



Town of Hamden Planning and Zoning Department

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July 22, 2009

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, July 14, 2009, at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 29601 Dixwell Avenue, Hamden, and the following actions were taken:

Commissioners in attendance:

Joe McDonagh, Chairman
Ann Altman
Ed Grant
Ralph Riccio
Bob Roscow
Gerald Dimenstein
Peter Reynolds
Ralph Marottoli, sitting for Don Moses

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Clerk
Lisa Raccio, Stenographer

Mr. McDonagh called the meeting to order at 7:00p.m. The Clerk read the Public Hearing items into the record. Mr. McDonagh introduced the panel and reviewed the Public Hearing procedures.

A. Public Hearing:

1. Special Permit & Site Plan 09-1148/WS

385 & 415 Putnam Avenue, CDD-1 Zone
Adaptive Re-use to Multi-Family Housing
Bernard Pellegrino, Applicant
Deadline to open Public Hearing 7/31/09

Mr. Bernard Pellegrino, addressed the Commission and reviewed the application. He explained that the existing two story building would be reused. The site has been unused for twenty years. The left side of the building has been temporarily shored up, because it was deteriorating.. A portion of the building collapsed, and was demolished. A new roof has been put on, and the building has been secured. The plan calls for thirty nine residential apartments. There will be thirty two-one bedroom units, and seven-two bedroom units. The site was previously used as an industrial site, and is a brownfield. There is environmental remediation that will be done. If approval is received from the Planning and Zoning Commission, they will rehabilitate the site. Mr. Pellegrino advised that his clients had acquired the property two to three years ago, and had worked with the Town regarding the property taxes that were owed. The Department of Environmental Protection is assisting with the remediation of the site. They received approval from the Inland Wetlands Commission on July 1, 2009. The impervious surface will be reduced, and the parking area will be located at the rear of the building. Mr. Pellegrino reviewed the planting plan. This will increase the Town's affordable house by thirty percent, and is within the the State of Connecticut's Guidelines for affordable housing.

Ms. Altman explained that she lives in the fifth district, and is pleased that the property will be developed. She asked if the foot print would remain the same with the expansion. Mr. Pellegrino advised that the footprint would be the same and they would use the existing exterior walls.

Mr. Riccio asked how many acres the site is. Mr. Pellegrino advised that there are 2.5 acres and reviewed the location with the Commission. Mr. Riccio asked if there was a construction sequence. Mr. Pellegrino was unsure, but would provide one if needed. Mr. Riccio questioned erosion control for the site. Mr. Pellegrino explained that they had received approval from the Inland Wetlands Commission on July 1, 2009, and erosion control would be on the plans. Mr. Riccio wanted to know when the project would begin. Mr. Pellegrino stated that the owners would like to start as soon as possible, but it is complicated due to the environmental issues. The financing has been approved, and they will move forward with approval from the Planning and Zoning Commission.

Mr. Roscow asked what the courtyard area would be used for. Mr. Pellegrino stated that it is for air and sunlight. It is not an accessible area.

Mr. Kops, Assistant Town Planner read his comments and recommended approval based on the following plans:

Proposed Residential Apartments 385 Putnam Avenue, Prepared by Anthony V. Giordano & Associates, dated 4/24/09, rev. 7/2/09, sheets 0910-1, 0910-2, 0910-3, 0910-4, 0910-5, 0910-6.

- 1) Prior to the Issuance of a Zoning Permit the applicant must:
 - A. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i. All Conditions of Approval.
 - ii. Elevation drawings properly signed and sealed, clearly indicating the name of the design professional.
 - iii. An 18 inch above grade standpipe fire connection placed near Putnam Avenue and accessible in all weather conditions, with vegetative screening.
 - iv. An Erosion Control Sequencing Plan.
 - v. A water quality basin.
 - vi. Details of the remediation Plan, including any changes required by DEP or its designated agent.
 - vii. Clarification of the re-use of material.
 - viii. A plan for post construction monitoring.
 - ix. A stormwater management plan that:
 - a) Includes inspection and clean out frequencies ensuring optimal system performance.
 - b) Identifies the person responsible for implementing the plan.
 - c) Catch basins with sumps and drywells should be inspected at least three times a year.
 - d) Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
 - e) Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
 - C. Obtain approval of the remediation plan from DEP or its designated agent.
 - D. File a mylar approved by the Town Planner and Town Engineer, merging the lots, at the Town Clerk's Office.
- 2) Prior to the start of construction:
 - A. The RWA should be notified three days prior to the start of any construction activity.
 - B. The erosion and sedimentation controls should be installed. Hay bales proposed for use on paved surfaces should be replaced with a combination of filter fabric, concrete blocks and gravel, or by silt sack inserts.
- 3) During construction:
 - A. Sedimentation and erosion controls should be inspected weekly and after each rainfall.
 - B. Additional controls should be stored on-site for any necessary repairs.
 - C. Excavated material stored on-site for any length of time should be stabilized.

- D. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
 - E. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
 - F. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - G. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - H. The RWA should be notified of any spills of hazardous materials.
 - I. All contaminated soil must be disposed of in accordance with all relevant state, federal and local regulations.
- 4) All work must be completed by July 14, 2014.
 - 5) RWA inspectors should be granted access to the site to conduct routine inspections.

Mr. McDonagh asked Mr. Pellegrino if he had any comments regarding the conditions of approval. Mr. Pellegrino advised that they were acceptable.

Mr. McDonagh asked for comments in favor or against the application:

Mr. Bob Patterson, 26 Augur Street addressed the Commission, and stated that he was speaking on behalf of the Whitneyville Civic Association. They are concerned with the traffic on Putnam Ave and this site. The exit comes on to Putnam Avenue where there is a curve, and a hill. He stated that the site line is poor. Mr. Patterson said to the Commission that he is disappointed that the Chief of Police did not comment on this application. There will be additional cars that would be pulling out onto Putnam Avenue during rush hour. Putnam Avenue is a busy street, with many trucks, and buses coming around a blind corner. It is a road that is traveled at a high speed. When the traffic turns from the light at Newhall Street and Putnam Avenue their reaction time is poor, because they are moving at a high rate of speed. Mr. Patterson would like a traffic study done to see if a traffic signal at that entrance/exit is possible.

Ms. Altman stated that she appreciates Mr. Patterson's comments. The building has not been used in many years, and is an eyesore. If the building is renovated, it would create tax dollars. She said even if it is renovated as an office building, additional traffic would be generated. Ms. Altman asked Mr. Patterson if he had any ideas on how to mitigate the traffic. Mr. Patterson noted that the property next door is being developed, and the Daddio Farm will be developed. This will increase traffic, and the safety concern being the hill, curve and speed of at least 40 mph. He asked if the Town Engineer would be able to give advise on whether a signal light can be placed with out a traffic study. Mr. Patterson feels there should be an analysis of the location because it drops about 40 feet at the hill. He feels if there were to be an accident, the Planning and Zoning Commission would be responsible. He wants the applicant to do a study for a possible traffic light. Mr. Tim Lee, Assist Town Attorney stated that the commission can require a traffic study, but they may not make it a condition of approval, because a traffic signal may be necessary. Mr. Kops advised the Commission that the Town Engineer did not notify the Planning Office that a diagram of the site lines was needed, but it could be added as a condition. Mr. Patterson would like the Police Chief contacted, and asked to review the location.

Mr. Deigo DeMartino, Hamden resident, addressed the Commission and stated that the location was previously a manufacturing facility. It employed more than fifty people and there was truck traffic. There would be traffic all day with a manufacturing facility. He is not against the application. Mr. DeMartino stated that it would increase the tax dollars, and reduce the tax burden on manufactures.

Mr. Bill Mitch, 30 Ralston Avenue addressed the Commission and stated that it is a dangerous intersection. He is concerned with the people who are on bikes. There is a concern for safety when cars are exiting and entering the site. The Farmington Canal is between Stop & Shop and this site. He stated that measures can be taken to assure safety. He would like to see a bike lane put on Putnam Avenue. Mr. McDonagh said the trail goes over Putnam Avenue. Mr. Mitch stated that there is an entrance to the Canal on Putnam Avenue.

Ms. Azalea Mitch, Project Engineer, Greater New Haven Water Pollution Control Authority addressed the Commission and stated that the application should be reviewed by the GNWPCA. They have not seen the plans.

Mr. Kops stated that Ms. Mitch has raised a valid point. The applications used to be reviewed by the WPCA which was the Town Engineer. The GNHWPCA is not on the review list, and there has been discussions to add them on.

Ms. Altman asked Mr. Pellegrino if he was aware of the safety concerns entering the site. He explained that he has met with the Police and Fire Department on the site. The Fire Department has stated that there is a need for a stand pipe. The Police Department had no comments, and traffic has never been highlighted as a major issue. He has also met with the RWA. Mr. Pellegrino stated that mass transit will be important to the residents of this building. They will reconstruct and extend the sidewalk as was agreed to with the Engineering Department and the Planning Office. Mr. Pellegrino stated that the stop sign could be pulled back to assist with bike safety in the area. He feels there is no need for a traffic study based on his conversation with the Town staff. Ms. Altman asked Mr. Pellegrino were there any passive measures that could be taken. Mr. Pellegrino stated he could do a site line study and remove vegetation to improve the site. He feels safety is important for the residents at the site and the traffic on Putnam Avenue.

Mr. Roscow asked Mr. Pellegrino about replacing the sidewalk in front of their property. Mr. Patterson would like it extended to the end of their property. Mr. Pellegrino stated that they would extend the sidewalk to the end of the property. Mr. Roscow asked what buildings were located to the west of the property, and before the Farmington Canal. Mr. Pellegrino stated that one was the Leeway property, and a printing company. Also, there were other commercial properties prior to the canal.

The Commission discussed with Mr. Patterson the posted speeds and site lines. The Commission does not see a stop light being put at this site. Mr. Patterson stated that the safety has been questioned by three people, and it should be reviewed. There could be a safety issue with the mass transit when it is pulling away from curb, because of the speed of the traffic. The original application for Dadio Farms was overturned because of traffic concerns. Mr. McDonagh stated that the Dadio Farms was just a denial. Mr. Patterson wants the Town to make sure the intersection will be safe.

Mr. McDonagh asked for additional comments and there were none.

The public hearing was closed.

2. Special Permit & Site Plan 09-1150/WS

1409 Dixwell Avenue, CDD-1 Zone

Adaptive Re-use to Multi-Family Housing

Bernard Pellegrino, Applicant

Deadline to open Public Hearing 7/16/09

Mr. Bernard Pellegrino, Attorney addressed the Commission and reviewed the application. There are currently three existing structures. There will be two phases for this project. The first phase will be an adaptive reuse of the two smaller buildings located on the southern portion of the site. He stated that this application is for thirty residential units. There will be twenty one bedroom units, and ten two bedroom units. There would be a reduction of the impervious surface, and a portion of the existing parking area would be repaved. The large building located at the northern portion of the property will be developed in phase two, and it will be mixed-use. If the new regulations are approved it would be an ideal mixed-use redevelopment under the regulations in a T-5 zone. Mr. Pellegrino stated they would like to move forward as soon as possible. The buildings have been cleaned out, and the roofs repaired. The buildings are intact. A second story will be constructed within the existing shell. This site is a brownfield site. The site will be remediated in phases. The Department of Environmental Protection has assigned a licensed environmental professional. There has been testing done at the site. The proposal meets the regulations under section 702. There are some existing legal non-conformities on the site. There will be a courtyard on the building closest to Dixwell Avenue, between the existing wall and a new interior wall near the Dunkin Donuts to create a buffer. This site will result in an increase of affordable housing and meet the State's affordable housing requirements. The abutting property located in the rear is 1351 Putnam Avenue, which is also owned by the applicant and has been renovated.

Mr. Grant asked if the bus area near the entrance/exit of the parking lot onto Dixwell Avenue will be fenced off. Mr. Joe DeNatale, Owner addressed the Commission and reviewed the area, and where the fenced area will be. The buses will not be using the driveway to enter and exit the area. Mr. Grant stated that he is concerned for the safety of children in the area.

Ms. Altman asked if there would be an extension of the foot print for the building, or would they be using the existing building. Mr. Pellegrino stated they would be using the existing foot print and walls. The existing exterior wall of the building closest to Dixwell will become the exterior wall of a courtyard area. There will be a new interior wall, and the foot print of that building will be slightly smaller. Ms. Altman asked if there is a decrease of the impervious surface. Mr. Pellegrino advised that there will be a green median in the middle of the parking area.

Mr. McDonagh said the building near Dixwell Avenue will have an inner wall added, and the existing wall will remain. He asked if the courtyard will be completely opened or covered. Mr. Pellegrino said it would be secured along the driveway with a gate, but could be accessed by the individual units. Mr. McDonagh asked if the existing roof will be removed and a new wall about 10 feet high added. Mr. Pellegrino stated that a new wall was needed because of the building code issues. The old wall would be an additional buffer to the Dunkin Donuts where their drive-through and the dumpster are located. Mr. Marottoli reviewed the building elevation and what faces the back wall. The Commission discussed with Mr. Pellegrino the construction of the new wall with regard to the location of building one and building two. He explained that there will be windows in the outer wall and they will be maintained by the property owner. The windows will provide sunlight that will be beneficial to the units. Mr. Pellegrino wants to leave the existing wall up as a buffer. Mr. Roscow asked if the buffer could be achieved by maintaining the wall at the first level. He asked if this would meet the lighting requirements for daylight and egress for the residential units. If the wall was not a 16 foot high shaft, it would still be a buffer and allow sunlight. Mr. Roscow reviewed access and landscaping to the area. Mr. McDonagh feels that the wall should be removed, and fencing placed in the ten foot strip. Mr. Pellegrino discussed with the Commission the location, use and maintenance of the wall. He reviewed the access to the buildings and parking area.

Ms. Altman reviewed the plans, and stated that there are doorways missing in the units. She reviewed the locations of doorways for the bathroom, and the kitchens. She feels the floor plans were poorly thought out. The Commission discussed the floor plans.

Mr. Kops, Assistant Town Planner read his comments and recommended approval based on the following plans:

Proposed Residential Apartments 1409 Dixwell Avenue, Prepared by Anthony V. Giordano & Associates, dated 4/24/09, rev. 7/2/09, sheets 0909-1, 0909-2, 0909-3, 0909-4, 0909-5, 0909-6, 0909-7.

with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - A. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i.
 - ii. Increased landscaping so that there is effective screening between the apartments and both the unused building and the school bus storage area.
 - iii. Access to the rear of the property.
 - iv. A note indicating the swale in the rear of the property is intended to be temporary.
 - v. A cross section of the swale.
 - vi. Identification of kitchen areas in Sheet A SK-2 first floor apartments and Sheet SK-1 second floor apartments.
 - vii. A revised Photometric study showing a reading of 0 foot-candles at the property boundary.
 - viii. A list of all plans on the first page.
 - ix. A note indicating that additional cleanup will occur on the rear of the property and that erosion onto the Farmington Canal Greenway will be eliminated.
 - x. A curbless landscaped area where the driveway goes around the corner near space #12.
 - xi. Relocation of the catch basins into grassed islands that have curb cuts.
 - xii. A stormwater management plan that:
 - a) Includes inspection and clean out frequencies ensuring optimal system performance.
 - b) Identifies the person responsible for implementing the plan.
 - c) Catch basins should be inspected at least four times a year.

- d) Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
 - e) Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - f) All Conditions of Approval.
- B. A performance bond in an amount approved by the Town Planner and Town Engineer.
- C.
2. Prior to the start of construction:
 - A. The RWA should be notified three days prior to the start of any construction activity.
 - B. The erosion and sedimentation controls should be installed. Hay bales proposed for use on paved surfaces should be replaced with a combination of filter fabric, concrete blocks and gravel, or by silt sack inserts.
 3. During construction:
 - A. During renovation all hazardous materials, including asbestos and mercury switches should be removed by a licensed contractor in full compliance with local state and federal regulations.
 - B. Sedimentation and erosion controls should be inspected weekly and after each rainfall.
 - C. Additional controls should be stored on-site for any necessary repairs.
 - D. Excavated material stored on-site for any length of time should be stabilized.
 - E. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
 - F. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
 - G. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - H. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - I. The RWA should be notified of any spills of hazardous materials.
 4. All work must be completed by July 14, 2014.
 5. RWA inspectors should be granted access to the site to conduct routine inspections.

Mr. McDonagh reviewed the landscaping, and the parking area. He reviewed the area at 1351 Dixwell Avenue where there are buses parked, and how they access the lot. The Commission reviewed the landscaping plan.

Mr. Pellegrino stated that the second phase will require supporting parking located to the rear of the property. . The access driveway will be continued. There will be an additional site drainage system. The landscaping will be revised. Mr. McDonagh asked what is currently located behind the building. Mr. Pellegrino stated there is a paved area.

Ms. Altman asked about the interior design. She feels that it may be a health hazard, because of the location of the bedroom and the kitchen. The Commission reviewed the the interior plans. Mr. Kops stated that they should proceed with caution. The site plan application includes floor plans for informational purposes only, and a special permit requires them to be submitted. The Commission has some jurisdiction when looking at the plans as a whole. The building department will be required to look at the plans, and possibly QVHD. Mr. Riccio stated that if there is a window or a fan, the location of the bathroom near a kitchen should not be a problem. He asked if any green or LEED technology will be implemented on the site. Mr. Pellegrino stated that they would be reusing materials from the old buildings, and will comply with the recycling portion of the LEED standards. He explained that many of the components of a LEED certified site will be incorporated. Mr. Pellegrino reviewed the floor plans with the Commission, and advised that it could be revised if necessary. Mr. Roscow discussed with Mr. Pellegrino his concerns for the courtyard, and if there were fire and building code issues. Mr. Pellegrino advised the Commission that his client could remove the proposed wall and use a vinyl fence as a buffer.

Mr. McDonagh asked for public comment.

Ms. Lynn Weed, 1429-1435 Dixwell Avenue addressed the Commission, and stated she is in favor of the project. She has a concern regarding the sewer system. In the past there have had problems with sewage going into her basement,

that was not from her building. She had been told that the sewer lines were old, and the Town had no plans of revitalizing them. She would like something done to be sure that extra material through the lines flows freely and there would be no extra expense to her.

Ms. Altman stated that Ms. Weed's comments were an excellent example of why the GNHWPCA should be included in the process of the application. Mr. McDonagh stated it could be a condition of approval. Mr. Kops recommended that there be approval by the GNHWPCA and any changes be reviewed by the GNHWPCA. Mr. Grant asked if there was a new sewer system going into the building. Mr. Pellegrino advised that they would be using the existing system. He has no problem with the GNHWPCA reviewing the application.

Mr. McDonagh asked for further comments and there were none.

The public hearing was closed.

3. Special Permit & Site Plan 09-1152

2895 State Street, CDD-1 Zone

Office and Outside Storage

Hugh I Manke, Applicant

Deadline to open Public Hearing 8-13-09

Mr. Hugh Manke, Attorney addressed the Commission and reviewed the application. He explained that the outdoor storage is to be used for road barriers, which are known as New Jersey Barriers. They will be used for the relocation of Modern Materials and Parcel C, which are located on the adjacent property. The relocation of these businesses are a request of the Department of Environmental Protection so that they can complete the closure of the tire pond. The storing of the New Jersey barriers would not change the topography, drainage or grading of the site. The lower portion of the site will be leased by Empire Paving. He explained there is an existing office, but there is not a need for a dumpster. He has reviewed the comments by Mr. Kops, Assistant Town Planner and would like the requirement for a dumpster removed. Ms. Altman asked Mr. Kops if a dumpster is necessary. Mr. Kops explained that having a dumpster is a standard practice. Mr. Kops asked Mr. Manke if there was an alternative for waste removal. Mr. Manke stated that there would be minimal use of the office and there would be no need for waste removal services. Mr. Manke advised the Commission if there is a need for waste removal in the future, a dumpster would be placed on site.

Mr. Kops, Assistant Town Planner read his comments and recommended approval based on the following plans:

Property and Topographic Survey survey, Land of State Five Industrial Park, Inc., prepared by Clarence Blair Associates, Inc., dated March 13, 2006, revised June 29, 2009, pages X-01 and X-02

with 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. Revised plans containing:
 - i. A dumpster screened from view and surrounded on three sides with six inch curbing.
 - ii. All Conditions of Approval
 - B. A performance bond in an amount determined by the Town Planner and Town Engineer.
2. Prior to using the site for outdoor storage the applicant must obtain a Zoning Permit.
3. All work must be completed by July 14, 2014

Mr. Kops advised the Commission if they waive the dumpster requirement, there would be no need for a performance bond or revised plans.

Mr. Riccio asked if the building located on the site is known as 2891 State St. Mr. Manke advised that 2895 and 2891 are considered the same property. Mr. McDonagh asked if the plan is to clean up the office building and remove the jersey barrier that blocks the parking area, so the building could be used by Empire Paving, and for the storage of the jersey barriers in the rear. There are trailers scattered through out the property. The application is for the storage area and offices only. Mr. Manke advised the Commission that the application is for storage on the 3.85 acres. The trailers

are subject to pending litigation with Cardinal Trucking. Mr. McDonagh said the trailers in question are located on the east portion of the property and are not part of cardinal trucking. Mr. Kops stated that there are 3 parcels, and the application is for 3.85 acres within parcel C. Ms. Altman asked if a motion is made for the special permit, does the location have to be specified. Mr. Lee, Assistant Town Attorney stated that the motion would reference the map.

Mr. Reynolds asked what activities would take place in the office and the amount of trash that would be generated. Mr. Manke advised the office would be for tracking inventory and a minimum amount of trash would be generated. The trash would be removed by office staff using their vehicles. There is not enough trash to warrant the cost of a dumpster.

Mr. Riccio asked if Empire Paving was going to use this location as their main headquarters. Mr. Manke advised that it would not be the headquarters. Modern Material is a part of their global operation. Mr. Roscow asked about a boat ramp. Mr. McDonagh advised that it was part of an earlier plan that did not get completed.

Mr. McDonagh asked for public comments. There were none.

The public hearing was closed.

4. Special Permit & Site Plan 09-1153/WS

21 Pershing Street, CDD-1 Zone
Professional Offices and Motor Vehicle Sales
Anthony Cuomo, Applicant
Deadline to open Public Hearing 10-17-09

Tabled at the request of the applicant.

5. Special Permit & Site Plan 09-1154/WS

1665 Dixwell Avenue, CDD-1 Zone
Auto Repair Shop
Frederick Uihlein Jr., Applicant
Deadline to open Public Hearing 8-13-09

Mr. Kops, Assistant Town Planner read his comments and recommended approval based on the following plans:

“Site Map of Diego J. & Deborah S. DeMartino Property, Hamden, Connecticut, November 1997, Survey by R.J. Schatzlein,” and “Site Plan of 1665 Dixwell” undated and unsigned, received May 20, 2009.

With 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 revised plan containing all Conditions of Approval.
2. The applicant must obtain a Zoning Permit prior to commencing any work.
3. The applicant should provide the RWA with information concerning the last pressure test and details regarding the tank. If the tank has exceeded the allowable lifespan or developed a leak it should be replaced with an above-ground tank stored inside the building on an impervious surface.
4. The catch basins and drywells should be inspected at least three times a year.
5. 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.
7. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
8. Waste material, including any contaminated soil or gravel around them, should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.

9. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
10. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
11. Solid waste dumpsters should be placed on paved surfaces.
12. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
13. All vehicle washing should be conducted indoors.
14. All servicing of vehicles, including oil changes, transmission work, radiator flushing and repairs, parts and engine cleaning and part stripping from junked vehicles should be conducted indoors on an impervious surface.
15. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
16. Damaged vehicles that are leaking automotive fluids should be stored inside the garage or at a minimum on an impervious surface where the leaks can be contained and cleaned up.
17. RWA inspectors should continue to be granted access to this property during the annual inspection program.
18. All work should be completed by July 14, 2009.

Mr. Frederick Uihlein, Jr., Applicant advised the Commission that he had no questions regarding the comments. Ms. Altman asked if condition number three should be removed. Mr. Kops advised the Commission that item number 3 can be removed, because the RWA has stated that the documentation provided was acceptable. The tank has been pressure tested and does not leak. The catch basin has been cleaned. Mr. Riccio asked if the map provided is an A-2. Mr. Kops advised that it is an older map, but is an A-2.

Mr. McDonagh asked for public comments. There were none.

The Public Hearing was closed.

6. Special Permit & Site Plan 09-1155/WS

3400 Whitney Avenue, B-2 Zone

Motel Addition

Arnold Gans, Applicant

Deadline to open Public Hearing 9-12-09

Mr. Arnold Gans, Architect, addressed the Commission and reviewed the application. He stated that the same family has owned the motel for 35 years. There will be 9 units added to the existing second floor. The project includes stairs and a storage area. They revised the plans, so that a variance would not be required. There is access to grade at the second floor in the rear, with stairs located in the front of the building. The Farmington Canal is located to the rear of the building and this area will be cleaned up. Mr. Grant asked if there would be an exit that goes to the Farmington Canal. Mr. Gans advised that the exit is not directly on to the Canal. There is an approximately 16 foot elevation difference from the front of the building to the rear.

Mr. Kops, Assistant Town Planner read his comments and recommended approval based on the following plans:

“Days Inn Motel” Site Plan Drawing S1 dated June 10, 2009

- I. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:
 - A. Revised plans containing:
 - i. Removal of parking spaces 56 and 57.
 - ii. The staging area.
 - iii. Demonstration that the addition meets the rear yard setback.
 - iv. A dumpster located on a cement pad surrounded on three side with six feet of curbing.

- v. A note stating that all catch basins will be cleaned out and repaired as necessary.
 - vi. A storm water management plan, noting that the catch basins will be inspected at least three times a year and emptied of sedimentation at least twice a year, as well as the name of the person responsible.
 - vii. All Conditions of Approval.
- II. Prior to the start of construction:
- A. The existing catch basins shall be cleaned out and repaired as necessary.
 - B. Erosion and sedimentation controls shall be installed around each catch basin and trench drain..
 - C. The RWA must be notified at least three days prior to the commencement of work.
- III. During the construction phase:
- A. Hours of operation are limited to between 7:00 am and 5:00 pm, Monday through Friday.
 - B. Public roads traveled by project trucks and equipment shall be inspected regularly and cleaned whenever necessary.
 - C. Catch basins shall be protected by staked hay bales whenever an is unpaved. After paving, they shall be protected by a combination of filter fabric, concrete blocks and gravel or silt sack inserts.
 - D. All oil, paint, and other hazardous materials shall be stored in a secondary container and placed in a locked indoor area.
 - E. The RWA shall be notified of any spills of hazardous materials.
- IV. Once the construction has been completed::
- A. No waste water shall be dumped outside the building.
 - B. There shall be no dumping of dirty mop water or cleaning of floor mats or kitchen equipment outside of the building, as stated on the plans.
 - C. The dumpsters shall be kept plugged, covered and inside a screened enclosure at all times.
 - D. RWA inspectors shall be granted access to the site to conduct routine inspections.
- V. All work must be completed by July 14, 2014.

Mr. McDonagh asked for public comments. There were none.

Mr. Roscow reviewed with Mr. Gans the elevation map C-3. Mr. Gans explained that the plans are within the Days Inn standards.

Mr. McDonagh asked for further comments. There were none.

The public hearing was closed.

This evenings Public Hearing was closed at 9:10 p.m.

B. Regular Meeting:

1. Special Permit & Site Plan 09-1148/WS

385 & 415 Putnam Avenue, CDD-1 Zone
 Adaptive Re-use to Multi-Family Housing
 Bernard Pellegrino, Applicant

Ms. Altman made the motion to approve Special Permit & Site Plan 09-1148/WS as recommended by the Assistant Town Planner and add condition 1.A.X: Passive safety measures to be introduced in conjunction with discussions with the Town Planner, including an analysis of site lines with the goal of enhancing the safety of entrance and egress. Mr. Kops suggested that the condition be simplified. Ms. Altman asked that it be left as proposed because of the concerns of the civic association. Mr. Riccio stated he would like to add that there be a construction sequence, because he has concerns for erosion. Mr. Kops stated there is a sequencing plan called for. The condition should include: any changes required by the town engineer. Ms. Altman agreed to the change and the condition will read: *Passive safety measures to be introduced in conjunction with discussions with the Town Planner, including an*

analysis of site lines with the goal of enhancing the safety of entrance and egress, and any changes required by the Town Engineer. And the following conditions:

- I. Prior to the Issuance of a Zoning Permit the applicant must:
 - A. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i) All Conditions of Approval.
 - ii) Elevation drawings properly signed and sealed, clearly indicating the name of the design professional.
 - iii) An 18 inch above grade standpipe fire connection placed near Putnam Avenue and accessible in all weather conditions, with vegetative screening.
 - iv) An Erosion Control Sequencing Plan.
 - v) A water quality basin.
 - vi) Details of the remediation Plan, including any changes required by DEP or its designated agent.
 - vii) Clarification of the re-use of material.
 - viii) A plan for post construction monitoring.
 - ix) A stormwater management plan that:
 - a. Includes inspection and clean out frequencies ensuring optimal system performance.
 - b. Identifies the person responsible for implementing the plan.
 - c. Catch basins with sumps and drywells should be inspected at least three times a year.
 - d. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
 - e. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - x) Passive safety measures to be introduced in conjunction with discussions with the Town including an analysis of site lines with the goal of enhancing the safety of entrance and egress, and any changes required by the Town Engineer.
 - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
 - C. Obtain approval of the remediation plan from DEP or its designated agent.
 - D. File a mylar approved by the Town Planner and Town Engineer, merging the lots, at the Town Clerk's Office.
- II. Prior to the start of construction:
 - A. The RWA should be notified three days prior to the start of any construction activity.
 - B. The erosion and sedimentation controls should be installed. Hay bales proposed for use on paved surfaces should be replaced with a combination of filter fabric, concrete blocks and gravel, or by silt sack inserts.
- III. During construction:
 - C. Sedimentation and erosion controls should be inspected weekly and after each rainfall.
 - D. Additional controls should be stored on-site for any necessary repairs.
 - E. Excavated material stored on-site for any length of time should be stabilized.
 - F. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
 - G. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
 - H. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - I. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - J. The RWA should be notified of any spills of hazardous materials.
 - K. All contaminated soil must be disposed of in accordance with all relevant state, federal and local regulations.
- III. All work must be completed by July 14, 2014.
- IV. RWA inspectors should be granted access to the site to conduct routine inspections.

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

2. Special Permit & Site Plan 09-1150/WS

1409 Dixwell Avenue, CDD-1 Zone
Adaptive Re-use to Multi-Family Housing
Bernard Pellegrino, Applicant

Ms. Altman made the motion to approve Special Permit & Site Plan 09-1150/WS and add I.a.xiii to read: with the removal of the exterior wall at the west side and the appropriate planting, replaced by vinyl fencing and landscaping. Also, a WPCA survey. Add I.a.xiv to read: Any changes required by the Greater New Haven Water Pollution Control Authority. I.A.C. to read: Approval of plans by the Greater New Haven Water Pollution Control Authority. I.A.i. To read: Any changes by the Town Engineer. And the following conditions:

- I. Prior to the Issuance of a Zoning Permit the applicant must:
 - A. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i) Any changes by the Town Engineer.
 - ii) Increased landscaping so that there is effective screening between the apartments and both the unused building and the school bus storage area.
 - iii) Access to the rear of the property
 - iv) A note indicating the swale in the rear of the property is intended to be temporary.
 - v) A cross section of the swale.
 - vi) Identification of kitchen areas in Sheet A SK-2 first floor apartments and Sheet SK-1 second floor apartments.
 - vii) A revised Photometric study showing a reading of 0 foot-candles at the property boundary.
 - viii) A list of all plans on the first page.
 - ix) A note indicating that additional cleanup will occur on the rear of the property and that erosion onto the Farmington Canal Greenway will be eliminated.
 - x) A curbless landscaped area where the driveway goes around the corner near space #12.
 - xi) Relocation of the catch basins into grassed islands that have curb cuts.
 - xii) A stormwater management plan that:
 - a) Includes inspection and clean out frequencies ensuring optimal system performance.
 - b) Identifies the person responsible for implementing the plan.
 - c) Catch basins should be inspected at least four times a year.
 - d) Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
 - e) Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - f) All Conditions of Approval.
 - xiii) with the removal of the exterior wall at the west side and the appropriate planting, replaced by vinyl fencing and landscaping. Also, a WPCA survey.
 - xiv) Any changes required by the Greater New Haven Water Pollution Control Authority
 - B. A performance bond in an amount approved by the Town Planner and Town Engineer.
 - C. Approval of plans by the Greater New Haven Water Pollution Control Authority.
- II. Prior to the start of construction:
 - A. The RWA should be notified three days prior to the start of any construction activity.
 - B. The erosion and sedimentation controls should be installed. Hay bales proposed for use on paved surfaces should be replaced with a combination of filter fabric, concrete blocks and gravel, or by silt sack inserts.
- III. During construction:
 - A. During renovation all hazardous materials, including asbestos and mercury switches should be removed by a licensed contractor in full compliance with local state and federal regulations.
 - B. Sedimentation and erosion controls should be inspected weekly and after each rainfall.

- C. Additional controls should be stored on-site for any necessary repairs.
 - D. Excavated material stored on-site for any length of time should be stabilized.
 - E. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
 - F. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
 - G. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - H. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - I. The RWA should be notified of any spills of hazardous materials.
- IV. All work must be completed by July 14, 2014.
- V. RWA inspectors should be granted access to the site to conduct routine inspections.

Mr. Reynolds seconded the motion as amended. The motion passed unanimously.

3. Special Permit & Site Plan 09-1152

2895 State Street, CDD-1 Zone
Office and Outside Storage
Hugh I Manke, Applicant

Mr. Grant made the motion to approve the Special Permit & Site Plan 09-1152 as recommended by the Assistant Town Planner and change condition I.A.i to read: "Area to be leased". Also, remove I.B. And the following conditions:

- I. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:
 - A. Revised plans containing:
 - i. "Area to be leased"
 - ii. All Conditions of Approval
- II. Prior to using the site for outdoor storage the applicant must obtain a Zoning Permit.
- III. All work must be completed by July 14, 2014.

Mr. Marottoli seconded the motion as amended. Mr. McDonagh, Ms. Altman, Mr. Grant, Mr. Riccio, Mr. Roscow, Mr. Dimenstein, and Mr. Marottoli voted in favor of the motion. Mr. Reynolds is voted against the motion. The motion passes 4-1-0.

The Commission discussed previous applications at this location. Mr. McDonagh advised the Commission that Modern Material and Empire Paving are the subject of a cease and desist order. Mr. Lee advised the cease and desist order is currently in Superior Court with possible remediation.

4. Special Permit & Site Plan 09-1153/WS

21 Pershing Street, CDD-1 Zone
Professional Offices and Motor Vehicle Sales
Anthony Cuomo, Applicant

Tabled at the request of the applicant.

5. Special Permit & Site Plan 09-1154/WS

1665 Dixwell Avenue, CDD-1 Zone
Auto Repair Shop
Frederick Uihlein Jr., Applicant

Ms. Altman made the motion to approve Special Permit & Site Plan 09-1154/WS as recommended by the Assistant Town Planner and remove condition item 3 and change condition 18 to read: All work should be completed by July 14, 2014. 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 revised plan containing all Conditions of Approval.
2. The applicant must obtain a Zoning Permit prior to commencing any work.
3. The catch basins and drywells should be inspected at least three times a year.
4. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
5. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
6. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
7. Waste material, including any contaminated soil or gravel around them, should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.
8. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
9. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
10. Solid waste dumpsters should be placed on paved surfaces.
11. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
12. All vehicle washing should be conducted indoors.
13. All servicing of vehicles, including oil changes, transmission work, radiator flushing and repairs, parts and engine cleaning and part stripping from junked vehicles should be conducted indoors on an impervious surface.
14. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
15. Damaged vehicles that are leaking automotive fluids should be stored inside the garage or at a minimum on an impervious surface where the leaks can be contained and cleaned up.
16. RWA inspectors should continue to be granted access to this property during the annual inspection program.
17. All work should be completed by July 14, 2014.

Mr. Reynolds seconded the motion. The motion passed.

- 6. Special Permit & Site Plan 09-1155/WS**
 3400 Whitney Avenue, B-2 Zone
 Motel Addition
 Arnold Gans, Applicant

Ms. Altman made the motion to approve Special Permit & Site Plan 09-1155/WS as recommended by the Assistant Town Planner, and remove condition III.B, and the following conditions:

- I. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:
 - A. Revised plans containing:
 - i. Removal of parking spaces 56 and 57.
 - ii. The staging area.
 - iii. Demonstration that the addition meets the rear yard setback.
 - iv. A dumpster located on a cement pad surrounded on three side with six feet of curbing.
 - v. A note stating that all catch basins will be cleaned out and repaired as necessary.

- vi. A storm water management plan, noting that the catch basins will be inspected at least three times a year and emptied of sedimentation at least twice a year, as well as the name of the person responsible.
- vii. All Conditions of Approval.
- II. Prior to the start of construction:
 - A. The existing catch basins shall be cleaned out and repaired as necessary.
 - B. Erosion and sedimentation controls shall be installed around each catch basin and trench drain..
 - C. The RWA must be notified at least three days prior to the commencement of work.
- III. During the construction phase:
 - A. Hours of operation are limited to between 7:00 am and 5:00 pm, Monday through Friday.
 - B. Catch basins shall be protected by staked hay bales whenever an is unpaved. After paving, they shall be protected by a combination of filter fabric, concrete blocks and gravel or silt sack inserts.
 - C. All oil, paint, and other hazardous materials shall be stored in a secondary container and placed in a locked indoor area.
 - D. The RWA shall be notified of any spills of hazardous materials.
- IV. Once the construction has been completed::
 - A. No waste water shall be dumped outside the building.
 - B. There shall be no dumping of dirty mop water or cleaning of floor mats or kitchen equipment outside of the building, as stated on the plans.
 - C. The dumpsters shall be kept plugged, covered and inside a screened enclosure at all times.
 - D. RWA inspectors shall be granted access to the site to conduct routine inspections.
- V. All work must be completed by July 14, 2014.

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

- 7. Special Permit & Site Plan 00-918/WS**
 2080 Whitney Avenue, CDD-1 Zone
 Medical Offices
 Eli Drazen, Applicant
 Request for Bond Release, Curreant Bond \$24,395.00

Mr. Reynolds made the motion to release the bond in the amount of \$24,395.00 as recommended by Holly Masi, Zoning Enforcement Officer. Mr. Grant seconded the motion. The motion passed unanimously.

- 8. Proposed Amendment of the 2004 Plan of Conservation and Development 09-004**
 File available for review in the Planning Office
 and the Office of the Town Clerk
 Town of Hamden, Applicant

Mr. McDonagh asked for a motion to add 09-004 Proposed Amendment of the 2004 Plan of Conservation and Development for discussion purposes.

Ms. Altman made the motion to add 09-004 Proposed Amendment of the 2004 Plan of Conservation and Development for discussion purposes.. Mr. Roscow seconded the motion. The motion passed unanimously.

Mr. Kops advised the Commission that the proposed amendment for the Plan of Conservation and Development is to make it more explicit that Village Districts are encouraged, and provide the foundation for the proposed amendments to the zoning regulations. Mr. Kops explained that in third draft the old language is stricken and the new language is underlined. Several passages have been altered. This lays the groundwork for changes to the Zoning Regulations. The public hearing will be held September. The proposed changes have been sent to COG and the Legislative Council. If the Legislative Council votes against the amendment, the P&Z Commission would need a super majority vote for it to pass. It was amended twice because various civic associations have made comments regarding plans that were

prepared at the Charette that referred to zones. He advised the Commissioners if they have any questions regarding the proposed changes, they may contact Ms. Creane or himself.

C. Old Business/ New Business

1. Review of May 12, 2009 Minutes

Mr. Grant made the motion to accept the minutes of May 12, 2009 as written. Mr. Marottoli seconded the motion. Mr. McDonagh, Mr. Grant, Mr. Riccio, Mr. Roscow, Mr. Dimenstein, Mr. Reynolds, and Mr. Marottoli voted in favor of the motion. The motion passes.

2. Review of June 9, 2009 Minutes

Mr. Roscow advised that on page 1, item 1, line 3 should read Bianco/Giolitto/Weston Architects LLC had done a feasibility study that was completed in the fall of 2007.

Ms. Altman made the motion to approve the minutes of June 9, 2009 as amended. Mr. Grant seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Grant, Mr. Riccio, Mr. Dimenstein, Mr. Reynolds and Mr. Marottoli voted in favor of the motion. The motion passes.

3. Review of June 16, 2009 Minutes

Mr. Roscow stated that on page 3, first paragraph, line 1 the word import should be important. On page 3, second paragraph, last line should read: Mr. Roscow stated that he disagrees with the process where the Town brings projects where there is nothing for the commission really to do. Since the Town has already taken the project all the way through the construction document phase, and should have come to the commission at the schematic design phase.

Mr. Riccio made the motion to accept the minutes of June 16, 2009 as amended. Ms. Altman seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Grant, Mr. Riccio, Mr. Dimenstein, Mr. Reynolds, Mr. Roscow voted in favor of the motion. The motion passes.

4. Review of June 23, 2009 Minutes

Mr. McDonagh advised that on page 8, line 3 of the the motion should read: Mr. McDonagh added the Condition I.A.iv.f: A trench drain in front of the fire station that ties back into the building storm.

Mr. Grant made the motion to accept the minutes of June 23, 2009 as amended. Mr. Reynolds seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Grant, Mr. Riccio, Mr. Dimenstein, Mr. Reynolds and Mr. Roscow voted in favor of the motion. The motion passes.

5. Minor Amendment to Special Permit 05-1064 – 1351 Dixwell Avenue

Mr. McDonagh advised the Commissioners that the minor amendment has been signed of by Ms. Leslie Creane, Town Planner.

6. Minor Amendment to Special Permit 95-741- 2040 Dixwell Avenue

Mr. McDonagh advised the Commissioners that the minor amendment has been signed of by Ms. Leslie Creane, Town Planner.

D. Adjournment

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

The meeting adjourned at 9:50 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions