



Town of Hamden

Planning and Zoning Department

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July 31, 2012, Revised 7/30/12 per Commission review at the 9/11/12 meeting

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, July 24, 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
 Jennifer Cutrali, 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. Proposed Amendment to the Hamden Zoning Regulations 12-928

Add: Section 626.4.2- Keeping of Falconry Raptors

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

Joseph Bender-Zanoni, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments which recommended approval of the proposed amendment of the Zoning Regulations with an effective date of August 15, 2012. He further recommended that the Commission should state the reason for its approval of the amendment and find that it is consistent with the POCD.

Mr. Joseph Bender-Zanoni, Applicant, addressed the Commission and he stated his resume. Mr. Bender-Zanoni reviewed the process necessary to become a licensed apprentice of Falconry. He submitted and reviewed a packet titled "Title 26 Fisheries and Game, Department of Environmental Protection, Falconry" which is the State Statute

governing Falconry. Mr. Bender Zanoni explained that Ms. Holly Masi, Zoning Enforcement Officer, suggested that an application to amend the Zoning Regulations to allow the keeping of falcons be submitted. Mr. Bender-Zanoni used the amendment to Zoning Regulations allowing the keeping of chickens as an example for his request. The State and Federal laws for the keeping of raptors are demanding and a good example for the zoning administrator to manage similar request in the future. Mr. Bender-Zanoni feels that in the future other persons making a request to keep a raptor in Connecticut will be minimal because it is tightly controlled by the State, with a State biologist overseeing the practice and the well being of the birds.

Ms. Mastropetre asked who would take care of the raptors when he or his wife is away. Mr. Bender-Zanoni said there are strict rules to follow when a falconer is going to be away and the birds must be placed in the care of another falconer. He believes that the law requires someone who is approved by the State. Ms. Mastropetre asked Mr. Bender-Zanoni if the birds would be kept in the house or in a separate location away from the house. Mr. Bender-Zanoni explained that the housing is called a "Mew" and the dimensions of it are defined in the law. There is also a weathering area for the birds because they enjoy being out in the elements. Some people do have a mews indoors.

Mr. Reynolds asked why a falconer would be required to have a hunting license. Mr. Bender-Zanoni said that falconry is a form of hunting. There is a fee for the falconry permit and this provides a funding path for the oversight by the DEEP. He further stated that the Falconers are out in the fields and must be familiar with safe hunting practices, especially during hunting seasons. When a hunting permit is issued it does not allow a firearm to be discharged less than five hundred feet from a house and a falcon cannot be flown under five hundred feet from a house. Similar rules exist for getting permission of landowners. Mr. Bender-Zanoni and his wife have both completed the firearms course and found it invaluable.

Ms. Altman asked if Mr. Bender-Zanoni is going to teach falconry and Mr. Bender Zanoni replied no. He said that the teaching of falconry requires a special license activity. Falconry is forming a partnership with the bird to hunt with the bird. Propagating birds, caring for injured birds or using birds for educating purposes requires different permits and not a part of this request. Ms. Altman asked if propagation is forbidden at the State level. Mr. Bender-Zanoni stated that it is prohibited at the State level and possibly the Federal level. He explained that someone who may want to be a propagator of raptors has to follow a separate process. Ms. Altman asked if he would be licensed to teach falconry. Mr. Bender-Zanoni said that you must first be an apprentice of falconry. The sport of falconry is a 1,000 year old sport and it is inherent that an apprentice falconer be taught by a general or master falconer who has at least five years experience. Ms. Altman asked if Mr. Bender-Zanoni anticipated teaching out of his house in a few years. Mr. Bender-Zanoni said that there is no obligation to take on an apprentice but it would be years before he or his wife could be qualified to take on an apprentice and teach. He noted that teaching and being with an apprentice requires that you have a one on one tutelage. Ms. Altman asked if teaching how many people would be on his property at one time. Mr. Bender-Zanoni stated that is not generally a group activity because the birds do not always get along.

Ms. Cutrali asked what type of noise do the falcons give off, and if it would cause a disruption to the neighborhood. Mr. Bender-Zanoni said that the birds generally like to hide and do not like to call attention to themselves. Hawks are all over the place and occasionally a cry will be heard from the air, but they do not tend to cry on the ground. He believes noise would be handled under the general noise provisions of the law and could also be handled at the State level. Noise can be very subjective, but raptors are not known to be a noise problem. Ms. Cutrali asked if Mr. Bender-Zanoni would be breeding the animals and he replied no. He explained that even though both he and his wife would be certified, they would only start with one bird for which his wife will be responsible for it. The breeding of falcons or propagation is not being allowed in the requested amendment. To get a permit to propagate at the State and Federal Level is difficult to receive and requires a lot of experience.

Ms. Altman has seen many hawks fly over the reservoir and over Deep Wood Drive and she assumes that this is where Mr. Bender-Zanoni will be flying his bird. She asked if people may be concerned with the hawks swooping down at great speeds and returning with their prey. Mr. Bender-Zanoni explained that the falcons would not be allowed to hunt within 500 feet of a house, nor would they be allowed to hunt at East Rock Park. He would be

unable to fly the birds on private property without the owner's permission. The bird will be hunting in fields that are far away. There may be times that the bird will be flown on line called a creance which is used to exercise it and the use of a false lure to stimulate it. The activities of hawks happen every day because they look for prey to feed on. Ms. Altman stated that she has never seen a hawk swoop for their prey. Ms. Altman asked if Mr. Bender-Zanoni would only house and exercise the hawk at his home and then drive to another area to hunt. He replied that the location of his house is not suitable for hunting. Mr. Bender-Zanoni said owls also hunt for food and there are 8-10 owls located near East Rock Park and you do not see them because their activity is at night.

Mr. Poitier asked how large the birds are. Mr. Bender-Zanoni said it varies. A Red Tail Hawk weighs between 30-60 ounces and this is the size that an apprentice is allowed to take. He reviewed the different sizes and types of hawks with the Commission. Mr. Poitier asked about the size of the prey. Mr. Bender-Zanoni explained that the birds eat a lot of mice and rats. The goal of the falconer is to move the bird up to more desirable prey such as squirrels and rabbits. The birds are typically released after a season or two and are better prepared to hunt on their own through the association with the falconer.

Ms. Mastropetre asked what type of feed is used when training them and when feeding them small animals are they alive. Mr. Bender-Zanoni explained that the food is generally tough cuts of beef. The bird gets better vitamins and minerals when given rodents. He said that land mice are available to purchase and come frozen or chilled, the same if using quail. There are sources of the correct food for the hawk beyond what they generally catch. Ms. Mastropetre asked if the bird would be fed anything live from Mr. Bender-Zanoni's yard. He replied that he must comply with the hunting laws which do not allow any hunting with 500 feet of a house. Ms. Mastropetre asked Mr. Bender-Zanoni what type of bird he would be allowed to keep when he moved up a level from being an apprentice. He reviewed the four types of falcons he would be allowed to keep and they are small. Most of the allowed birds are not common in Connecticut.

Mr. Jon D'Arpino, 13 Foley Road, Portland, CT, General Class Falconer, addressed the Commission and stated that he has been a General Class Falconer and practicing falconry for 7 years. He explained that an apprentice in Connecticut is restricted to a red tail hawk for the first year. Mr. D'Arpino reviewed the type of falcons allowed in Connecticut. He said that because falcons require a lot of room, the general practice is to use red tail hawks which can be released back into the wild.

Mr. Campo asked if it is a possibility for the birds to hunt small dogs because he has a 9 pound dog. Mr. Bender-Zanoni said that he has a 6 pound dachshund and that the birds will not be flown in the area. He further explained that there are hawks in the area and they are cautious animals that tend to learn what is acceptable prey. Some birds feed on mice only and if a bird is bitten by a squirrel they lose interest in pursuing them. Mr. Bender-Zanoni explained that the State addressed if falconry posed a danger to the Community and he reviewed a fact sheet from the DEEP.

Ms. Altman said that she had seen a photo of a hawk in a tree and flying over the reservoir and that she has seen the birds take a squirrel, but the impact of hawks in the area is close to zero and Mr. Bender-Zanoni agreed. The birds are clean animals and the mews are regulated and must be cleaned at least four times a year, but falconers do it as often as required. Ms. Altman said that part of the sport is keeping the mews clean. Mr. Bender-Zanoni said the condition and care of the falcons is important. The club maintains a list of expert veterinarians who are trained in disease prevention. A falconer must maintain the bird to keep them in prime condition and suitable to hunt. When a red tail hawk is taken, the plan is train it so that it can be released into the wild and succeed as a wild animal. The typical mortality of a bird in the first year of life is 80 percent, while the birds used for falconry is much less.

Mr. Bender-Zanoni said that this type of zoning application is a first in Connecticut and the hope is that it will be a model for others. Mr. Bender-Zanoni hopes that the time and money spent on this application will allow it to be a comprehensive model for other Towns in Connecticut that now require a variance.

Mr. Poitier asked if the birds would eat the chickens that residents are allowed to keep. Mr. Bender-Zanoni explained that the birds will be flown under supervision of the falconer and he cannot speak for the red tail hawk

population that is at large. His birds will be kept in a mew or the weathering area and if flown in Hamden they will be kept on a line.

Mr. Hul said the bird will be housed in mews on Mr. Bender-Zanoni property and he asked if there would be another location where he would house the bird. Mr. Bender-Zanoni explained that the bird will require constant care and many hours of working with the bird to train it, so having a bird at a remote location is not practical. The falconer makes a commitment to work with the bird so that it will accept and work with humans.

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

Mr. Jon D'Arpino, 13 Foley Road, Portland CT, General Class Falconer, addressed the Commission and reviewed his resume. He submitted to the Commission a request to accept the amendment to the regulation. Mr. D'Arpino stated that Falconry is a heavily regulated field sport in the country and the State of Connecticut has the most restricted regulations of any of the 49 states that allow Falconry. A Falconer does something with the bird every single day because they are something from the wild and the falconer is responsible for its care. The regulations are very specific and regulated by the DEEP and Fish and Wildlife Services. Mr. D'Arpino explained the hunting and feeding habits of the birds.

Ms. Altman asked how the request to amend the zoning regulations for Falconry would conform to the POCD.

Mr. D'Arpino said that it was a testament to the community that the Commission has taken the time and consideration to hear this application. The sport of Falconry is a sport in rich tradition. It is a form of hunting that is eco friendly and goes on with or without the Falconer. It is good for the environment. The falconers have contributed a great deal to the science and the restoration of the falcon. The falconers have helped reintroduce the falcons back into the wild. Falconers are hunters but also are conservationist. Falconers have a vested concern for the environment because they do not hunt where there is trash. The license fees help to fund state parks, conservation offices and habitat restoration. The sport of falconry is about conservation, preserving a tradition for future generations, and is important to young people to have the opportunity to hunt and fish.

Ms. Altman asked if falconers should be welcome because they are stewards of the environment and Mr. D'Arpino replied yes. Ms. Altman asked if there are education programs about falconry done at the schools. MR. D'Arpino said he has done educational programs, but does not generally bring the birds to the schools because they are wild.

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

Mr. Bender-Zanoni stated that the reason to allow the amendment request is because falconry is a 4,000 year old tradition and the knowledge has always passed from person to person. The sport is a living human heritage and a form of culture art that has come down through the ages and is of cultural importance worldwide. It often serves as a cultural exchange because of the worldwide diversity. In order to pass on the tradition of falconry there must be places that allow people to do the sport.

Ms. Altman said the argument of Falconry incorporates the living history and stewards of the environment.

Ms. Altman closed the public hearing.

2. Special Permit & Site Plan 12-1202/WS

75, 81 & 87 Benham St. R-4 Zone

Place of Worship, Expansion

Bernard Pellegrino, Applicant

Deadline to open Public Hearing 9/29/12

Postponed at the applicant's request

3. Special Permit & Site Plan 12-1203/WS

1050 Sherman Ave, M Zone
Used Car Dealer
Richard Sloan, Applicant
Deadline to open Public Hearing 9/13/12

Mr. Conrad Brejwo, Godfrey Hoffman Associates, addressed the Commission and reviewed the application for a used car dealership. He reviewed the proposed site and its location. Mr. Brejwo said that it will be an exclusive high end used car dealership which specializes in high end rare Porsche model. The sales will be by appointment only and the applicant will be contacted by the web or phone. The cars will be stored inside. Mr. Brejwo reviewed the parking area and explained that there will be no exterior modifications to the site. He will be working with the security company to install the site lighting. There will be minor interior work done to demolish some interior walls.

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

“Improvement Location Survey for Location Approval by the Planning & Zoning Commission,” dated June 27, 2012, prepared by Godfrey Hoffman Associates, and architectural plans dated May 22, 2012, prepared by Svigals + Partners.

Mr. Kops noted that there is no mention of a dumpster being used on the site and the applicant should explain where it will be located and how the trash will be removed. He also noted that the dumpster should be placed on a cement pad with berms on three sides and an enclosure surrounding it.

Mr. Brejwo stated that the conditions of approval are acceptable.

Mr. Hul asked if there will be repairs to prepare the car for sale, post sale or third party repairs done on the site. Mr. Brejwo said no repairs will be done on the site. The only work to be done on the site will be detailing work to prepare the cars to be sold. Mr. Hul asked Mr. Kops for clarification of his recommendation “With the appropriate restrictions and requirements, the proposed vehicle repair business”. Mr. Kops said that it should read “proposed vehicle sales business”. Mr. Kops explained that the reason to include conditions of approval that refers to repairs is because once a special permit is issued in the future someone else could open a car dealership that would involve repairs. However, it would need to come before the Commission for location approval. Ms. Altman asked if the request should be for vehicle sale and repair business. Mr. Kops stated that the applicant has asked for vehicle sales only.

Ms. Cutrali said that Mr. Brejwo has stated that the vehicles will be high end sports cars, and with the type of cars that are for sale and the money that will be spent she asked where cars that go from 0 to 60 in 2.5 seconds will be test driven.

Mr. Richard Sloan, Owner, addressed the Commission, explained that most of the cars are 1950 to 1998 models and are classic vintage air cooled Porsche. Most of the cars after they are sold at the cost of \$70,000 and half a million dollars and are not going to be housed in Hamden. Mr. Sloan said if there is a test drive he or his son will drive the car to the highway and there will be no driving down Sherman Avenue at 90 MPH. Ms. Cutrali noted there will be no signage and asked what the security plan will be. Mr. Sloan explained that they will use the same security firm that they use at Pershing Street. He reviewed the security system that will be used inside and lighting will be placed around the building.

Ms. Cutrali asked how many vehicles will be stored on the premises. Mr. Sloan said there would be approximately 60 to 75 vehicles stored on the premises.

Ms. Altman asked if the Fire Department has reviewed the plans. Mr. Kops said that the Fire Department has received plans, but no comments were received from them. Mr. Sloan explained that a new fire sprinkler system will be installed. Fire specialists will come to the site to determine what is needed at the site.

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

Mr. Joseph Bender-Zanoni, 115 Rogers Road, addressed the Commission and stated that Mr. Sloan has understated the prestige of his business. It is top draw and famous dealership. He is a member of the Porsche Club of American and Mr. Sloan's is very well known and the business will be an asset to the town.

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

Ms. Cutrali asked who would get taxed for the time that the cars are at the site. Ms. Altman stated that the taxes are not a concern that the Planning and Zoning Commission can address.

Ms. Altman closed the Public Hearing.

B. Regular Meeting

Ms. Altman asked for a motion to add C.G.S. 8-24 12-332 to the agenda.

Ms. Mastropetre made the motion to add C.G.S. 8-24 12-332 to the agenda. Mr. Campo seconded the motion. The motion passed unanimously.

1. Proposed Amendment to the Hamden Zoning Regulations 12-928

Add: Section 626.4.2- Keeping of Falconry Raptors

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

Joseph Bender-Zanoni, Applicant

Ms. Altman asked for a motion to approve the amendment to the Zoning Regulations and find it consistent with the POCD and note that it brings a living history and stewards of the environment to the Town of Hamden.

Mr. Poitier made a motion to approve Amendment to the Zoning Regulations 12-928 as stated by Ms. Altman and recommended by Mr. Dan Kops, Assistant Town Planner. Ms. Cutrali seconded the motion.

Ms. Altman noted that there are very strict State regulations as the applicant stated. The Town's zoning regulations must be consistent with the State regulations and she asked if the State Statutes supersede the Town regulations.

Ms. Leslie said that the State Statutes supersede the Town regulations. Mr. Kops explained that the text of the amendment is references to the different sub sections of the State Statutes.

Ms. Mastropetre stated that she appreciates the dedication required to be a Falconer and it is obvious that it is highly regulated. Her concern is allowing falconry in zoning districts that are very densely populated as in R-3, R-4, R-5, T-3 and T-3.5 zone. She said where the applicants live it is a wooded area and the regulations would allow other applicants who live in a populated areas in the future to become falconers. Ms. Mastropetre feels that it could be an eyesore in a back yard where there is a pen. She would like a very clear regulation for mew privacy fencing, so in a small lot it would not be an eyesore. Mr. Kops explained that when a regulation amendment is presented it cannot be altered. The Commission would need to vote for or against the application. The Commissioners would need to determine if the amendment would have a significant impact on neighbors with the keeping of the raptors. The setbacks that would be required would preclude small lots being used. Mr. Kops explained that chicken coops have the same setbacks and no complaints have been received in the Planning Office. He said that the only complaints that have been received have been about the keeping of hens without a permit.

Ms. Mastropetre, Mr. Campo, Ms. Cutrali, Mr. Cesare, Mr. Roscow, Mr. Reynolds and Mr. Poitier voted in favor of the motion. Mr. Hull voted against the application. Therefore, the motion passed.

Mr. Tim Lee, Assistant Town Attorney, stated that the amendment to the zoning regulation will have an effective date of August 14, 2012.

2. Special Permit & Site Plan 12-1202/WS

75, 81 & 87 Benham St. R-4 Zone
Place of Worship, Expansion
Bernard Pellegrino, Applicant

Tabled until the September 11, 2012 meeting.

3. Special Permit & Site Plan 12-1203/WS

1050 Sherman Ave, M Zone
Used Car Dealer
Richard Sloan, Applicant

Ms. Altman said that the application is being approved for the Sale of Vehicles only.

Mr. Hul stated that the motion should include dumpster and it should be shown on the revised plan as recommended by Mr. Kops.

Ms. Mastropetre made the motion to approve Special Permit & Site Plan 12-1203 with the conditions as recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:
 - A) Documentation indicating whether or not the proposed work constitutes a “substantial improvement” and thus must comply with the provisions of Section 430 of the Zoning Regulations.
 - B) Revised plans containing:
 - i. A floor plan indicating the areas to be used for storage and any repairs.
 - ii. The Special Flood Hazard Area boundary.
 - iii. Any existing and proposed site lighting, as well as a photometric analysis. The illumination must be designed to reach 0 foot-candles at the property boundary.
 - iv. Any changes required to meet the requirements of Section 430 of the Zoning Regulations, if the work is deemed to be a “substantial improvement.”
 - v. All conditions of approval.
 - vi. A dumpster should be placed on a cement pad, bermed on three sides by a six inch curbing of asphalt and screened from view on four sides.
2. No vehicles may be stored outdoors.
3. All hazardous materials and waste chemicals including, but not limited to, waste oil, antifreeze, transmission oil, lead acid batteries, and solvents should be stored indoors on an impervious surface within a containment berm or other means of secondary containment.
4. Any waste material should be disposed of by a licensed waste transporter in accordance with all applicable federal, state and local regulations.
5. Scrap metal or other parts in contact with lubricant should be stored in a watertight container or some other structure.
6. No vehicle washing may occur outside of the building.
7. The storm-water management plan must be strictly followed.
8. RWA inspectors must be allowed on the property to conduct annual inspections.
9. All work must be completed by July 24, 2017.

Mr. Campo seconded the motion.

Mr. Kops said that the motion should be amended to add condition 1.b.vi which should read: A dumpster should be placed on a cement pad, bermed on three sides by a six inch curbing of asphalt and screened from view on four sides.

Ms. Altman asked for vote on the motion with the addition of the condition 1.b.vi as recommended by Mr. Kops.

The motion passed unanimously.

4. Location Approval 12-031

1050 Sherman Ave, M Zone

Used Car Dealer

Richard Sloan, Applicant

Ms. Mastropetre made the motion to approve Location Approval 12-031 as recommended by Mr. Dan Kops with the conditions of approval as stated for the Special Permit 12-1203 and the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:
 - A) Documentation indicating whether or not the proposed work constitutes a “substantial improvement” and thus must comply with the provisions of Section 430 of the Zoning Regulations.
 - B) Revised plans containing:
 - i. A floor plan indicating the areas to be used for storage and any repairs.
 - ii. The Special Flood Hazard Area boundary.
 - iii. Any existing and proposed site lighting, as well as a photometric analysis. The illumination must be designed to reach 0 foot-candles at the property boundary.
 - iv. Any changes required to meet the requirements of Section 430 of the Zoning Regulations, if the work is deemed to be a “substantial improvement.”
 - v. All conditions of approval.
 - vi. A dumpster should be placed on a cement pad, bermed on three sides by a six inch curbing of asphalt and screened from view on four sides.
2. No vehicles may be stored outdoors.
3. All hazardous materials and waste chemicals including, but not limited to, waste oil, antifreeze, transmission oil, lead acid batteries, and solvents should be stored indoors on an impervious surface within a containment berm or other means of secondary containment.
4. Any waste material should be disposed of by a licensed waste transporter in accordance with all applicable federal, state and local regulations.
5. Scrap metal or other parts in contact with lubricant should be stored in a watertight container or some other structure.
6. No vehicle washing may occur outside of the building.
7. The storm-water management plan must be strictly followed.
8. RWA inspectors must be allowed on the property to conduct annual inspections.
9. All work must be completed by July 24, 2017.

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

5. Site Plan 12-1478/CAM

2237-2241 State Street/T-4 Zone

Expansion of Building

Pacesetter Construction, LLC, Applicant

Mr. Richard Greenalch, Contractor, addressed the Commission and reviewed the mixed use site. He submitted pictures of the site and explained that it is a mixed use site located in a T-4 zone. It is located in front of the Amtrak railroad tracks. Mr. Greenalch reviewed the variances that were granted by the ZBA's. The site has a retail fish market and also does sales to restaurants and clubs. Mr. Greenalch explained that the cooler and freezer are currently located outside and the FDA now requires them to be inside the building. Mr. Greenalch reviewed the proposed site plan to expand the building for the fish market and to add one bedroom apartments on the second floor over the proposed addition. The existing two story house will remain. The base flood elevation in the rear portion of the lot is ten and the requirement is that it be two feet higher. The existing fish market elevation is 12 ½ and the new addition will be 12 ½ feet, with the existing house being higher. Mr. Greenalch stated that he reviewed the recommended conditions of approval and accepts them.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval based on the plans submitted with the conditions stated and condition 2.B should be corrected to read: Building offsets, parking space dimensions, building dimensions, and contours on the site plan.

Mr. Greenalch noted that a professional engineer will provide stamped plans with the changes and modifications required in the recommended conditions of approval. Mr. Greenalch explained that the work must be completed quickly because the FDA is threatening to close down the business.

Mr. Hul referred to condition 3.I and commented that during the summer it stays lighter until approximately 8:00 p.m. to 8:30 p.m., and he asked why the work time cutoff is 5:00. Mr. Kops explained that the hours of 7:00 a.m. to 5:00 p.m. are the standard work hours used by the Commission. People could be disturbed if they work or go to school during the day are sleeping prior to 7:00 a.m. and back home after 5:00 p.m. Mr. Greenalch noted that construction workers start at 7:00 a.m. and do not work after 3:30 p.m. during the summer months because it is cooler, and when traveling to and from the site there is less traffic.

Mr. Hul asked if there are two apartments proposed and if the existing house is occupied. Mr. Greenalch stated that the two apartments will be one bedroom and a possibility that one or more will be occupied by an employee. Mr. Hul asked if the railroad is located next to the property and Mr. Greenalch replied yes. Mr. Hul said that there is an easement on the property that goes over the railroad track causing the whistle to blow when it is crossing the easement. Mr. Hul asked if the whistle blowing concerns the fish market or the residents living in the house. He lives in the area and hears the whistle, which is extremely loud and extremely loud disruptive at 2:30 a.m. The train is required to blow the whistle because it goes over the easement.

Mr. Robert McNeil, Applicant, addressed the Commission and stated that he grew up on Ridge Road and has been a Hamden resident for 40 years. He said that he had been away and when he came back there was a railroad crossing. He lived above fish market and had difficulty sleeping when the whistle blew. He became a member of the East Side Civic Association and fought the crossing and prevailed. The crossing has been disassembled and it is no longer there. However, trains sometimes still blow the whistle. The easement no longer exists.

Ms. Mastropetre made the motion to approve Site Plan 12-1478 with the conditions as recommended by Mr. Dan 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) All plans properly signed and sealed by an appropriate professional.
 - B) Building offsets, parking dimensions, building dimensions and contours on the site plan.
 - C) A base floor elevation of at least 12 feet unless the applicant can demonstrate that the proposed improvements constitute less than 50% of the market value of the structure.
 - D) Enlarged text call outs.
 - E) An acceptable sub-base option, after verification of whether or not a limestone sub-base (as shown in the plans) is required for this application.

- F) Modification of the dry well catch basin detail to show holes in the sides and crushed stone around the sides and specification of the depth. A shallow dry well is required.
 - G) A revised photometric plan showing that the illumination is reduced to a maximum of 0.8 foot-candles.
 - H) All Conditions of Approval.
3. During the construction phase:
- A) All sedimentation and erosion controls should be installed prior to the start of any other construction activity.
 - B) Any catch basins in paved areas should be protected through a combination of filter fabric, concrete blocks and gravel or the use of silt sack inserts;
 - C) There should be absolutely no discharges of fluids or dry chemicals to the environment;
 - D) Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
 - E) Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
 - F) All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during no-work hours.
 - G) A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The CT DEEP should be notified in the event of a spill.
 - H) All work must comply with GNHWPCA standards and specifications.
 - I) Hours of construction shall be limited to between 7 am and 5 pm Monday through Friday.
4. All work must be completed by July 24, 2017.
5. After the completion of the project:
- A) Existing catch basins and dry-wells should be inspected at least three times a year.
 - B) Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
6. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.

Mr. Campo seconded the motion. 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.

6. C.G.S. 8-24 12-331

2750 Dixwell Avenue
Veterans Affairs-Parking Spaces
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of parking spaces to be leased by Veterans Affairs at the Hamden Government Center and issue a favorable report to the Legislative Council.

Mr. Campo made the motion to refer C.G.S. 8-24 12-331 for the leasing of parking spaces by Veteran Affairs at the Hamden Government Center with a favorable report. Ms. Mastropetre seconded the motion. The motion passed unanimously.

7. C.G.S. 8-24 12-332

190 Pine Rock Avenue
Sidewalk easement
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 acceptance for Easement for a Sidewalk and issue a favorable report to the Legislative Council.

Ms. Cutrali made the motion to refer C.G.S. 8-24 12-332 for Easement for a Sidewalk with a favorable report. Ms. Mastropetre seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

Ms. Altman advised the Commission that the Chairperson does not does not vote unless it is to make a quorum or in the event it is necessary to break a tie vote.

Mr. Kops reviewed the information gathered by Catie Tobin, Quinnipiac Presidential Fellow, about the use of solar panels with the Commission. The consensus of the Commission is incorporate the information about solar panels as an amendment to the zoning regulations that will be heard in the fall.

Ms. Altman explained that applications and supporting documents were submitted for 55 West Woods Road. The information is being distributed to the Commission to allow the members to review it prior to the meeting. The IWC must approve an application prior to the P & Z Commission. Mr. Kops cautioned the Commissioners not to discuss the application with members of the Public or amongst themselves. There should be no discussions via email prior to a Public Hearing because it could be misconstrued as bias. He explained that questions about the application should be directed to the Planning Staff.

Ms. Altman advised the Commissioners that the August 14, 2012 meeting has been canceled.

1. Review minutes of July 10, 2012

Mr. Hul gave to the clerk a copy of typographical corrections needed. Ms. Mastropetre asked that the minutes be amended to reflect on page 5, 7th paragraph should read: Ms. Mastropetre asked Mr. Kops if the staff parking lot he referred to in his comments were the nine spaces at the rear of the lot.”.

Mr. Hul made the motion to approve the minutes of July 10, 2012 as amended. Ms. Mastropetre seconded the motion. Mr. Campo, Mr. Poitier, Ms. Mastropetre, Mr. Roscow, Mr. Cesare, Mr. Hul and Mr. Reynolds voted in favor of the motion. The motion passed.

2. Minor Amendment – 1199 Whitney Avenue

Tabled until the September 11, 2012

D. Adjournment

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

The meeting adjourned at 8:57 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission