



Town of Hamden
Planning and Zoning Department

**Hamden Government
Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075**

December 2, 2008

MINUTES: THE ZONING SECTION, PLANNING & ZONING COMMISSION, Town of Hamden, held a Regular Meeting on Tuesday, November 25, 2008 at 7:00 p.m. in the Legislative Council Chambers, 2379 Whitney Avenue Hamden, CT and the following was reviewed:

Commissioners in Attendance:

Ann Altman, Zoning Section Chair
Joe McDonagh, Planning & Zoning Chair
Lesley DeNardis
Ralph Marottoli, sitting for Bob Roscow

Staff in attendance:

Dan Kops Jr., Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Commission Clerk

Ms. Altman called the meeting to order at 7:00 p.m., reviewed the agenda and meeting procedures, and introduced the panel.

Regular Meeting:

1) Site Plan 06-1407

785 Sherman Avenue
Request for extension of time to acquire a
Zoning Permit from 2-27-09 until 2-27-11/M-1 Zone
JMM Properties, LLC/Applicant

Mr. Kops, Assistant Town Planner advised the Commission that a deadline is no longer imposed to acquire a zoning permit and recommends that an extension be granted from February 27, 2009 to February 27, 2011.

Mr. Marottoli made the motion to approve the request for an extension of time to acquire a zoning permit from February 27, 2009 to February 27, 2011. Mr. McDonagh seconded the motion. The motion passed unanimously.

2) Site Plan 08-1440/WS

2405 Whitney Avenue
Personal Wireless Service Facility/B-2 Zone
Youghioghny Communications – Northeast, LLC

Ms. Jennifer Young-Gaudet addressed the Commission and reviewed the application. She stated to the members that Pocket Communications is a new carrier licensed by the FCC to provide personal wireless service in a higher frequency band. Pocket Communications has limited frequency in the 1100 and 1700 band which will not transmit a far distance. There will be 3 antennas installed on the roof of the existing building with an equipment cabinet and a power cabinet. She advised the members that there is already an existing facility for T-Mobile located on the roof of 2405 Whitney Avenue.

Ms. Altman stated to the Commission that they are limited in their authority with regards to wireless communications facilities. Mr. Kops read his comments and recommendations. He recommended approval with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Submit a sworn statement identifying the equitable owners.
 - b. Submit a demolition bond to cover the demolition and removal of the wireless communication facility in the event it is no longer in operation, in an amount approved by the Town Engineer and Town Planner. Submit a revised plot plan signed and sealed by a licensed surveyor, indicating Class D certification.
2. Prior to commencing the work the applicant must obtain a Zoning Permit.
3. All work must be completed by November 25, 2013.

The Commission discussed their concerns for the number of private carriers that will place antennas on roof tops in the future. Ms. Young-Gaudet advised the Commission that the FCC has licensed several carriers. She has seen some consolidation and mergers between carriers. This may allow them to combine their facilities and work as dual carriers. Mr. Kops stated to the members that sharing between carriers is most pronounced with tower regulations that the Planning and Zoning Commission had passed, and have been superseded by the the State Siting Council.

Mr. McDonagh made the motion to approve Site Plan 08-1440 as recommended by the Assistant Town Planner and the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Submit a sworn statement identifying the equitable owners.
 - b. Submit a demolition bond to cover the demolition and removal of the wireless communication facility in the event it is no longer in operation, in an amount approved by the Town Engineer and Town Planner.
 - c. Submit a revised plot plan signed and sealed by a licensed surveyor, indicating Class D certification.
2. Prior to commencing the work the applicant must obtain a Zoning Permit.
3. All work must be completed by November 25, 2013.

Ms. DeNardis seconded the motion. The motion passed unanimously.

- 3) Site Plan 08-1441/WS**
1199 Whitney Avenue
Personal Wireless Service Facility/R-5 Zone
Youghioghny Communications – Northeast, LLC

Ms. Jennifer Young-Gaudet addressed the Commission and reviewed the application. She stated to the members that Pocket Communications is a new carrier licensed by the FCC to provide personal wireless service in a higher frequency band. Pocket Communications has limited frequency in the 1100 and 1700 band which will not transmit a far distance. There will be 3 antennas installed on the roof of the existing building with an equipment cabinet and a power cabinet. She advised the members that there is already an existing facility for T-Mobile located on the roof of 2405 Whitney Avenue.

Ms. Altman stated to the Commission that they are limited in their authority with regards to wireless communications facilities. Mr. Kops read his comments and recommendations. He recommended approval with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Submit a sworn statement identifying the equitable owners.

- b. Submit a demolition bond to cover the demolition and removal of the wireless communication facility in the event it is no longer in operation, in an amount approved by the Town Engineer and Town Planner.
 - c. Submit a revised plot plan signed and sealed by a licensed surveyor, indicating Class D certification.
2. Prior to commencing the work the applicant must obtain a Zoning Permit.
3. All work must be completed by November 25, 2013.

The Commission discussed their concerns for the number of private carriers that will place antennas on roof tops in the future. Ms. Young-Gaudet advised the Commission that the FCC has licensed several carriers. She has seen some consolidation and mergers between carriers. This may allow them to combine their facilities and work as dual carriers. Mr. Kops stated to the members that sharing between carriers is most pronounced with tower regulations that the Planning and Zoning Commission had passed, and have been superseded by the the State Siting Council.

Mr. McDonagh made the motion to approve Site Plan 08-1441as recommended by the Assistant Town Planner and the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Submit a sworn statement identifying the equitable owners.
 - b. Submit a demolition bond to cover the demolition and removal of the wireless communication facility in the event it is no longer in operation, in an amount approved by the Town Engineer and Town Planner.
 - c. Submit a revised plot plan signed and sealed by a licensed surveyor, indicating Class D certification.
2. Prior to commencing the work the applicant must obtain a Zoning Permit.
3. All work must be completed by November 25, 2013.

Ms. DeNardis seconded the motion. The motion passed unanimously.

4) Site Plan 05-1387/WS

Request for Bond Release, Current Bond \$46,500.00
 975-991 Dixwell Avenue
 Retail Store
 975 Dixwell Ave, LLC, Applicant

Mr. McDonagh made the motion to approve the request to release the bond in the amount of \$\$46,500.00 as recommended by Holly Masi, Zoning Enforcement Officer. Mr. Marottoli seconded the motion. The motion passed unanimously.

5) Site Plan 04-1377

Request for Bond Reduction from \$34,500.00 to \$5,500.00
 3450 Whitney Avenue
 Retail Relocation
 Gaetano Ferraro, Applicant

Mr. McDonagh made the motion to add the request for a Bond Reduction to the agenda. Ms. DeNardis seconded the motion. The motion passed unanimously.

Mr. McDonagh made the motion to approve the request to reduce the bond from \$34,500.00 to \$5,500.00 as recommended by Holly Masi, Zoning Enforcement Officer. Mr. Marottoli seconded the motion.

A. Old Business/New Business

1. Review Minutes of September 23, 2008

Mr. McDonagh made the motion to approve the minutes of September 23, 2008 as written. Ms. DeNardis seconded the motion. Mr. McDonagh, Ms. DeNardis and Ms. Altman voted in favor of the motion. The motion passed unanimously.

2. Review Minutes of November 12, 2008

Mr. Marottoli made the motion to approve the minutes of September 23, 2008 as written. Ms. Altman seconded the motion. Mr. Marottoli and Ms. Altman voted in favor of the motion. The motion passed unanimously.

3. Approval of Meeting Schedule for 2009

Ms. DeNardis made the motion to approve the Meeting Schedule for 2009. Mr. Marottoli seconded the motion. The motion passed unanimously.

B. Adjournment

Mr. Marottoli made the motion to adjourn the meeting. Ms. DeNardis seconded the motion. The motion passed unanimously.

The meeting closed at 7:22

Submitted by: _____
Stacy Shellard, Clerk of Commissions