

June 27, 2013

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden held a Public Hearing and Regular Meeting on Tuesday, June 11, 2013 at 7:00 pm. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following was reviewed:

Commissioners in attendance:

- Ann Altman, Chairperson
- Peter Reynolds
- Ralph Marottoli
- Lee Campo
- Jennifer Curtrali
- Michelle Mastropetre
- Brack Poitier
- Ryszard Szczypek
- Myron Hul

Staff in attendance:

- Leslie Creane, Town Planner
- Dan Kops, Assistant Town Planner
- Tim Lee, Assistant Town Attorney
- Peggy Craft, Acting Clerk

Ms. Altman called the meeting to order at 7:00 PM.

Ms. Altman introduced the panel and reviewed the procedures.

The Clerk read the Public Hearing items into the record.

A. Public Hearing

1. Proposed Amendment to Zoning Regulations 13-938

Flood Plain Zones & Special Flood Hazard Areas

Amend the language in Section 430.1-Applicability, Section 830

Defined Terms

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

Town of Hamden, Applicant

Deadline to open Public Hearing 8/18/13

Ms. Altman asked Mr. Kops to explain the proposed amendment to Zoning Regulations 13-938, and why it should be done. Mr. Kops read his report.

Recommendation

The Planning and Zoning Department recommends approval of proposed amendment of the Zoning Regulations 13-938, with an effective date of July 8, 2013.

The Commission should state the reason for its approval of the amendment and find that it is consistent with the POCD.

Ms. Altman said Mr. Kops report was very clear.

Mr. Szczypek asked a question regarding the proposed changes to the damages on page 5. He said this states it is recommended not required. He said he doesn't understand what we are trying to protect. He said the goal seems to be to accumulate damages over a 10-year period. He asked what happens if it exceeds 50 percent. Mr. Kops explained the reason(s). Mr. Szczypek asked if there is 25% damage and repairs are made, and then later another 25% damage is done, what is the recourse. He said it seems very onerous, since the person would have already done the repairs. Mr. Kops said FEMA is paying flood damages, and we are paying FEMA. He said there are social cost as well as a cost to the structure. He said the only part that has to be flood proof is the part that is being repaired. Mr. Szczypek said he is not comfortable with the language that it is recommended, not required. Mr. Hul asked who is making the recommendation. Mr. Kops referred him to the attachment to his report.

Ms. Altman said there is another meeting between now and the required effective date, and asked if they would like to take that time to study the proposed amendment.

Mr. Hul asked who pays for the damages during a flood occurrence. He said this change is definitely a method to discourage proper owners from redeveloping the property once damage occurs. making the Mr. Hull said it sounds like a backhanded way. He said he would like to see this not included in the regulations.

Mr. Reynolds said this does not seem like a good idea. He said it seems to be more recommended for the shoreline communities. He added that he does not see a large flooding problem in Hamden. He does not see any reason to add this sentence to the regulation.

Ms. Altman asked what part of Hamden is affected. Mr. Kops said all of Hamden is affected. He said there are parts of Town that have been repeatedly affected with losses from floods. He added that if it is under 50% they do not have to comply.

Ms. Mastropetre said she is in agreement with her fellow Commissioners. She said FEMA should have said that it is required.

Ms. Cutrali also agrees with her fellow Commissioners. She asked if this packet can be edited before it is voted on. Mr. Lee said they could vote the entire regulation into effect, and could ask to have the reference to substantial damages removed.

Mr. Campo asked if we refuse to pass this amendment will flood insurance go sky high. Mr. Lee said the Town would not qualify for FEMA assistance.

Mr. Szczypek said the regulations regarding the flood hazard areas could have an effect on certain areas of Town. He said it could capture a larger part of Town. He recommended tabling the proposed amendment. It was noted that the file is available for review in the Planning Office & the Office of the Town Clerk.

Mr. Kops further explained the flood zones. He said both A and AE Zones are presumed to flood in a 100 Year storm. He said it doesn't necessarily mean they will be flooded or that if you live in an E Zone you will not be flooded. He also said there are new maps coming.

Ms. Altman said it seems the general feeling is that this requires more work and should be continued to a Public Hearing at a future date. Ms. Altman said if all are in agreement then this will be continued to the next meeting on the 25th of June. She encouraged the Commissioners to discuss this issue.

2. Proposed Amendment to Zoning Regulations 13-939

Add Section 718.2.i-Review by Independent Consultant

Town of Hamden, Applicant

Deadline to open Public Hearing 6/27/13

Ms. Cutrali asked if the Commissioners would have to vote on the hiring of a consultant or does the staff make the decision. Mr. Kops said there are two ways to do this. He said at a hearing the Commissioners could express concerns with the lack of, or discomfort with, the information provided. The other way would be for staff to identify a need for an independent consultant. They would inform the applicant Staff to take care of hiring a consultant in conjunction with the Purchasing Agent, if there is a need for professional expertise beyond what they could provide.

Ms. Cutrali said she is in favor of this proposed amendment.

Ms. Altman said in the first line what should be changed. Mr. Lee said they want to be sure the consultant is paid. He explained that the reference is to the applicant. Ms. Altman said she understood.

Ms. Mastropetre thanked the staff for putting this together so swiftly. She said she is happy to see that it has come forward so quickly.

Mr. Hul questioned when this technical review would be used during the Special Permit process, and when any outside specialized knowledge would be needed. He cited the example of the Affordable Housing application earlier. There was further discussion in which it was asked if this could be expanded to an as needed basis. Mr. Kops said this was an excellent point. He said it would be over kill and unreasonable to demand this for a site plan.

Mr. Lee was asked if a change could be made to the proposed amendment. He said on any application for approval the reference to Special Permits could be taken out. He said it would read on any application that the Commission can obtain outside consultants. Mr. Kops said it would not apply to subdivision regulations

Ms. Altman asked if there were any members of the public who wished to speak in favor of the proposed amendment.

Sarah Clark, 4300 Whitney Avenue addressed the Commission. She said that Cindy Civitello and Gail Tracer of the West Woods Civic Association regret that they could not be here, and she wished to speak

on their behalf in favor of the amendment. She said they are happy that the amendment is being broadened, and the Association supports the amendment.

Gus Spohn, 4032 Whitney Avenue addressed the Commission. He said he feels that this amendment is important, and hopes the Commissioners will approve it. He added that he supports the proposed amendment.

Ms. Altman asked if there was anyone who wished to speak against the proposed amendment. There were none.

Ms. Altman asked if there was anyone who wished to comment on the proposed amendment.

There were none.

Mr. Lee said regarding the proposed 718,2,1, he recommended including the language in Section 700, placed between paragraphs 2 and 3.

The Public Hearing was closed at 7:45 PM.

B. Regular Meeting

1. Proposed Amendment to Zoning Regulations 13-938

Flood Plain Zones & Special Flood Hazard Areas

Amend the language in Section 430.1-Applicability, Section 830

Defined Terms

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Town of Hamden, Applicant

Proposed Amendment to Zoning Regulations 13-938 was continued to the next meeting.

2. Proposed Amendment to Zoning Regulations 13-939

Add Section 718.2.i-Review by Independent Consultant

Town of Hamden, Applicant

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

Town of Hamden, Applicant

Commissioner Poitier motioned to add Section 718.2.i to Section 700, Review by Independent Consultant and to remove the first few words. The motion was seconded by Commissioner Cutrali and passed unanimously. Consistent with the POCD.

3. Site Plan 13-1483

3931 Whitney Avenue, T 3.5 zone

Deck/Outdoor Cafe

Charles Hague, Applicant

Mr. Kops said the Commissioners have the plans, and he read his report. He said Staff recommends approval of Site Plan 13-1483/APZ:

with the following conditions:

1. A Zoning Permit must be obtained.

2. Prior to the Issuance of a Zoning Permit the applicant must submit revised plans for approval by the Town Engineer and Town Planner, containing:
 - A) A stairway for emergency use.
 - B) All Conditions of Approval.
3. The Zoning Permit must include approval QVHD.
4. All work should be completed by June 11, 2018.
5. The outdoor cafe area may be used for only six months per calendar year.

Mr. Kops asked if there were any questions.

Commissioner Reynolds said one drawing looked like it is the east side. Mr. Kops explained the drawing.

Ms. Altman discussed the regulation regarding limiting the use of outdoor decks to six months per calendar year. Mr. Kops said there is no way to enforce the regulation. He said the Zoning Enforcement Officer has never received complaints regarding outdoor areas. Ms. Altman said it seems pointless, and asked if it could be removed. Mr. Poitier suggested leaving it in as a reminder.

Commissioner Cutrali motioned to approve Site Plan 13-1483, 3931 Whitney Avenue, T 3.5 zone, Deck/Outdoor Cafe. Commissioner Mastropetre seconded the motion that passed unanimously.

4. Site Plan 13-1485

45 Ives Street
Home Occupation, Yoga Studio
Lauren Henrici, Applicant

Mr. Kops read his Report. He said Staff recommends approval of Site Plan 13-1485/WS with the following conditions:

1. A Zoning Permit must be obtained.
2. The Zoning Permit must be signed off by GNHWPCA and QVHD.
3. Prior to the Issuance of a Zoning Permit the applicant must submit:
 - A) A site plan for approval by the Town Engineer and Town Planner, showing available on-site parking and the location of the off-site parking
 - B) A letter from the property owner confirming the availability of the off-site parking.
4. Any future use of a non-family member as a trainer will require Special Permit approval.
5. All work should be completed by June 11, 2018.

Attorney Joan Malloy, Loughlin, Fitzgerald Law Firm, appeared on behalf of the Applicant.

Ms. Malloy submitted a drawing defining the parking area. Copies of the drawing were distributed to the Commissioners. She said this is a home occupation and explained the available parking area. She said there is enough space for two parking spaces and a handicapped parking space, or four parking spaces. She further discussed the available parking.

Ms. Mastropetre said this is not what we normally receive. Mr. Poitier said we usually get a site plan and at least parking plans. Ms. Malloy was asked about overflow parking. She said this will be off site. She said the owner of the off site parking will submit a letter agreeing to allow overflow parking in their parking lot, but Ms. Malloy does not currently have the letter. Ms. Mastropetre said she is uncomfortable with approving something so vague.

Ms. Cutrali had a question regarding the drawing that was submitted. Ms. Malloy explained the barn, and what part would be used for the yoga studio and what would be used for storage. Ms. Cutrali asked Mr. Kops about a parking plan. Mr. Kops said since it is a home occupation, striping is not required. He said there are eight spaces, and technically speaking this more than meets the requirements. He explained the parking regulations.

Ms. Altman said there is nothing to gain by tabling this application since she is confident in the department. Mr. Reynolds said one of the conditions of approval is that the letter be provided by the off site parking location's owner, so he doesn't think this is a problem. Ms. Malloy said she will provide the letter.

Mr. Szczypek asked who took the dimensions. Ms. Malloy said she did. She explained how she conducted the measurements. Mr. R said he is comfortable with that.

Mr. Marottoli asked how far back the parking area is paved. Ms. Malloy said she didn't have the measurements, but added that it is within the regulations for additional parking.

Mr. Poitier asked why the plans were not here. Ms. Malloy explained why this was not provided. She said when doing a home occupation and not changing the exterior most Commissions feel what she has submitted is sufficient. Mr. Poitier asked what would happen if the letter from the off site parking owner is withdrawn. Ms. Malloy said these are conditions of approval. Ms. Malloy said she would request that if approval of parking is withdrawn the Planning and Zoning office will be notified.

Ms. Cutrali asked where the patrons would be walking from. Ms. Malloy explained that it would be from the parking lot across the street where Luce's Restaurant is located. Ms. Cutrali asked what would happen if Luce moved. Ms. Malloy said Luce doesn't own the property; it is the owner who is granting approval. Ms. Cutrali said she would want to see the letter before granting approval. Ms. Mastropetre said in her opinion this is very loose and not something we normally accept. She said a GIS map and a promise for a letter isn't enough. She added that she doesn't want to see the applicant have to pay for a site plan. She does, however, wants to see a letter and the parking spaces better defined.

Commissioner Hul said he would vote for approval right now but understands the Commissioner's concerns. He asked if holding this for a two-week period would be enough to develop this information, or would it hold up the process.. Ms. Malloy said since this is a condition of approval, what she has submitted should be sufficient. She said this would hold up the process, if she has to wait for the next meeting.

Commissioner Poitier motioned to table Site Plan 13-1485 to the next meeting. Commissioner Cutrali seconded the motion. The motion passed with five in favor two opposed.

5. C.G.S. 8-24 13-344

1125 Shepard Avenue
Municipal Improvements-
Office, Vehicle Garage, Material Storage
Town of Hamden, Applicant

Mr. Kops read his report.

Recommendation

The Planning and Zoning Department recommends that the Commission vote in favor of municipal improvements at the Public Works site, thereby issuing a “favorable report” to the Legislative Council.

Ms. Mastropetre said she is in favor of this, and added that it is a long time coming.

Mr. Hul asked if this will allow the Park & Recreation vehicles to be parked indoors at night. Mr. Kops said it would. Mr. Hull asked if the vehicles are currently being parked outside. Mr. Kops said they are. Mr. Hul also asked if there would be a conflict during construction. Mr. Kops said there would not. Mr. Hul next asked if there was cooperation between the Board of Education and the Town. He noted the BOE has a need for overnight parking. He asked if any consideration was given to housing BOE assets at this facility. Mr. Kops said he has never heard mention of BOE vehicles. He added that this would be another issue to bring up.

Mr. Kops explained the process for the application, and said Public Works is anxious to get under way, and needs to go through RFP process. He said the 8-24 report needed to come from Planning & Zoning tonight.

Ms. Altman said she is pleased that Parks & Recreation is now with Public Works.

Ms. Mastropetre motioned to send a favorable report on C.G.S. 8-24 13-344 to the Legislative Council. Ms. Cutrali seconded the motion that passed unanimously.

C. Old Business/ New Business

There was a discussion regarding the sidewalks on Putnam Avenue. Leed Himmel Properties is going to complete the sidewalk. There was a letter sent to the owners telling them that there would be a request to call the bond in July. After receiving the letter the owner sent a letter stating he would construct the sidewalk and that his contract was already in the Engineering Department regarding the work..

Mr. Reynolds asked if there can be discussion on tabling a motion. Ms. Altman said there can't, it is an up or down vote. If the motion fails discussion can continue.

1. Review minutes of March 19, 2013 - Mr. Poitier said on page 6 he did not ask what could be done to stop affordable housing he asked what could be done to regulate Affordable Housing. Mr. Szczypek said on the first page there is a vowel missing in his name. It should be Ryszard. **Ms Mastropetre motioned to accept Minutes as amended. Mr. Campo seconded the motion that passed unanimously.**
2. Review minutes of May 28, 2013- it was noted that on page 3. item # 2, there is not a second or a vote on the motion that was made. He said this needs to be added to the Minutes. **Ms. Mastropetre motioned to accept the Minutes with arrangements to added the second and the vote on item #2 on page 3 and 4. Mr. Campo seconded the motion that passed unanimously.**

There was a discussion regarding the Plan of Conservation Development Committee. Ms. Creane said this is on an administrative level. She said they need to know what the trends are before recommendations are made. Ms. Cutrali asked when the deadline is. Ms. Creane said it is at the end of 2014.

Mr. Hul asked about two committees that were discussed in an email from Mr. Kops that stated the mission of the committees. He said the e-mail did not state the status of the committees. Mr. Poitier discussed the committees. Mr. Lee said any special meeting would need to be posted 24 hours prior to the meeting in the Town Clerk's office. Ms. Cutrali said there would have to be a clerk to take minutes. Mr.

Lee suggested that a date be picked tonight. Ms. Mastropetre suggested that the meeting be held before the next Planning & Zoning meeting. Ms. Mastropetre will take minutes.

Mr. Poitier said if there are any suggestions for bylaws to feel free to contact him. Ms. Altman suggested that the department send copies of the current bylaws to the Commissioners.

D. Adjournment

Commissioner Mastropetre motioned to adjourn the meeting. Commission Campo seconded the motion that passed unanimously. Ms. Altman adjourned the meeting at 8:42 PM.

Submitted by: _____
Peggy Craft, Acting Clerk of the Commission