



Town of Hamden

Planning and Zoning Department

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MINUTES: THE PLANNING & ZONING Commission, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, October 22, 2013 at 7:00 pm. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden. The following items were reviewed:

Commissioners in Attendance: Myron Hul
 Joseph McDonagh (alternate for Ms. Cutrali re Sanford Street)
 Brack Poitier
 Michelle Mastropietre
 Ralph Maratolli (alternate for vacant position)
 Lee Campo
 Richard Szczypek
 Jennifer Cutrali
 Bob Roscow
 Peter Reynolds

Others in Attendance: Town Planner Leslie Creane
 Assistant Town Planner Dan Kops
 Town Attorney Tim Lee
 Stenographer Genevieve Bertolini
 Acting Clerk Gerry Tobin

Mr. Poitier called the meeting to order at 7:00 p.m.

A. Public Hearing

Ms. Tobin read the meeting announcement into the record.

1. Special Permit & Site Plan 13-1225/WS

2290 Whitney Avenue
 Bank/Drive-Through window
 Rockville Bank, Applicant

Deadline to open Public Hearing 11/14/13

Attorney Joe Porto of Parrett, Porto, Parese and Colwell representing Rockville Bank addressed the Commission.

Rockville Bank is opening a branch at 2290 Whitney Avenue in a building previously occupied by Harstans, and prior to that by Webster Bank. The location is in a T4 Zone, which allows drive through windows subject to Special Permit and Site Plan approval. The drive through will be located at the rear of the site. Brian McAvoy of Milone & MacBroom addressed the specifics of the drive through design. They plan to re-stripe the existing parking lot. There are currently 17 parking spaces on site. They plan to angle the parking spaces to the rear to allow space for 3-4 vehicles to be queued at the drive through

and cars parked in the angled spaces to back out. They are proposing one way directional traffic entering from Whitney Avenue and exiting onto Worth Avenue. The Regulations require eight parking spaces for the bank. The mechanicals located at the rear of the building will be relocated. Mr. Kops read his memo for the record.

In response to Ms. Mastropetre, Mr. Kops responded that recommendation 2.a.ii, the percentage build out on the site is 40%. Ms. Cutrali asked if fire lanes are required on the plan. Mr. Kops replied not unless the Fire Marshall requests it, and he did not.

Speakers in favor.

Mr. Porto said with regard to a dumpster, the cleaning people take the refuse from the building off site, and all of the paper is shredded. There is no plan for the bank to use a dumpster. After some discussion, Mr. Kops amended his recommended condition #4 to read "should a dumpster become necessary in the future, the dumpster will be placed etc."

There were no additional speakers in favor or against. Mr. Poitier closed the public hearing 7:20 p.m.

B. Regular Meeting

1. Special Permit & Site Plan 13-1217/WS

135 & 145 Sanford St, T-4 zone
Multi-Family-Affordable Housing
New Haven Home Recovery, Applicant

Ms. Cutrali recused herself from discussion and voting on Special Permit & Site Plan 13-1217/WS, 135 & 145 Sanford Street.

Mr. Campo made a motion to approve Special Permit & Site Plan 13-1217/WS subject to the conditions recommended by Assistant Town Planner Dan Kops as noted below. Mr. McDonagh seconded the motion. Mr. Roscow said the Zoning Board of Appeals found a hardship and granted a variance on this property. Attorney Lee said the hardship was that this was an affordable housing application and it complies with the requirements of the building code. Mr. Roscow asked if we can appeal the decision of the ZBA. Attorney Lee said normally the decision could be appealed, but since the decision was rendered over a year ago, the deadline for appeal has passed. The appeal would have had to be made within 15 days of the decision being published. Mr. Szczypek asked which plan the Commission is considering, as he believes there were two plans. Mr. Kops said the recommendation for approval says SP 1.1A is the approved plan. This plan shows the 1st floor elevated above the original SP1.1.

Ms. Mastropetre said she is not comfortable approving this application with that recommendation. She would prefer that it be approved upon the applicant presenting a letter from FEMA, and they did not do that. She feels that this needs to be clarified and she is not comfortable with the way this is worded. Attorney Lee understands and asked the Commission to consider the plan as presented, and allow the Planning & Zoning staff to sign off on the minor amendment instead of having this come back before the Commission. Ms. Creane said nothing is gained by bringing it all back again, because the Commission has already seen everything.

Mr. McDonagh said in the past if something came in staff would consult with the Commission on whether or not it was a minor amendment. He endorses what Ms. Mastropetre said, provided they get the permission from FEMA. Mr. Kops said that would mean that the Town Planner would come to the Commission to ask if they felt this is a minor amendment. Mr. McDonagh said if we get the word from FEMA that the development is not in the flood plain, Mr. Kops can ask the Commission if it feels it is a minor amendment.

Mr. Hul agreed with previous comments and said the 500 sf unit is atrocious. He thought the 600 sf unit was small even for one person, especially the universe of people that will be served by these units. The median salary range is approximately \$37,000 and the rentals would be in the \$900 range, which he also thinks is atrocious. He mentioned that on another occasion the 2' was not treated as a minor amendment. Mr. Hul agrees that we need one plan before we approve a plan and that the applicant must come back to us with the letter from FEMA. He will support an amendment. There was discussion and concern regarding fencing and he recalls that the ZBA said they would not support page fencing there.

Mr. Roscow said that Mr. Hul and others have issues with changing from 600 square feet to 500 square feet. He feels that P&Z staff should apprise the Commission of the ZBA decisions. Mr. Kops said their job is not to apprise P&Z of ZBA decisions. Their decision is published, and if a ZBA decision is relevant to P&Z, it is reported. The applicant did not have to go before the ZBA because their project is affordable housing. Attorney Lee said they have to comply with the building code. Mr. Szczypek asked what is safety fencing other than a chain link. If a safety fence is required, a split rail fence is not a safety fence. Mr. Kops said the type of fencing they discussed internally would be iron fencing like at St. Thomas Day School, which is acceptable to the Inland Wetlands Commission. The Building Department does not require fencing. Mr. Szczypek said there is a nuisance on the site – the pond – and very little of the site is buildable, and there needs to be some safety precautions in place. Mr. Roscow said metal picket fencing that would not allow a 4" ball to get through it would qualify.

Mr. Poitier asked if the State of Connecticut and HUD have a minimum bedroom requirement. Mr. Kops said this is a CHFA project and this project meets their requirements. Attorney Lee said the applicant has to get funding from CHFA to build this out, and if it doesn't meet CHFA requirements, they will not get the funds. Mr. McDonagh read from the minutes of the last meeting that they meet the minimum requirements of CHFA.

Mr. McDonagh made a motion to amend the conditions of approval. Condition 2.d.vi be changed to read "Clear descriptive titles that distinguish between sheets SP1.1 and SP1.1.A. SP1.1.A is the approved plan. The remainder of condition 2.d.vi is removed. Condition H is to read "the applicant must comply with Section 430.7 of the Zoning Regulations regarding verification of the as-built lowest floor elevation. The remainder of Condition H is removed. Ms. Mastropetre seconded the motion and asked if condition 2F needs to be addressed. Mr. McDonagh said he does not think so. Mr. Poitier called for a vote on the amendment. The vote was unanimous in favor.

Mr. McDonagh said his experience with this very able staff, when there are any changes, the most minor are reported. Mr. Szczypek said he would rely on staff.

Mr. Poitier called for a vote on Special Permit & Site Plan 13-1217/WS. The vote was seven in favor with the conditions noted in Mr. Kops' memorandum as revised. Ms. Cutrali had recused herself. Mr. Reynolds and Mr. Roscow opposed.

1. The applicant must obtain a Zoning Permit signed by the Town Engineer, Fire Marshal and Greater New Haven Water Pollution Control Authority, in addition to the Zoning Enforcement Officer.
2. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a. File a lot line revision merging the two lots, approved by the Town Planner and the Town Engineer, at the Town Clerk's Office.
 - b. File an access agreement approved by the Town Attorney in the Town Clerk's Office, granting the Town the right to carry out emergency maintenance and repairs on the sump, 36"x48" culverts and associated infrastructure in the event the property owner fails to do so.

- c. Conduct a thorough inspection of the two 36"x 48" culverts using a TV camera. A copy of the inspection video must be provided to the Town Engineer for review. The Town Engineer will determine if any replacement or repair of the culverts is necessary. If significant amounts of sediment are found they must be removed at the appropriate time during the construction process.
 - d. Submit a revised site plan for approval by the Town Planner and Town Engineer, containing:
 - i. Site changes required as Conditions of Approval by the Inland Wetlands Commission including conservation areas and changes to the planting plan.
 - ii. Replacement of the proposed sugar maples with another appropriate tree. Replacement of the proposed Bloodgood London Plane tree with Scarlet Oaks or other acceptable tree.
 - iii. Plans for the repair or replacement of the 36" x48" culverts if deemed necessary by the Town Engineer or applicant.
 - iv. On sheet SP 1.2 an explanation of what the "removal" of catch basins 24-27 entails.
 - v. Adjustment of the SPFA boundary line if FEMA has approved a Letter of Map Amendment.
 - vi. Clear, descriptive titles that distinguish between sheets SP1.1. And SP1.1.A. Sheet SP1.1A is the approved plan.
 - vii. A note on sheet SP1.1.A identifying the changes made to differentiate it from sheet SP1.1.
 - viii, A Utilities sheet showing all of the utilities. The electrical, telephone and cable connections should be underground and the sanitary sewer connection should have a clean-out within five feet of the building and every 100 feet thereafter.
 - ix. Six inch high asphalt curbing around three sides of the dumpster pad.
 - x. Elimination or restoration of the material blacked out on the engineering plans.
 - xi. Any safety fencing other than chain link desired.
 - xii. All Conditions of Approval.
 - e. File in the town clerks office a descriptive covenant or a deed restriction in favor of the Ct Housing Finance Authority or the State of CT of Department of Housing or Department of Economic Community & Development containing affordability covenants and restrictions sufficient for the proposed development to constitute "assisted housing" as defined in CGS 830.g.
 - f. Submit a Development Permit application per Section 430 - 430.7 of the Zoning Regulations unless the applicant submits proof of a Letter of Map Amendment clearly removing the building from the Special Flood Hazard Area, granted by FEMA.
 - g. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
3. During the construction phase:
- A. All sedimentation and erosion controls should be installed and the RWA should be given at least three days prior notice to to allow for inspection, prior to the start of any other construction activity.
 - B. There should be absolutely no discharges of fluids or dry chemicals to the environment;
 - C. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.

D. 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.

E. 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.

F. 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 RWA should be notified in the event of a spill.

G. All work must comply with GNHWPCA standards and specifications.

H. The applicant must comply with Section 430.7 of the Zoning Regulations regarding verification of the as-built lowest floor elevation.

I. Hours of construction shall be limited to between 7:00 am and 7:00 pm Monday through Friday and 7:00 am to 5:00 pm Saturday.

4. All work must be completed by October 22, 2018.

5. After the completion of the project:

A. All components of the stormwater management system should be inspected on a monthly basis.

B. The catch-basins and sumps should be cleaned of sediment and debris at least once a year and whenever the sumps are more than half full.

C. The large sump where the stream enters the property should be cleaned at least once annually during the dry season and anytime the sediment reaches within 6 inches of the top of the block spillway.

D. The RWA must be given access to inspect the property on an annual basis.

E. Annual reports in a form required by the CT Housing Finance Authority or the State of CT Department of Housing or Department of Economic Community & Development as appropriate demonstrating compliance with the affordability restriction covenant or deed restriction must be supplied to the Zoning Enforcement Officer.

2. Special Permit & Site Plan 13-1225/WS

2290 Whitney Avenue

Bank/Drive-Through window

Rockville Bank, Applicant

Ms. Mastropetre made a motion to approve Special Permit & Site Plan 13-1225/WSS subject to the conditions in Mr. Kops' memorandum as noted below, with a revision to condition #IV. Mr. Campo seconded the motion.

1. The applicant must obtain a Zoning Permit.

2. Prior to the Issuance of a Zoning Permit, the applicant must:

a. Submit a revised site plan for approval by Town Planner and Town Engineer, containing:

i. A revised Bulk Requirements Table with Percentage Impervious Surface shown.

ii. The Percentage Buildout on the site noted as 40%.

iii. Use of a painted line to separate the drive-thru teller queue from the driving lane.

- iv. ***Should a dumpster become necessary in the future, the dumpster will be placed*** on a concrete pad, surrounded on three sides by six inch high asphalt curbing and screened from view by a fence.
 - v. A canopy over the drive-through window if the applicant wishes to construct one.
 - vi. All Conditions of Approval.
- b. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
3. During the construction phase the hours of construction shall be limited to between 7:00 am and 7:00 pm Monday through Friday and 7:00 am to 5:00 pm Saturday.
 4. All work must be completed October 22, 2018.
 5. After the completion of the project:
 - A. Existing catch basins and all components of the stormwater infiltration system should be inspected at least three times a year.
 - B. Sediment and debris should be removed at least twice a year and more frequently if needed.
 - C. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - D. The RWA must be given access to inspect the property on an annual basis.

There was no discussion. The vote was unanimous in favor.

3. 2013 Parking Plan-Quinnipiac University: Annual Review

Ms. Creane said the parking plan has not yet been submitted to Planning & Zoning. A meeting has been scheduled with Quinnipiac's representative Attorney Pellegrino this Thursday (October 24th) A Notice of Violation was sent out last week.

4. Proposed changes to the Planning & Zoning By-Laws

Mr. McDonagh said regarding Section 7, he doesn't know that we should be appointing a parliamentarian. In his mind, a parliamentarian is someone who is appointed by the chair, but he feels that is why we have a very able attorney at the table. Mr. Hul said he sat in with the by-law committee on the development of the by-laws and at the time when they finished he felt they were four square, sufficient by themselves. They do not address the resignation of the chair, or how the chair is filled, and it is not addressed here and he feels it should be. If the by-law committee has not been dissolved, he recommends that there be another meeting scheduled. Mr. Poitier requested that this item be tabled to the next meeting.

Mr. Szczypek made a motion to table the proposed changes to the Planning & Zoning By-Laws to the November 12, 2013 meeting of the Planning & Zoning Commission. Mr. Hul seconded the motion. The vote was unanimous in favor.

Mr. Poitier asked that the committee schedule a meeting to address Mr. Hul's concerns. Mr. Hul will sit in. He will cannibalize some by-laws.

C. Old Business/ New Business

1. Review minutes of September 10, 2013

Present at September 10, 2013 meeting and voting: Commissioners Campo, Mastropetre, Hul, Cutrali, Reynolds & Roscow

Ms. Mastropetre made a motion to approve the minutes of the September 10, 2013 meeting. Mr. Campo seconded the motion. The vote was unanimous in favor.

2. Review minutes of September 24, 2013

Present at the September 24, 2013 meeting and voting: Commissioners Poitier, Mastropetre, Hul, Cutrali, Reynolds, Szczypek, Roscow, Marotoli

Ms. Mastropetre made a motion to approve the minutes of September 24, 2013. Ms. Cutrali seconded the motion. The vote was unanimous in favor.

3. Review minutes of June 25, 2013

Sub-committee for By-Laws

Ms. Mastropetre made a motion to approve the minutes of the June 25, 2013 sub-committee for By-Laws meeting. Mr. Roscow seconded the motion. The vote was three in favor (Commissioners Poitier, Roscow and Mastropetre).

4. Review minutes of October 8, 2013

Present at the October 8, 2013 meeting and voting: Commissioners Poitier, Mastropetre, Hul, Reynolds, Szczypek, Roscow, Marotoli and McDonagh

Mr. Kops said there is an error on Page 14, item 6, proposed amendment to Zoning Regulations. Mr. McDonagh made the motion to approve item 13-940, add with an effective date of 10/29/2013.

Ms. Mastropetre made a motion to approve the minutes of October 8, 2013 as corrected. Mr. Marotoli seconded the motion. The vote was unanimous in favor.

Ms. Mastropetre noticed that Mr Szczypek's name was misspelled in a few places.

MM made a motion to approve as corrected – Michelle noticed that Mr. Szczypek's name was misspelled in a few

5. Minor Amendment - 385-415 Putnam Avenue

Ms. Creane said this was signed off in August, and was an adjustment to the detention basin.

6. Minor Amendment - 27 Connolly Parkway

Ms. Creane said Splash will be installing a line of three vacuums.

Mr. Szczypek asked if we can do something about writing our own affordable housing regulations. Ms. Creane said we have them in the Zoning Regulations. Ms. Creane said State Statute supersedes anything local. Developers can come in with their own regulations. The State allows the developer to submit multifamily housing projects that are not being submitted under 830G. We have regulations in an attempt to try to get ourselves over the 10% threshold. Statute 830G allows that our regulations be superseded.

Mr. Kops said our regulations try to encourage the developer to improve their project above what is required.

Mr. Hul asked if it was possible to convey this Commission's perception of 830G, to our Legislators. Mr. Kops said it would seem that commissioners can express their thoughts personally, but if P&Z expressed the fact that they did not approve of this statute, it would not be good in an appeal. Mr. Hul said this makes the Commission powerless. Mr. Poitier disagreed, if we can justify traffic and safety problems we would have some leverage. Attorney Lee said you can consider health and safety issues, and can impose conditions addressing those issues, which is what we did.

There was further discussion on State Statute 830G.

Mr. McDonagh said we did turn down an application for 270 units on Putnam Avenue, just down from Stop & Shop, because of the impact on traffic, and our denial was overturned. The problem exists in the definition of affordable housing. Market rents are no higher than what these folks are talking about charging, but we have market rents that are affordable if you are using the non affordable standards.

D. Adjournment

Ms. Cutrali made a motion to adjourn. Mr. Szczypek seconded the motion. The vote was unanimous in favor. The meeting adjourned at 8:05 p.m.

Submitted by: _____
Gerry Tobin, Acting Clerk