present to handle any traffic issues. The zoning regulations require 23 parking spaces and the daycare will have 29 spaces. Parking should not be an issue for patrons coming to the site or the employees of the daycare. The children are generally dropped off between the hours of 6:30 a.m. and 9:00 a.m., and picked up between 4:00 p.m. and 6:00 p.m., with no traffic generated except during the defined hours. Mr. Segaloff explained that arrangements have been made to deal with the concerns about visitors to Rent A Center and the U Haul trucks that go to the warehouse located to the rear of the site. The demographics of the site has created a lot of interest and the proposed use of the site will be a first class daycare center, fill the space, bring 19 jobs to the the community. Mr. Segaloff stated that the proposed use as a daycare will make the site viable and it is a safe site for the use.

Ms. Mastropetre asked if the greeters would be in addition to the 19 staff members and Mr. Segaloff replied yes. She asked how the parking in the front of the other businesses would be enforced so that only the daycare would be allowed to use them. Mr. Segaloff explained that signage provided would state "will be towed". The landlord will police the spaces and advise the other businesses if in violation. The parking spaces for the other businesses at the site will only be approximately 100 feet away. Mr. Segaloff does not anticipate any problems because the drop off/pickup times are not at peak hours for the other businesses.

Mr. McDonagh stated that he supports Ms. Mastropetre comments about enforcement of the parking spaces. He went to the site and observed equipment from Rent A Center being unloaded and taken into the store and feels that the workers may not be willing to park 25 feet away to bring it into the store. Mr. McDonagh is concerned with how the applicant will enforce the parking. He reviewed the pictures that had been taken by Mr. Kops which show trucks and vans unloading in front of the store.

Mr. Segaloff stated that his client has explained to Rent a Center and Subway the issues that have been raised and asked for their cooperation and exclusive rights to the parking spaces. All the leases have been changed to read exclusive parking spaces for the daycare and if the businesses use them they will be in violation of their leases. Mr. McDonagh stated that it may be difficult to enforce with the general public. Mr. McDonagh asked the ages of the children that would attend the daycare and Mr. Segaloff replied from 6 weeks old to 12 years old. Mr. McDonagh asked if there will be monitors in the parking lot when the school age children are dropped off and asked how parents and children walking to the daycare will enter the building. Mr. Segaloff reviewed the entrance to the building on Dixwell Avenue.

Mr. Paul Humennyj, Operations Director, addressed the Commission and stated that he has not yet talked to the school district with regards to the busing of the children from area schools. He said that there will be approximately 20 school age children being bused or dropped off by a parent at the daycare. The scenario at other centers he has worked at was that the children arriving by bus was that the bus door would face the entrance and the staff would be outside waiting. The bus driver will not let a child off the bus until a staff member is present. Mr. McDonagh asked of the 106 children's age groups, how many would be in each group. Mr. Humennyj said that there would be 20 school age children, 24 infants and toddlers and approximately 50 to 60 preschool children (2 ½ to 5 yrs old). He reviewed the State law with regards to the age groups.

Mr. Kops discussed the floor plans with the Commission.

Ms. Altman is concerned with the safety of the children because she does not feel that the parking spaces located at the entrance will not be used by people going into Subway. She would like to see parking plan based on a design and not based on people being in the right place at the right time. She feels that the applicant needs to consider that it gets dark earlier in the winter and the safety and welfare of the children can be vulnerable to human error. Ms. Altman does not feel that the proposed parking plan has enough safeguards in place.

Mr. Segaloff understands the Commission concerns about the safety of the children. The location of the site is difficult and two of the business may generate more business than the others, but the applicant has done the best he can with what the site allows. Mr. Segaloff said that when Stone Academy was located at the site there were many people entering and exiting the site. He feels that the parents bringing their children to the daycare will assume some responsibility for getting them into the site.

Mr. Hul asked how the parking area will mechanically work and if there will be partitions or roping to mechanically show the parking and flow of the traffic during the hours of drop off/pickup times. Mr. Segaloff said there will be a speed bump, parking will be identified and more lighting. He feels that issues raised by the Planning Staff have been addressed. Mr. Segaloff stated that there is adequate parking available and the safety of the children has been considered.

Mr. Hul further discussed with Mr. Segaloff the use of mechanical solutions to help staff and parents responsibilities. Mr. Segaloff said he would address mechanical solutions with the landlord, but he feels there is limited space to work with. Mr. Humennyj stated that the plan to use greeters is being defined and training provided. The use of the greeters using crossing signs can also be done. He could try to rope off an area if it does not interfere with all the patrons to the site. Mr. Humennyj said that he welcomes all suggestions because he is trying to have a high quality, affordable and safe daycare.

Mr. Roscow reviewed the location of the outdoor play area and asked where the two means of egress would be for the area. Mr. Humennyj said that there would be one from the building and the second would be going out through the fence. There will be two means egress one on each side of the fence in case of an emergency.

Mr. Kops read his comments which did not recommend approval but provide conditions of approval for the Commission to use if determined that the Special Permit Threshold Decision Criteria were met based on the following plan:

“Site plan for Harmony Kids Daycare 1315 Dixwell Avenue,” bearing a revised date of 07/03/12.

Mr. Kops reviewed with the Commission the location of the gate to access the rear parking, the parking spaces available on the site and the pictures submitted with the Commissioners packets.

Ms. Mastropetre expressed her concerns about the evacuation procedure from the building in case of an emergency. Mr. Humennyj reviewed the requirements set forth by the State Statutes and he said that evacuation procedures are tested prior to the children coming onto the premise and drills are performed on a monthly basis. Ms. Mastropetre is also concerned about the evacuation of the young children who would need additional assistance. Mr. Humennyj explained that there are evacuation cribs that are used by daycares to allow 4 children being placed in them and allows a quicker evacuation.

Mr. Poitier asked if because of the large footprint of the daycare and the long corridors would there be monitors with cameras. Mr. Humennyj replied yes and reviewed the locations of the cameras. He explained that there will be an observation monitor at the receptionist’s desk and intercoms placed in the classrooms. The teachers will also be able to have access to the monitors via IPADs in their classrooms. The doors to the outside will be locked and parents will have their own key codes to enter the building. Mr. Humennyj reviewed the responsibilities of the receptionist.

Mr. Roscow asked if because of the egress/ingress problems an architect had looked at the plans. Mr. Humennyj stated that Mr. Barry Steinberg, Professional Engineer had prepared the plans, but he believes that Mr. Steinberg has an architect on his staff.

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

Ms. Altman closed the Public Hearing.

## **B. Regular Meeting**

### **1. Special Permit & Site Plan 12-1196/WS**

1315 Dixwell Ave(aka 1299-1315), T-4 Zone  
Daycare  
Harmony Kids Connecticut, LLC, Applicant

***Mr. Poitier made the motion to deny Special Permit & Site Plan 12-1196/WS. Ms. Mastropetre seconded the motion.***

Mr. McDonagh stated that he appreciates the applicant's request and the work that has been done inside is nice. However he does not feel it is a good location for a daycare.

Mr. Hul stated that through the discussion during the Public Hearing it was clear that the concern is with the parking, the egress/ingress, and he feels that the plan is not a coherent and logical plan. He would like the applicant to have the opportunity to address solutions for the concerns discussed and submit revised plans. Mr. Hul would also like the Fire Marshal to review the plans so that any concerns he has may be addressed. Mr. Hul would like to motion to table the application instead of denying it.

Mr. Tim Lee, Assistant Town Attorney, advised the Commission that the Public Hearing was closed and the Commission is not allowed to accept any further information from the applicant. The applicant would need to submit any revisions as a new application.

Mr. Kops suggested that the application be denied without prejudice and this would allow the applicant to come back before the Commission without waiting the required six months.

***Mr. Hull made the motion to amend the motion to read "denied without prejudice". Mr. McDonagh seconded the motion to amend.***

***Mr. Hul, Mr. McDonagh, Mr. Roscow, Mr. Reynolds, Ms. Mastropetre and Mr. Campo voted in favor of the amendment. Mr. Cesare and Mr. Poitier voted against the amendment. The motion passed 6-2-0.***

***Mr. Hul, Mr. McDonagh, Mr. Roscow, Mr. Reynolds, Ms. Mastropetre and Mr. Campo voted in favor of amended motion to deny the application without prejudice. Mr. Cesare and Mr. Poitier voted against the motion. The motion passed 6-2-0.***

### **2. Site Plan 12-1477/WS**

2276 Whitney Avenue, T-4  
Reconstruct Facility  
AAA-Southern New England. Applicant

Ms. Altman stated that this is the first application to conform in its entirety since the zoning regulations were amended.

Mr. Dan Kroeber, Professional Engineer addressed the Commission and reviewed the application.

Mr. Lloyd Albert, Senior Vice President, AAA, addressed the Commission and reviewed AAA's history. He said that the new facility's is to provide product and services to its members in a top notch facility and provide a state of the art building for its approximately forty employees.

Mr. Kroeber the building will be fully compliant in a T-4 zone. He reviewed the existing site and the proposed site plan. He stated that a de minimis review was received from the IWC and reviewed stormwater management plan. He noted that the proposed plan will reduce the impervious surface by twenty five percent. The existing building will be demolished. Mr. Kroeber reviewed the parking plan and the planting plan. Mr. Kroeber said that the Hamden Traffic Commission approved a crosswalk going across Worth Avenue.

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

“Reconstruction of Hamden Branch AAA Southern New England, 2276 Whitney Avenue & 60 Worth Avenue, prepared by Milone & MacBroom, dated May 30, 2012, sheets LA-1, GR-1, SE-1, SE-2, SD-1, SD-2, SL-1 and Property/Topographic Survey, Intersection Sight Line Sections, dated June 13, 2012., and Architectural plans A1.1, A2.1 and A-2.2, dated April 12, 2012, prepared by Ekman & Arp Architects.

Ms. Leslie Creane, Town Planner, said that the conditions of approval that were recommended by Mr. Kops speaks to the Commissions hard work to amend the zoning regulations. This building being built from scratch is the first under the new regulations. The building will present to the street as a two story building. Percentage of glazing, landscaping and pervious & impervious surface are new elements of the new regulations. She is looking forward to this building be completed as the first under the regulations.

Ms. Altman is grateful to the Planning Staff for the hard work done to achieve the new zoning regulations.

Ms. Mastropetre reviewed the staff parking spaces with Mr. Kroeber.

***Mr. Cesare made the motion to approve Site Plan 12-1477 with the conditions 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 provide for approval by the Town Engineer and Town Planner, revised plans containing:
  - a. The design and or methodology for handling stormwater from the roof drains.
  - b. Documentation confirming that the pole lamps are properly shielded to avoid lighting the sky.
  - c. Adjusted lighting in the parking lot, especially at the western end, so that the illumination is between 0.5 fc and 1.5 fc.
  - d. Reorientation of the sidewalk handicapped ramps so that they are perpendicular to Whitney Avenue.
  - e. All Conditions of Approval.
3. The Zoning Permit must include approval by the GNHWPCA.
  4. All work should be completed by July 10, 2017.

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

**3. Special Permit & Site Plan 09-1147**

2335 Dixwell Avenue

Request to release bond in the amount of \$21,450.00

Jennifer Mendenhall, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$21,450.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

***Mr. McDonagh made the motion to approve the request to release the bond in the amount of \$21,450.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Reynolds seconded the motion. The motion passed unanimously.***

**4. CGS 8-24 12-330**  
 640 Waite Street  
 Improvements to Moretti Field  
 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 sale of the improvements to Moretti Field and issue a favorable report to the Legislative Council.

***Ms. Mastropetre made the motion to refer the C.G.S. 8-24 12-330 for the improvements to Moretti Field with a favorable report. Mr. Campo seconded the motion. The motion passed unanimously.***

**5. "Review of Quinnipiac University Five Year Master Plan, including student enrollment, provision and availability of campus housing, traffic, parking and related issues"**

Ms. Altman stated that this is a continued discussion with Quinnipiac University about the five year master plan for student housing, traffic, parking and related issues. This is an informational meeting only and there will be no public input.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and introduced Mr. Sal Filarde who is the new Vice President of Facilities. Mr. Pellegrino deferred to Mr. Kops, Assistant Town Planner, to read his comments. Ms. Altman asked that Mr. Kops make his comments available on the Town Web Site and Mr. Kops stated he would do this tomorrow.

Mr. Kops read his comments which review the Quinnipiac University's five year master plan and are critical of the way significant growth in enrollment had diminished the positive impact of building new dormitories.

Mr. Pellegrino stated that there seems to be a prevailing sentiment that the growth of the enrollment is a bad thing and that the University should be ashamed of it. He emphatically stated that he disagrees with the sentiment. The University continues to grow in reputation and size as the largest employer in the Town and the largest economic engine in the Town is not something that should be criticized but applauded. Mr. Pellegrino said that the University is integral to the growth and development of the Town. The sentiment is that the University is lucky to expand when universities are going in the opposite direction. He stated that he would not apologize for the growth and to criticize it is misguided because growth is a good thing.

There are issues in the neighborhoods that need to be curtailed and the University would like to bring the students back to campus. Mr. Pellegrino reviewed the master plan and said that there are five repeat offenders in off campus housing. He said that the University should not be handcuffed because of a limited few problem areas. The University has increased its on campus housing by 43 percent in the last three years. This is the largest increase in student housing over this period of time in any university across the country. This is a \$350 million dollar investment in increasing the bed ratio in a short period of time. Mr. Pellegrino said that the problem is the absorption rate of students coming back to campus has not materialized. The expectation was that as the beds opened students would fill the beds and the feeling is because when the senior class had to go off campus 12 years ago the private owned homes have made it less expensive to live off campus rather than on. Mr. Pellegrino said that it is starting to turn where there are more junior and seniors in the last two years coming back on to campus. Mr. Pellegrino reviewed the Master Plan with the Commission and stated that when the available beds are filled they will complete the dormitories. Mr. Pellegrino said that the University is living up to the pledge to provide housing for all students who want to live on campus. He reviewed with the Commission the University Marking Plan and the privileges being given to the seniors. Mr. Pellegrino reviewed the graduate programs that will be located at the Mount Carmel campus and the North Haven Campus.

Mr. Pellegrino reviewed the parking plan with the Commission. He explained that the seniors have been issued stickers that allow them to park on the Mount Carmel campus and reviewed the data that had been submitted in March that tracks the students. He also reviewed the traffic report. Mr. Pellegrino said that the University would like to request a change in the Special Permit parking condition to allow both Junior and Seniors be allowed to park on the Mount Carmel Campus. Mr. Pellegrino stated that a request was made to provide a shuttle bus between the Hamden and North Haven Campuses. The University does not feel this would be productive because of students schedules both on and off campus.

Ms. Altman offered Mr. Pellegrino the option to post a statement on the Town Web site that states the University's position.

Mr. Kops stated that the criticism of Quinnipiac is not that it has grown in enrollment. The criticism is that it has been growing in enrollment at a faster rate than the capacity to house the students adequately. It is understood that there will be students living off campus. However, the percentage discussed five years ago was five percent. Right after the project started for the new campus the enrollment jumped 300-400 students and has been going up since. The concern is making sure the growth of the number of students is met by the growth in capacity on campus to house the students. The five year master plan presented shows the number of beds available with a note that states that rooms can increase the amount of beds to three. He understands there has been a problem to get the older students to return to campus. The issues is the students coming to campus is a 4 year system, but now it is complicated by graduate students who will need housing. It is good for the Town to increase the graduate studies and the facilities, but the issue is that the University needs to be able to house the students it brings to the campus. Mr. Kops reviewed the five year plan and says that the amount of beds must be addressed and the Town is willing to work with the University.

Mr. McDonagh stated that he agrees with Mr. Kops' comments. He said that Hamden is proud to have Quinnipiac in the Town and it is an asset to the Town. However, it is the responsibility of the University to know where the students are housed. Mr. McDonagh reviewed his interpretation of the five year of the master plan and the complaints received about the students living in the community. Mr. McDonagh reviewed the properties owned by Quinnipiac that house students and he asked if the intention is to continue to purchase additional properties. Mr. McDonagh asked where the School of Engineer will be housed on the campus. Mr. McDonagh reviewed the traffic study.

Ms. Mastropetre stated that without proper shuttle buses between the campuses it is forcing the students to have cars. She feels that to get students to want to live on campus is not to offer a low cost as an incentive but to improve the living conditions. Ms. Mastropetre said that the University changed the junior and senior privilege to drive and produced promotion materials before advising the Commission. Ms. Altman said that she had spoken with the Mayor who advised her of the promotional material and negotiated by him. Mr. McDonagh said the students were told prior to the Commission being advised of the change. Ms. Creane said the changes were not negotiated with the Mayor, but that he had been notified. Ms. Mastropetre advised Mr. Pellegrino that he should work with the Commission because it would like to help resolve this issue and that he should not be critical of Mr. Kops' comments.

Mr. Roscow stated that the main focus of the Commission is that of the undergraduate population and the graduate population and how the University will house them.

Mr. Pellegrino stated that he was not being critical of Mr. Kops' comments but that it is a difference in opinion. He feels that the University has had a good relationship with the Commission in the past seven years but that the University has a different interpretation of the conditions of approval. He further stated that the University would like to find common ground with the Commission to continue the good relationship that they have had.

Mr. Pellegrino further discussed with the Commission the five year master plan and the work being done to increase the student population on campus. He reviewed the use of the shuttle buses, but stated that the use Ms.

Altman stated that this is a continued discussion with Quinnipiac University about the five year master plan for student housing, traffic, parking and related issues. A shuttle between the Hamden and North Haven campuses was not being planned.

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

#### **1. Review minutes of June 26, 2012**

Ms. Mastropetre asked that on page 2, 4<sup>th</sup> paragraph, last sentence should read: Ms. Mendes reviewed the floor plan with the Commission and stated that the play area for preschool children will be shared with the school age children.

*Ms. Mastropetre made the motion to approve the minutes as amended. Mr. Campo seconded the motion. The motion passed unanimously.*

#### **2. Minor Amendment - 1830 Dixwell Avenue**

Mr. Dan Kops, Assistant Town Planner reviewed the application and advised the Commission that she had signed it.

#### **3. Minor Amendment - 2415 Dixwell Avenue**

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

### **500.Adjournment**

*Ms. Mastropetre made the motion to adjourn. Mr. Roscow seconded the motion. There was no further discussion.*

*The meeting adjourned at 9:55 p.m.*

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