



Town of Hamden

Planning and Zoning Department

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October 31, 2012

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, October 23, 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
 Myron W. Hul
 Peter Reynolds
 Jennifer Cutrali, Alternate sitting for
 Jon Cesare
 Ralph Marottoli, 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
 Genovieve Bertolini, Stenographer

Ms. Altman called the meeting to order at 7:01 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 Map 12-929

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

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

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

Bernard Pellegrino, Applicant

Public Hearing continued from 9/27/12 meeting

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

Mr. Collin Heffernan, 2974 Whitney Avenue, representing Investment Ten Inc, addressed the Commission and stated that he supports the application. He feels it would cure split use zoning issues and allow cohesive development in the T-4 zone. It would benefit the Community for economic use and create tax revenue with consistent development.

Ms. Altman asked for comments from the public against the application:

Mr. Stephen Ullman, 50 Murlyn Road, addressed the Commission and stated that he is opposed to the application. It would allow commercial properties to intrude further into the residential areas. Also, there would be an increase to the noise level and traffic that already exists. Mr. Ullman stated that additional construction would impact the quality of life and the property values of the abutting properties. Mr. Ullman explained that the area that is T-3 and T-4 used to be a sloped hill and it was cutoff to make the land level. If the T-1 is slightly increased it would increase the amount of noise and further intrude into the residential area.

Mr. Robert Mongillo, 34 Murlyn Road, addressed the Commission and stated that he is not in favor of the application. He said that the neighborhood endures a lot from garbage trucks early in the morning to a restaurant with a band, and this changes the mood of the neighborhood. The residents are unable to have control over the businesses and if variances are granted to allow large building it would increase what the neighborhood already endures. The area does not need a Toads Place and a mini one already exists. There is litter and noise coming from Side Street Cafe and the Town Planner had stated that it is the resident's responsibility to clean up their properties. Mr. Mongillo would like to see the application denied and he would like Hamden to purchase the vacant lot and plant some trees.

Mr. John Morrison, 1692 Whitney Avenue, addressed the Commission and stated that he is concerned with the idea that if someone comes before the Commission to develop a property they can change the zone. The purpose of the zoning regulations is to establish and protect the area. But if all someone has to do is amend the zone to allow them to develop want they want to, it would set a precedent. Under the old zoning regulations developers never asked to change the zones.

Ms. Altman asked for further public comments. There were none.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval.

Ms. Altman asked if the Commission can approve some of the zone changes and not others.

Mr. Tim Lee, Assistant Town Attorney, stated that the Commission could approve zone changes for some of the properties and not for all the properties. When it is a zone change application an applicant can be approved for less than what they asked for. Ms. Altman asked Mr. Pellegrino if he agreed with Mr. Lee. Mr. Pellegrino stated that a Commission would need to have good cause for approving some properties over others.

Mr. Reynolds asked if in a T-4 zone a restaurant is allowed to have a band. Mr. Kops said that a restaurant may have a band but the music is not allowed to go beyond the confines of the building. Mr. Reynolds asked if a restaurant was allowed in a B-1 zone and Mr. Kops replied yes.

Ms. Mastropetre stated that the Commission had requested that they receive in writing from all the owners of the properties on the application were aware of the requested zone changes, and she asked if this had been done. Mr. Pellegrino said that he has tried to contact all of the property owners and has submitted to the clerk a signed response from 3040 Whitney Avenue. He was unable to get anything in writing from 3014 Whitney Avenue, 35 Murilyn Road and the Thyme and Season property owners. Mr. Pellegrino spoke with Ms. McGarthy and she has no objections to the application.

Ms. Cutrali referred to Mr. Kops' comments that 2974 Whitney Avenue is vacant and is used as a parking lot for Side Street Café. The owner of the property owner had stated that he is in favor of the application and she asked if there is a business use currently on the property.

Mr. Collin Heffernan, representing Investment Ten Inc., stated that the property is currently being used as a parking lot for Side Street Café. The long term goal is not to continue using the lot for parking, but to develop the lot and find a buyer. The split zone is problematic to marketing the property. If the zone change is approved it would be beneficial to the property owner. Ms. Cutrali asked if Side Street Cafe rents the parking lot and Mr. Heffernan replied yes.

Mr. Poitier asked Mr. Pellegrino if he is representing all the property owners and Mr. Pellegrino replied no. Mr. Poitier stated that Mr. Pellegrino agreed to bring evidence from the property owners that the proposed application was okay.

Mr. Pellegrino complimented Mr. Kops' comments for being thorough. He said the application was a joint effort between himself and the Planning Staff. He reviewed the history of submitting the application. Mr. Pellegrino said that his client owns 29 Tabor Street. The owner was cited by the ZEO for violations and hired Mr. Pellegrino to help resolve the issues. The property was originally a B-1 zone and when the zoning map was amended in 2010 it became a T-3 zone. The Planning Staff has worked with him to determine the surrounding properties that were non-conforming and Mr. Pellegrino was asked and agreed to include the non-conforming properties in the application.

Ms. Altman discussed with Mr. Pellegrino the definitions of “non-conforming” and “grandfathered in”. Mr. Pellegrino stated that if a property is non-conforming or grandfathered and it is destroyed the owner may not be able to rebuild. Also if the property is non-conforming, refinancing would be difficult because the owner would not be able to get a letter of compliance. A non-conforming property could have severe economic impact when the owner is trying to refinance or sell the property.

Ms. Altman asked why the Commission has not seen other owners of properties come before the Commission to amend the zones.

Mr. Pellegrino said anyone can file an application to rezone. The State law does not require an applicant to be the property owner or that they consent to the change. Mr. Pellegrino explained that letters were sent to the property owners explaining what was being done and how the request to change the zones came about. He has not been hired by the other property owners and was asked by the Planning Staff to include the properties because the changes made sense because of how the zoning changes affected their properties. When the properties were rezoned in 2010 it was not done intentionally and in most cases the attempt was to make the zoning lines match the property lines in order to prevent split zones. The zoning law abhors the creation of non-conformities. The non-conformities were not created by the property owners, but by the rezoning done in 2010. Originally the properties were B-1 zones and enjoyed conforming status and a T-4 zone would be similar to what the properties were. Mr. Pellegrino understands the fears of the surrounding property owners. He stated that there is no intention to permit a new project, but the intent is to correct issues that were created for the property owners without their knowledge in 2010.

Ms. Altman stated that the Commission is working for the people of Hamden and those who have spoken at this meeting are unhappy. The Commission needs to make sure that the decision made is in the interest of the people. The Commission does not get the sense that the neighborhood asked for or supports the application.

Mr. Pellegrino understands that the Commission is charged with hearing the concerns of the residents. However, the role of the Commission is to listen to both those for and against applications. The role of the Commission in the re-zoning process stated by the Plan and Development was to create opportunity by rezoning. The Commission also represents the property owners who were adversely affected. Non-conformities were created on properties that were conforming and there are laws stating it should not have been done. Properties that were one zone and

unintentionally they were split zoned. The Commission's obligation is to everyone. There are people who are concerned with what will happen in the future. If a property owner requests a change it must be heard by the Commission. Mr. Pellegrino said that the uses that existed before the properties were rezoned are the uses the applicant is asking be put back. The reason for this request was formulated as a group effort.

Ms. Mastropetre said that 35 Murlyn Road is a big hill and she is concerned that the property will become a buffer as a T-4 zone, but if it is changed to a T-1 it would be worthless. Mr. Kops said that currently 4/5 of the property is a T-1 zone with two slivers of the property being T-3. If the property owner wanted to build a house he would need an application to change the zone to a T-3. The purpose was to protect the majority of the zone which is a T-1. Ms. Mastropetre understands that there should not be split zoning on a property, but she is concerned about the density of a T-4 zone being so close to a residential neighborhood. Mr. Kops said that the majority of the properties are T-4 and were business zone properties before the zoning map was amended in 2010. If the properties were made entirely T-3 then they would be non-conforming and it could hurt the owners economic livelihood.

Mr. Reynolds asked if the properties would be non-conforming if changed to T 3.5 zone. Mr. Kops compared what size buildings and uses would be allowed in a T-4 zone vs. a T 3.5 zone. Mr. Reynolds feels that the T 3.5 zone would eliminate large type developments, control over music coming out of a restaurant and eliminate takeout food service. Mr. Kops explained if the Commission would like the use of the T 3.5 zone then a new application would be needed.

Mr. Marotolli asked if the decision to make the properties a T-4 was because it was close to what had existed. Ms. Leslie Creane, Town Planner, replied yes and that the intent was not to create a non-conformity and to remedy split zones. Mr. Marotolli said that the properties that were a B zone and changed to a T zone had lost rights. Ms. Creane explained that the properties have not loss their rights and are legal non-conforming. The properties requesting a zone change slipped through the cracks and this application would remedy the non-conformity and also remedy split zones.

Mr. Poitier asked if it would make sense to have each property owner come in separately with an application. Ms. Creane said if a single property owner requested a zone change the request could be problematic because there is an efficiency that would get lost. The goal is to have consistency with what surrounds the zone. She explained that economic development is looked at to create uses not allowed in residential zones. Ms. Creane compared the similar uses previously allowed in a B zone and explained that the T-4 zone uses were most comparable to the B zone.

Ms. Altman asked why the Town of Hamden was not the applicant for this application. Mr. Kops said that Mr. Pellegrino brought forth the issues of the properties that were split zoned and non-conforming to the Planning Offices attention when he was requesting the zone change for 29 Tabor Street.

Mr. Roscow feels that the issue is the neighborhood vs. commercial use. He appreciates the problems with a property being non-conforming. However, he is hearing from the neighbors that the Side Street Cafe sound levels are being exceeded, there is trash on the street and parking issues. He asked Mr. Pellegrino if his client is making any attempt to control or bring his establishment into compliance(i.e.: noise). Mr. Pellegrino believes that the issues raised at this meeting have not been raised to his client directly. He is not aware of any complaints to the ZEO or the Police Department. The restaurant has been in existence for many years and it is a popular establishment that many people enjoy. His client would like to do what is needed to keep his reputation favorable. The parking is limited and he is using the vacant property to provide additional parking. Mr. Pellegrino feels that his client would be willing to meet with residents to address their issues.

Mr. Rosow asked if the vacant lot is developed how it would affect Mr. Pellegrino's client operation and parking. Mr. Pellegrino replied he does not know. Mr. Pellegrino said that the new zone has rendered his client's property non-conforming. The request is to put the zone back to the zone that was created for his clients property and the properties that were split zoned.

Mr. Hul stated that he would support the individual properties being addressed separately. He asked the Planning Staff if a T 3.5 would work for the stated purposes and what the reason was not to propose a change to the T 3.5 zone. Mr. Kops explained the process used to determine how a property or area would be zoned. A T 3.5 zone was created when concerns about T-4 vs. T-3 zones were raised by various neighborhood groups. Mr. Hul asked why the applicant did not propose the T 3.5 zone. Mr. Kops said that the bulk of the properties in question are a T-4 and would be down zoned if they went to T 3.5. Ms. Creane referred to the building where Mt Carmel Wine is located and said that this location is a proto typical building in a T-4 zone. It is located close to the street, three stories max and addresses the street. A T-3 zone steps back away from the street and does not function as well on a major commercial corridor.

Mr. Pellegrino stated that the focus was to cure small pieces of properties that are split zoned and T 3.5 would not solve the problem. Most of the properties located in the front may comply with the T 3.5 but the majority of the corridor was done as a T-4 zone. Mr. Pellegrino further discussed with Commission the use of the T-4 zone vs. T 3.5.

Mr. Hul referred to the Cease & Desist Order that had been identified by a resident and asked what the outcome was. Mr. Kops reviewed the history of the Cease & Desist order and explained that he was unable to determine what the final outcome was and he noted he was unable to find any paperwork for the final outcome.

Mr. Hul asked Mr. Pellegrino what work is needed at 29 Tabor Street. Mr. Pellegrino said that currently there are trucks for a landscaping business parked on the site and they are not permitted. The applicant would like to build a covered storage area and clean up the property. It was previously conforming when zoned B-1. Mr. Pellegrino had a conversation with Mr. DeNicola about the history of the violation. It had been determined that the roof was not in violation and the violation was no longer pursued.

Ms. Mastropetre asked Ms. Creane what the rationale was when 29 Tabor Street and 15 Dickerman Street were changed from a B-1 to T-3 and T-4 zones. Ms. Creane reviewed the three major corridors and stated that were originally proposed to be zoned T-4. There was concern by members of the public about creating a monolithic corridor. The fact that the properties are located at the Route 40 Connector suggests that it is a more intense used area and consistent with T-4 uses.

Mr. Campo stated that the residents are concerned about the noise, but the noise existed prior to the area being made a T-4 zone.

Ms. Altman closed the Public Hearing.

2. Special Permit & Site Plan 12-1206/WS

3043-3045 Whitney Avenue, T-4 Zone

Parking Lot

Quinnipiac University, Applicant

Deadline to open Public Hearing 11/15/12

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the application and the site. He said that the houses previously on the sites were rented to students. The University determined that residential use was not in the best interest of the school and the houses were demolished. The sites will be used as overflow parking for the Irish Hunger Museum and will be placed in the rear of the property to conform to the zoning regulations. Mr. Pellegrino stated that future development may occur on the sites in the future.

Mr. Howard Pfroemmer, Civil Engineer, addressed the Commission and reviewed the design of the parking area and the Stormwater Management Plan. He explained that the entrance on Whitney Avenue will be used for inbound traffic. The entrance on Woodruff Road will be in/out traffic. The traffic will only be allowed to go eastbound onto Woodruff because it is a one way road going away from Whitney Avenue. Mr. Pfroemmer said that

the plans have been revised to address Mr. Kops' comments and the RWA comments. He stated that the Town Engineer's comments were received today. Mr. Pfoemmer spoke with the Town Engineer and discussed the concerns for the sub-drainage galley system to accommodate additional runoff.

Mr. Pellegrino stated that he accepts the conditions of approval stated in Mr. Kops' comments. He notified Ms. Cindy Civitello, West Woods Neighborhood Association, of the application.

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

“Parking for Ireland's Great Hunger Museum
Whitney Avenue and Woodruff Street, Hamden Connecticut,” prepared by Wyeth
Architects, LLC, dated September 5, 2012, revised October 12, 2012.; sheets C
0.0, C1.0, C 2.0, C 3.0, C 4.0, C 5.0, C 6.0, C 6.1, C 6.2, C 7.0, C 7.1, C 8.0, SU
1.0, C 9.0, C 10.0, AM 1.0, 1 of 1 boundary survey 3047 and 3043-3045 Whitney
Avenue, 1 of 1 survey 24, 42, 46 and 48 Woodruff Street.

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

Ms. Cindy Civitello, 61 Berkeley Court, addressed the Commission and stated that she did speak with Mr. Pellegrino who had advised her that proposal is for a parking lot. However, he had said that there may be future development. Ms. Civitello spoke with Mr. Kops and he explained that any future development on the site will require a Special Permit application.

Mr. Hul asked Mr. Pellegrino if the 38 stalls identified in the proposed plan included the 8 stalls to be used by residents that live adjacent to the parking lot. Mr. Pellegrino replied yes. Mr. Hul asked how the University would control the parking area so that the spaces identified for the Museum would be used accordingly. Mr. Pellegrino stated that there will be security patrols and if there are cars in question they would inquire with the Museum Staff. The University's security patrols will police the activity within the parking area.

Ms. Altman closed the Public Hearing.

3. Proposed Amendments to the Hamden Zoning Regulations 12-932

Amendment to Correct Unintended Omission of Substantive Text from the Prior Regulations and
Add other Substantive Text

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

Deadline to open Public Hearing 11/15/12

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval. He reviewed the proposed changes to the Zoning Regulations.

Ms. Altman said the proposed regulations include window signage that has been discussed with Mr. Dale Kroop, Economic Development Director, and local business owners.

Mr. Roscow referred to page 2 of 20, Section 230, Accessory Structures, mobile storage containers for construction uses be signed off by the Town Planner. He reviewed temporary storage units vs. permanent storage structures and feels that they should require a variance and approved by the ZBA. Mr. Kops said that the language being proposed in this section was taken from Section 5.1. The only change being made is to add Section 230.7 and 230.8 and Mr. Kops reviewed the changes for storage containers and construction containers.

The Commission discussed the Exception noted in Section 230 for Accessory Structures. Ms. Altman said that the exception should read: The yard restrictions in Section 230.7 and 230.8 may be waived by the Town Planner if there are no reasonable alternatives.

Ms. Altman asked for comments in favor. There were none.

Ms. Altman asked for comments against the application:

Mr. Morrison, 1692 Whitney Avenue, addressed the Commission and referred to page 16, 718.2 Special Permit Applications and he asked if 718.2h should read: minor changes should go to the Commission. Mr. Kops explained that there is an extensive list of requirements needed for a Special Permit. Most applications that come before the Commission do not require all the information listed and it would be an undue expense to the applicant. An application is reviewed and evaluated to determine what information is required. Mr. Kops explained that this section was inadvertently left out when the Zoning Regulations were amended in 2010. Ms. Altman said that the Commission can ask for additional information if they feel it is necessary to make a decision. Mr. Kops explained that PDF's for all the documents submitted be provided by the applicant to allow people wanting to see the file be able to do so without coming to the Planning Office.

Mr. Morrison referred to Section 720.3.1 and asked if this deals with only a Site Plan application. Mr. Kops explained that it deals with a Site Plan application and that a Special Permit application includes a Site Plan application. Ms. Altman stated if the Chair of the Commission would have to advocate a decision in front of the Commission. Mr. Kops said that minor changes are handled administratively and if there is a significant change and amendment to an application would come before the Commission.

Mr. Morrison referred to Section 730.2.e and he asked why the amendment removes "The Town Engineer". Mr. Kops explained that formally it is the Planning & Zoning Commission Staff that makes the decisions or recommendations. However, the Town Engineer and his staff are consulted on a daily basis.

Mr. Morrison referred to Section 830 Defined Terms: Rooming House or Boarding House and he asked if there are boarding houses in Hamden. He also asked if it could create a situation for an owner to board students. Mr. Kops said that Mr. Morrison is referring to a definition that defines what a boarding house is and was inadvertently left out of the regulations.

Mr. Hul asked if Section 230.7 and 230.8 refers to a specific zone or all zones in Hamden. Mr. Kops said that it refers to residential zones and Section 310.1 refers to non residential zones. Mr. Hul asked if the non residential zone includes industrial zones so there is not twelve month mobile storage which is cheaper than constructing storage. It would allow a lot of industries, including retail to benefit from having trailers. He feels that 90 days is limits the use significantly. Mr. Hul is concerned that construction dumpsters for commercial or residential use may not be an adequate amount of time to remodel or reconstruct a house or facility. Mr. Kops replied that an applicant can ask for an extension of time for a permit. He said the reason for the time limit is so homeowners who have put storage pods in their driveways do not leave them there for months on end and for others who bring in construction dumpsters to start a project that never gets completed and it creates an eyesore.

Mr. Hul is concerned that the Chairperson of the Commission can waive certain requirements. He would like the Commission to be informed of any requirements being waived. Ms. Altman said that Mr. Kops' comments would include "the department in consultation with the Chair of the Commission did not need to present". Mr. Kops stated that in preparing the reports the applications are thoroughly reviewed and get input from a variety of other departments who may recommend changes. When preparing the reports if the Staff are required to itemize all the items not needed on an application it would require an extensive amount of work. Ms. Altman said that the Chair of the Commission has never been asked to waive requirements.

Mr. Kops said that the Planning Staff would consult the Chair if a significant exception to the requirements is being waived. Mr. Kops further discussed with the Commission when the Chair should be advised of an exception

to the application or if it should be presented to the Commission. Mr. Kops stated that the department has and will continue to work with the applicant to identify the requirements for the Commission. This is done at an administrative level and once any one Commissioner is consulted as to procedural actions then it is Mr. Kops' belief then the entire Commission should be notified. Ms. Altman said that the Chair of the Commission needs to put a signature on a piece of paper that is required by State Statute. Mr. Kops explained that the Chair's signature would be required after an application is approved.

Ms. Cutrali stated that she sees where storage containers can become an eyesore. Currently, at the Plaza and the Mart there are two fitness centers competing for business and using the storage containers as a cheap form of advertisement and the containers could be there for a long period of time. Mr. Kops stated that he recommends in section 310 for business uses, 310.f and 310g, add "unless part of an approved special permit for outdoor storage". The Commission discussed the wording and it was determined the wording should be "unless associated with a special permit for outdoor storage".

Ms. Altman closed the Public Hearing.

B. Regular Meeting

Ms. Altman asked for a motion to add C.G.S. 8-24 12-337 for the installation of a truck scale and booth to the agenda.

Ms. Cutrali made the motion to add C.G.S. 8-24 12-337 to the agenda. Ms. Mastropetre seconded the motion. The motion passed unanimously.

Ms. Altman advised the Commission that a minor amendment for 2321 Whitney Avenue and the 2013 Meeting Schedule will be added to the agenda under New Business.

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

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

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

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

Bernard Pellegrino, Applicant

Ms. Altman advised the Commission that they could vote on all the properties listed or each individual property.

Mr. Marottoli made the motion to approve Zoning Map Amendment 12-929. Mr. Campo seconded the motion.

Mr. Reynolds said that while he sympathizes with the property owners of the proposed parcels because as they exist they are non-conforming and split zone properties, he must also be sensitive to the neighborhood. He feels that the properties could be changed to a T-3.5 zone which would be the least intensive. A T-3.5 zone would address the non-conformity of the split zones, but it would also give control over the size of the development and the type of use. As an example, Mr. Reynolds stated that a T-4 zone would allow a restaurant to have takeout food service which is not allowed in a T-3.5 zone. Where Side Street Cafe is situated Mr. Reynolds feels that they make take advantage of takeout food service and this could increase traffic and create more problems. Ms. Altman advised the Commission a new application would be needed if it is determined that the parcels should be zoned T-3.5. Mr. Lee asked if Mr. Reynolds if he would like to see all the proposed T-4 properties be better served by a T-3.5 zone. Mr. Reynolds feels that the entire area that is zoned T-3 and T-4 should be zoned T-3.5.

Mr. Lee understands that a T-3.5 zone may be more suitable zoning district for some of properties such as Side Street Café. However, some of the properties that already exist as a split zone and changing it to a T-3.5 would change the underlying zone. Some of the properties that are just a sliver of a split zone changing it to a T-1 zone

which would be safer because it limits what can be developed. Mr. Lee feels that the Commission should address each individual property separately.

Ms. Altman stated that if the Commission is not happy with the current proposal than the application should be denied. She feels that approving some of the properties and not others might be counter-productive.

Mr. Hul stated that there are better zone designations for individual properties than what is being proposed. He supports denying the application without prejudice and this would allow the applicant to submit a new application. Mr. Hul is concerned with the parking lot at 2974 Whitney Avenue and that it would continue to be an issue if this application is approved. He asked what could be done to resolve the parking issue.

Mr. Marottoli asked the Planning Staff if they had considered a T-3.5 zone when the applicant had presented the proposal. Mr. Kops explained that when the issue was presented the Planning Staff was dealing with the split zones which were T-3 and T-4. They did not consider changing them to T-3.5, because some of the properties that are T-4 have a small portion being T-3. Down zoning properties would be problematic, and many of the properties were B zones to begin with.

Ms. Mastropetre stated that she would agree that the properties that are split zoned T-4 and T-3 should not be down zoned. But the properties that are T-3 she feels should be T-3.5. Ms. Mastropetre said that she will vote to deny the application as it stands.

Mr. Roscow asked if takeout food is allowed in a T-4 and Mr. Kops replied yes.

Mr. Reynolds said that he is concerned with the size of a development allowed in a T-4 vs. a T-3.5 zone. Ms. Altman called for the vote to the motion.

Mr. Marotolli, Mr. Roscow and Mr. Campo voted in favor of the motion. Ms. Mastropetre, Ms. Cutrali, Mr. Poitier, Mr. Hul and Mr. Reynolds voted against the motion. Therefore, the motion did not pass 3-5-0.

The Commission determined through a discussion with Mr. Lee that they would like the application denied without prejudice.

2. Special Permit & Site Plan 12-1206/WS

3043-3045 Whitney Avenue, T-4 Zone
 Parking Lot
 Quinnipiac University, Applicant

Mr. Poitier made the motion to approve Application 12-1206 with the conditions stated by Mr. Kops, Assistant Town Planner, and the following conditions:

1. The applicant must obtain a Zoning Permit.
2. Prior to the issuance of a Zoning Permit the applicant must:
 - a. Submit revised plans for approval by the Town Planner and Town Engineer containing:
 - i. Additional directional arrows.
 - ii. The concrete sidewalk extended across the Whitney Avenue driveway
 - iii. Additional runoff calculations to demonstrate no increase in peak runoff and a level spreader or other improvement to prevent the concentration of stormwater overflow.
 - b. Provide a bond in an amount approved by the Town Planner and Town Engineer.
 - c. Obtain approval for the proposed crosswalk and off-site signage on Woodruff Street from the Hamden Traffic Authority.
3. During construction all oil, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during non-work hours.
4. All work should be completed by October 23, 2017.

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

3. Proposed Amendments to the Hamden Zoning Regulations 12-932

Amendment to Correct Unintended Omission of Substantive Text from the Prior Regulations and Add other Substantive Text
File available for review in the Planning Office & the Office of the Town Clerk
Town of Hamden, Applicant

The Commission and the Planning Staff discussed the language under Section 230.7 and 230.8 and Section 310.1.f and 310.1.g. It was determined that under 310.1.f add the following: , unless associated with a Special Permit for outdoor storage.

Ms. Mastropetre made the motion to approve Amendments to the Hamden Zoning Regulations 12-932 with an effective date of November 15, 2012, and add to 310.1.f “unless associated with a Special Permit for outdoor storage”. Ms. Cutrali seconded the motion.

Mr. Myron asked that the motion be amended to include under the Exception for Section 310.1: ***“with regard to 310.1.f and 310.1.g. The Chair of the Commission will notify the Commissioners thereof.”*** Also under the Exception for Section 230: ***“with regard to 230.7 and 230.8. The Chair of the Commission will notify the Commissioners thereof.”***

Ms. Mastropetre and Ms. Cutrali approved the amendment to the motion. The motion passed unanimously.

4. C.G.S. 8-24 12-337

0 Wintergreen Avenue
(aka 231 Wintergreen Avenue)
Installation of Truck Scale & Booth
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 installation of the truck scale and booth and issue a favorable report to the Legislative Council.

Ms. Mastropetre noted that the Mr. Kops' comments says “Parking Area for the Keefe Center”, it should be changed to read “Installation of a Truck Scale and Booth at the Transfer Station”.

Ms. Cutrali made the motion to refer the C.G.S. 8-24 12-337 for the Installation of a Truck Scale and Booth at the Transfer Station with a favorable report to the Legislative Council. Ms. Mastropetre seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review minutes of October 9, 2012

Ms. Mastropetre made the motion to table the meeting minutes of October 9, 2012 until the November 13, 2012 meeting. Mr. Campo seconded the motion.

2. Minor Amendment–86 Rossotto Drive

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

3. Minor Amendment-2321 Whitney Avenue.

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

4. 2013 Meeting Schedule

Ms. Mastropetre made a motion to approve the 2013 meeting schedule. Mr. Campo seconded the motion. The motion passed unanimously.

D. Adjournment

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

The meeting adjourned at 10:36 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission