



Town of Hamden
Planning and Zoning Department

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

September 17, 2009

Minutes: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, September 8, 2009, at 7:00 p.m. in the Hamden Middle School Auditorium, 2761 Dixwell Avenue, Hamden, CT, and the following was reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
 Ann Altman
 Ed Grant
 Ralph Riccio
 Lesley DeNardis
 Peter Reynolds
 Bob Roscow
 Jerry Dimenstein
 Len Grabowski, sitting for Don Moses
 Ralph Marottoli, alternate

Staff in attendance:

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

Mr. McDonagh called the meeting to order at 7:05 p.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 09-1153/WS

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

Mr. Bernard Pellegrino, Attorney, addressed the commission and reviewed the application. He explained that the first floor of the building which is 10,215 square feet will be used for the sale, purchase and storage of classic Porches. The vehicles will be viewed and sold by appointment only. The business will generate a small amount of traffic going onto the premise, including the staff and the public that comes in to view the vehicles. The facility must be temperature controlled and the vehicles cannot be left outside. The property has the required amount of parking. Mr. Pellegrino said there will be no impact to the environment.

Mr. McDonagh asked for comments from the Commission:

Mr. Riccio stated that the RWA comments were concerned with the catch basin drywell located on the southwest corner of the property and asked if it was shown on the plans. Mr. McDonagh advised Mr. Riccio that it was shown on the plans.

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

Existing Conditions, Office/Motor Vehicle Storage Building, August 3, 2009, Sheet 1 of 1, and Site plan, Office/Motor Vehicle Storage Building, dated May 28, 2009, Sheet 1, prepared by Milone & MacBroom.

Subject to 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:
 - a) A plugged floor drain.
 - b) Site lighting
 - c) All Conditions of Approval
 - d) The signature and seal of a licensed surveyor.
2. Prior to obtaining a Zoning Permit the applicant must obtain Location Approval of a used car dealer's license.
3. The applicant must obtain a Zoning Permit prior to commencing any work and using the site.
4. The catch basin/drywell in the southwest corner should be immediately cleaned, examined and if necessary, repaired.
5. All catch basins/drywells should be inspected at least three times a year. 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. Solid waste material should be placed in an appropriately sized, covered solid waste dumpster at 41 Marne Street
9. All vehicles for sale should be stored indoors.
10. All vehicle washing should be conducted indoors.
11. 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.
12. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
13. RWA inspectors should be granted access to this property during the annual inspection program.
14. All work should be completed by September 8, 2014.

Mr. Kops stated that the condition numbers 10-12 are standard RWA comments for a car dealership.

Mr. McDonagh asked for comments from the public and there were none.

The Public Hearing closed at 7:19 p.m.

B. Regular Meeting:

1. **Special Permit & Site Plan 09-1153/WS**
21 Pershing Street, CDD-1 Zone
Professional Offices and Motor Vehicle Sales
Anthony Cuomo, Applicant

Ms. Altman made the motion to approve the Special Permit & Site Plan 09-1153 as recommended by Mr. Kops, Assistant Town Planner and the following conditions:

Subject to 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:
 - a) A plugged floor drain.
 - b) Site lighting
 - c) All Conditions of Approval
 - d) The signature and seal of a licensed surveyor.
2. Prior to obtaining a Zoning Permit the applicant must obtain Location Approval of a used car dealer's license.
3. The applicant must obtain a Zoning Permit prior to commencing any work and using the site.
4. The catch basin/drywell in the southwest corner should be immediately cleaned, examined and if necessary, repaired.
5. All catch basins/drywells should be inspected at least three times a year. 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. Solid waste material should be placed in an appropriately sized, covered solid waste dumpster at 41 Marne Street.
9. All vehicles for sale should be stored indoors.
10. All vehicle washing should be conducted indoors.
11. 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.
12. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
13. RWA inspectors should be granted access to this property during the annual inspection program.
14. All work should be completed by September 8, 2014.

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

2. **Minor Amendment to Special Permit & Site Plan 09-1147/WS**
 2335 Dixwell Avenue, CDD-1 Zone
 Retail/Petco
 Carl Porto, Attorney

Mr. Carl Porto, Attorney, addressed the Commission and reviewed the application. He explained that when the Special Permit & Site Plan had been approved the tenants for the building had not been identified. He stated that Petco will be a tenant and will use two of the four retail areas, which will be approximately 13,000 square feet. He had met with the Planning Office staff and it was suggested that a minor amendment be submitted. Mr. Porto explained that Petco will use the area for retail sales, grooming, and the educational training for animals and their owners. There will be services provided by a veterinarian at clinics to give shots and pet care. This application does not change the footprint of the building.

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

The current conditions of approval are:

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. Demonstration with turning movements that the proposed or an alternative location and orientation of the dumpsters permits trash pickup, including any directional arrows and signs to be employed.

- iii. Six inch high curbing on three sides of the dumpsters. To the extent possible the concrete pad should be angled down toward the rear, to retain fluids.
 - b) A performance bond in an amount approved by the Town Planner and Town Engineer.
- 2. The RWA should be notified three days prior to the start of any construction activity.
- 3. The RWA should be apprised of the condition of the water quality basin and all maintenance activity over the previous twelve months.
- 4. If any excavation is to occur:
 - A) Erosion controls should be installed prior to the commencement of construction activities.
 - B) All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
 - C) Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
- 5. During construction all oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
- 6. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
- 7. Any on-site fueling and repairs should be conducted over a portable spill containment system.
- 8. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
- 9. The RWA should be notified of any spills of hazardous materials.
- 10. Catch basins with sumps and hoods or drywells should be inspected at least three times a year.
- 11. The basin should be inspected twice a year and mowed two to three times a year.
- 12. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
- 13. The dumpsters should be adequately sized, covered with a watertight lid and plugged to prevent leaks. They should be inspected on a regular basis.
- 14. RWA inspectors should be granted access to the site to conduct routine inspections.
- 15. All work must be completed by April 14, 2014

Ms. Altman made the motion to approve the minor amendment for Special Permit & Site Plan 09-1147 as recommended by Mr. Dan Kops, Assistant Town Planner with the original conditions of approval and the following conditions:

The current conditions of approval are:

- 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. Demonstration with turning movements that the proposed or an alternative location and orientation of the dumpsters permits trash pickup, including any directional arrows and signs to be employed.
 - iii. Six inch high curbing on three sides of the dumpsters. To the extent possible the concrete pad should be angled down toward the rear, to retain fluids.
 - B. A performance bond in an amount approved by the Town Planner and Town Engineer.
- 2. The RWA should be notified three days prior to the start of any construction activity.
- 3. The RWA should be apprised of the condition of the water quality basin and all maintenance activity over the previous twelve months.
- 4. If any excavation is to occur:
 - A) Erosion controls should be installed prior to the commencement of construction activities.
 - B) All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
 - C) Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
- 5. During construction all oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
- 6. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.

7. Any on-site fueling and repairs should be conducted over a portable spill containment system.
8. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
9. The RWA should be notified of any spills of hazardous materials.
10. Catch basins with sumps and hoods or drywells should be inspected at least three times a year.
11. The basin should be inspected twice a year and mowed two to three times a year.
12. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
13. The dumpsters should be adequately sized, covered with a watertight lid and plugged to prevent leaks. They should be inspected on a regular basis.
14. RWA inspectors should be granted access to the site to conduct routine inspections.
15. All work must be completed by April 14, 2014.

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

3. Special Permit & Site Plan 98-837

2390 State Street
Request to release Bond-amount \$93,727
Ridge Hill Condominium, Applicant

Mr. Roscow made the motion to approve the request to release the bond in the amount of \$93,727.00 as recommended by Holly Masi, Zoning Enforcement Officer. Mr. Riccio seconded the motion. The motion passed unanimously.

4. Special Permit & Site Plan 03-992

Gaylord Mountain Road, R-2 Zone
Morningview Subdivision
Request for an extension for a deadline to complete
Ravenswood Construction, LLC, Applicant

Mr. Kops read his comments and recommendations.

Ms. Altman made the motion to table this item until the October 13, 2009 for the request for an extension of the permit until the written time frame for the completion of the remaining work is received as recommended by Mr. Dan Kops, Assistant Town Planner. Mr. Riccio seconded the motion. The motion passed unanimously.

5. Special Permit & Site Plan 07-1116

200 Leeder Hill Drive, CDD-1 Zone
Whitney Center
Request for an extension for a deadline to complete
Bernard Pellegrino Sr., Applicant

Mr. Bernard Pellegrino, Attorney addressed the Commission and reviewed the request to extend the deadline to complete the work at this location. He said that Mr. Kops had explained to him that it is not customary to extend a permit's completion date that is not due to expire soon. Mr. Pellegrino explained that the State Statute has been changed to allow up to six years to complete a project as opposed to five years. He stated that the bank is requesting the extension to assure the time frame for completion.

Ms. Creane advised the Commission that the regulations allow for an extension of five years permitting the Commission to agree or deny an extension based on the changes in the applicant's circumstances. She stated that she does not recommend an extension until 2018, but would be willing to extend the permit for one additional year. She offered to write a letter to the bank if needed.

Ms. Altman stated that extending the permit until 2014 would be acceptable. Mr. Roscow stated that he agrees with Ms. Altman. He said that Whitney Center is a PUD in town and is a large project. He feels that the applicant would need something more substantial for the bank than a letter. Mr. Pellegrino stated that he would accept an extension of

the permit until 2014. He would like a letter to the bank stating that the applicant's permit has been extended until 2014 and would be able to come back to the Commission for an additional extension of five years if necessary. The Commission discussed extending the permit. Mr. Roscow said that the project may not be built until there are a large percentage of units sold.

Ms. Altman made the motion to grant the application for an extension of the Special Permit & Site Plan 07-1116 for a term of five years and it would expire November 13, 20014, and the applicant can come back for an extension at that time if necessary. Ms. DeNardis seconded the motion. The motion passed unanimously.

Mr. Pellegrino stated that the original application permit was granted on November 13, 2007 and the permit would expire on November 13, 2012. The motion made at this meeting only granted a two year extension. Mr. McDonagh explained that the permit was extended five years from November 13, 2009 and would expire on November 13, 2014.

6. 2009 Parking Plan-Quinnipiac University

Mr. Bernard Pellegrino, Attorney, addressed the Commission and requested this item to be tabled. He was unaware that the item was being placed on the agenda for this meeting.

Mr. Grant made the motion to table this item until the October 13, 2009 meeting. Mr. Roscow seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review of July 14, 2009 Minutes

Ms. Altman made the motion to accept the minutes as written. Mr. Roscow seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Grant, Mr. Riccio, Mr. Roscow, Mr. Dimenstein, Mr. Reynolds and Mr. Marottoli voted in favor of the motion. The motion passed.

2. Review of July 22, 2009 Minutes

Ms. Altman stated that on page 2, 8th paragraph, 3rd sentence "EdgeHill" spelled incorrectly, should be "Edgehill".

Ms. Altman made the motion to accept the minutes as amended. Mr. Roscow seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Riccio, Mr. Roscow, Mr. Reynolds and Mr. Marottoli voted in favor of the motion. The motion passed.

3. Review of August 11, 2009 Minutes

Mr. McDonagh stated that on page 1, last paragraph, "DeNofrio" spelled incorrectly, should be "DeOnofrio". Ms. Altman stated on page 5 second line the word "with" should be "what". Mr. Roscow stated on page 4, 5th paragraph, 1st sentence, replace "Mr. Roscow said" with "Mr. Roscow observed", and in the same paragraph 3rd line from the bottom replace "colonies" with "colonnades".

Mr. Roscow made the motion to approve the minutes as amended. Ms. DeNardis seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Riccio, Ms. DeNardis, Mr. Roscow approved the minutes as written. The motion passed.

4. Review of August 18, 2009 Minutes

Ms. Altman made the motion to accept the minutes as written. Ms. DeNardis seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Riccio, Ms. DeNardis, Mr. Reynolds, Mr. Marottoli voted in favor of the motion. The motion passed.

Ms. Altman made the motion that the record show the appreciation to Stacy Shellard, Commission Clerk, for her hard work with preparing the minutes for the proposed zoning regulations draft. Mr. Grant seconded the motion. The motion passed unanimously.

5. Minor Amendment to Special Permit 07-1111
451 Putnam Avenue, CDD-1 Zone
Adaptive reuse-multi-family
Leeway, Inc.

Ms. Creane reviewed the Minor Amendment to Special Permit 07-1111 to replace the drywells with mud retention stormwater basins. She explained that the change was approved by the Town Engineer.

6. Working session regarding the proposed Zoning Regulations

Mr. McDonagh explained that there were three items that needed to be clarified:

James Street north to the Route 10 Connector: Mr. McDonagh explained that it was going to be changed to a T-3 zone with restricted activities. The consensus of the Commission was that the T-3 zone would stop two blocks south of the connector, so that the bank and book store would not become non-conforming uses. Ms. Creane stated that Section 727 was incorporated into the proposed regulations. This was done by incorporating it into the appropriate places and not having it as one section in the proposed zoning regulations. Ms. Creane said that Mr. Roscow had suggested that buildings that have a useful floor area over 2,500 square feet should be made a two story building. A section was added under the proposed retail grouping “between 1,500 and 5,000 square feet” and it was added to Article 6.1. A parcel near Trailside Village on the west side was changed to a T-3.5 zone. The definition for truck garden/farms has been changed to read from “two acres or more” to “between two and five acres”. The change for the zone from James Street north to the Route 10 Connector had a change to T- 3.5 zone for the parcel that has the bank and the toy store. Ms. Altman asked if there had been any communications since the last meeting. Ms. Creane stated that she had received a call from the Mayor regarding a call he had received from Ms. Joan Migliozi. He asked Ms. Creane to outline the difference between the difference between the R-4 and T-4 zone and he has given the information to Ms. Migliozi.

Ms. Joan Migliozi, 15 Pinewood Road, addressed the Commission and stated that she had received a message from the Mayor. The message stated that he had spoken with Ms. Creane and she would be placing restrictions in the proposed regulations to protect her area from certain businesses. She asked Ms. Creane if the restriction would include a restriction to retail of 5,000 square feet or less and what retail would be allowed. Ms. Creane reviewed footnote “j” and stated that it needs to be changed as it relates to a T-3 zone which should be changed. Ms. Migliozi asked if this would include restaurants. Ms. Creane advised that restaurants would be separate. Ms. Migliozi asked if it also included apartment buildings. Ms. Creane advised that it would include adaptive-reuse of multi-family use and would be allowed in a T-3 zone and residential zones. Ms. Migliozi asked if there would be a limit to the size allowed. Ms. Creane stated that there is no limit, but the size of parcel is limited to the size of a building and new multi-family use structures would be allowed. Mr. McDonagh explained that adaptive-reuse means that someone would use an existing building and make it to a multi-use. They would not be allowed to tear down a building so that a new one could be built. Mr. McDonagh explained that a Special Permit would be needed for an existing structure to become multi-use. Ms. Migliozi asked if a structure would be required be built so that its the architecture fits into the neighborhood. Ms. Creane advised her it that there will be regulations regarding the architectural requirements. Mr. Roscow asked if the proposed regulations states that multi-family will not be allowed except for adaptive-reuse. Mr. McDonagh explained that this was correct.

Mr. McDonagh explained that this item was a working session and the public could comment.

Mr. Ronald Warner, 2748 Whitney Avenue, addressed the Commission and stated that his wife owns Whitney Flowers which has been a successful business. He supports James Street north to the connector being a T-4 zone because this would allow the business to grow. He explained that his family has owned the property for 78 years. Mr. McDonagh said that it was proposed to be a T-3 zone, but the T-4 zone can be extended one lot. Mr. Warner said he would like to maintain what exists and may want to expand in the future. Mr. McDonagh stated that the intention of the Commission is not to make an existing business a non-conforming use and does not feel that the neighborhood would

have any objections to allow the continued use of the business. Mr. Warner referred to Schultz's Farm and stated that they were interested in using it for their retail operation and were told they could not purchase one lot. Ms. Creane advised she has made the change to include Mr. Warner's lot to a T-4 zone. Mr. Roscow asked Mr. Warner if he was looking to buy the adjacent property so he can expand. Mr. Warner stated that he was not.

Ms. Diane Swiatek-Persico, Hamden resident, addressed the Commission and stated that she is in favor of a T-4 zone from James Street north to the Route 10 Connector. She is opposed to the area remaining a residential area. She explained that when she has visited the Whitney Manor Nursing Home; several times she had observed homes that house Quinnipiac students having parties. This area has a lot of traffic and accidents. She is in favor of businesses being allowed which would be good for taxes. She asked how the Sleeping Giant Book Store and the toy store were allowed in a T-3 zone. Ms. Creane explained that a T-3 zone is being proposed and the businesses are allowed under the current zoning regulations.

Mr. Salvatore Botte, 2784 Whitney Avenue, addressed the Commission and explained that his property is 960 square feet and located on the triangle between Cannon and Old Cannon. He would like his parcel to be in a T-4 zone. He stated that people are objecting to retail being allowed between Evergreen Avenue and the Route 10 Connector which has traffic on both roads. He stated that raising a family was very hard because of the traffic. He would like to keep the property and use it himself. He is asking the Commission to take into consideration that there are very few homes left up to the Route 10 Connector and they house elderly people or are used as rental properties. He is not opposed to Quinnipiac University, but he is opposed to them renting homes that are considered non-profit and making money. He would like to use his property and feels that his options are limited with the proposed zoning regulations.

Ms. Altman explained that the proposed regulations are being crafted and she hopes that will not be modified as many times as the current regulations they would be replacing. The Commission must find a balance so that if something is written in the proposed regulations and there is a problem, they can be revised. The Commission recognizes that not everyone will be pleased, but changes can be made in the future.

Mr. McDonagh stated that from James Street to the Route 10 Connector there are large homes that are appropriate for residential use. Under the current regulations there are small businesses that are allowed. There are some houses that could be used for small businesses. Ms. Altman stated that the people who are not pleased with the proposed zoning regulations understand that it can be revisited at a later date. Mr. Roscow said that there is a stretch of Whitney Avenue that is curved and the cars speed in this area, making it difficult for cars entering the thoroughfare. Most of the businesses that exist do not have much vehicle traffic. He stated that the question should be how to get the vehicles to slow down. He would like to see this area be residential or allow adaptive-reuse with residential characters.

Mr. Warner asked for the definition of residential housing. Mr. McDonagh asked if Mr. Warner meant residential zones. Mr. Warner said that the Commission is referring to Whitney Avenue as residential housing. Mr. McDonagh explained that north of Mr. Warner's home is residential/professional properties. Mr. Warner said that on his side there are no residential properties. Mr. McDonagh reviewed the list that had been submitted by Ms. Migliozi at the last meeting and explained that the proposed regulations would require maintaining the character of what exist but be allowed for adaptive-reuse.

Mr. John Morrison, 1692 Whitney Avenue, addressed the Commission and asked the Commission to clarify if a T-4 zone is going to be used for mixed-use, there would be a limit on the size of the building. Ms. Creane explained that the definition of mixed-use is more than one use that allows a retail building with residential use. The typical configuration of mixed-use is retail on the first floor and the above floors could be used for either residential or business use. Mixed-use can be on a single parcel, an entire block or the entire municipality. It would require a Special Permit and looked at on an individual basis by the Commission. Mr. McDonagh noted that retail of 20,001 to 250,000 square feet is prohibited on Whitney Avenue in any zone.

Mr. Steven Nardine, Attorney, addressed the Commission and reviewed a letter he read to the Commission. His client owns a commercial property 2554 State Street. He owns an adjacent property which is located on 20 Stevens Street and is zoned as residential. His client would like the 20 Stevens Street property to be zoned as a commercial property. Mr. Nardine has been in contact with the abutting property to see if they would have any objections with having 20 Stevens Street as a commercial property. This would be consistent with what the other businesses are doing in the area and would allow the property to be extended back 90 feet. This would have no impact on the environment or the

traffic. Mr. McDonagh reviewed the location of the properties with Mr. Nardine. He explained that 2554 State Street is proposed to be a T-4 zone. Mr. Nardine stated that his client has no intention at this time to build on 20 Stevens Street but would like to keep his options open for the future. Mr. Kops explained what was currently located in this area and how they are proposed to be zoned. He had suggested to Mr. Nardine that he seek the approval from the abutting neighbor and then pursue a change. It may be possible through an easement that would remain an R-4 zone, or a division of the property there so there would be a buffer to protect the abutting property. This would allow the rest of his property to be developed as a T-4 zone. The key element would be getting a consent from the abutting neighbor. Mr. Nardine stated that the neighbor at 26 Stevens Street has been contacted and he will ask for their consent and address their concerns to designate his client's property as commercial. Ms. Altman said that the Commission has been working on the proposed zoning regulations for two years. Mr. Nardine is talking about one lot and Ms. Altman feels that there should be no consensus made by the Commission at this meeting, and it can be dealt with at a later date by the Planning Office. This is a decision that can be made by the Planning Office and incorporated into the proposed regulations. Mr. McDonagh stated that he disagrees and the issue should be determined by the Planning and Zoning Commission as an amendment to the zoning map at a public hearing so that the neighborhood can voice their opinions. Mr. Nardine said that he had hoped to have permission from the abutting property and he does not intend to move forward without it. Mr. McDonagh that he is talking about one lot and it is appropriate for the neighborhood to know what is being envisioned. Mr. Nardine submitted a copy of the letter to the Commission.

Mr. Pellegrino, Attorney, addressed the Commission and stated that he had been following the changes being made to the proposed zoning regulations. He however missed the change from a T-4 zone to a T 3.5 zone that was made between Mt. Carmel Avenue and just north of Evergreen Avenue. He feels that this area should be a T-4 zone because Quinnipiac University is in this area and there may be businesses that would like to be located because of the student population and the location to the school. The differences between the T -3.5 and T-4 zone from a density standpoint would inhibit the economic redevelopment of the area. He does not have a major issue with the different uses allowed in a T-3.5 and a T-4 zone. The only exception would be the ability to redevelop the existing commercial sites and the houses that will become vacant when the additional dormitories are completed. Under the T-3.5 zone some areas that are commercial under the current regulations will become non-conforming uses. He would like to see parcels around Sherman Avenue and Whitney Avenue merge together and see a Village type zone, but they would be unable to do so if zoned T-3.5. Mr. Pellegrino discussed with the Commission the potential for the area to be developed. A T-3.5 zone does not prohibit retail or commercial developments and they could be between 10,000 and 20,000 square feet. A special permit would be required. The Commission reviewed the arguments made by Mr. Pellegrino that the area should remain T-4 zone and discussed revisiting the issue at a later time.

Mr. Gus Spohn, 4032 Whitney Avenue, addressed the Commission and stated that Mr. Pellegrino has made technical arguments about the density differences between a T-3.5 and T-4 zone. He would like more time to make an assessment and address it at the public hearing. Mr. McDonagh asked Mr. Tim Lee, Assistant Town Attorney if the Commission can make changes to the zoning map or would it require a separate amendment if it were during the application process. Mr. Lee advised that any changes should be made prior to the application or they would have to start the application process again. Mr. Kops said that the issue regarding the density issue is valid. The T-3.5 zone was a compromise between the T-3 zone and the T-4 zone. The specifications of the T-3.5 zone are T-3 specifications, and the uses table for the T-3.5 zone leads toward the T-4 zone use. The density is a T-3 density and would preclude any kind of meaningful development. It would make sense to change the area to a T-4 zone from Sherman Avenue to Mt. Carmel Avenue, but not beyond. Mr. McDonagh said he feels that from Evergreen Avenue to Sherman Avenue there is no housing and going north is a commercial area on the west side. It may be appropriate to allow commercial on the east side. Mr. Roscow feels that both sides of the street should match. At Todd Street the property on the north side was made a T-4 zone. Mr. Roscow reviewed the businesses at Sherman Avenue and going south on Whitney Avenue.

Ms. Holly Masi, 3224 Whitney Avenue, addressed the Commission and stated she is concerned with T-3.5 vs. a T-4 zone and the uses that would be allowed. She stated that south of Sherman Avenue is primarily residential and feels the area can be split into different zones. Mr. Pellegrino's said that his concerns are from Sherman Avenue to Mt. Carmel Avenue. He has no concerns with the use restrictions, but he has concerns with the density and both sides should be a T-4. Mr. Roscow feels the area would be a campus village for Quinnipiac and there would be shopping for the people who attend the events and who stay in the hotels that will be in the area.

Ms. Gail Traester, 156 Brooksvale Avenue addressed the Commission and asked if there were to be development on the east side of Whitney Avenue, how would any development affect the Mill River? Ms. Creane advised that an application would need to be submitted to the Inland Wetlands Commission before it could be addressed by the Planning and Zoning Commission.

Ms. Moira McCloskey, 29 Douglas Drive, addressed the Commission and stated that she is concerned with the density of a T-4 zone being in the area of the entrance of Quinnipiac University and Sleeping Giant Park. She does not like the idea of large density buildings near the Mill River. As a resident of West Woods she does not feel she would be drawn to the same things that Quinnipiac students may want. She said that Quinnipiac University used to be located on one side of Whitney Avenue and is now on both sides, and the area is becoming "Quinnipiacville". She noted that Whitney Avenue is a configuration of seven lanes and it will never be a walkable area. Mr. Kops stated that Mr. Robert Orr had made a point that when an area is developed sensibly for students they were not the ones that used the area the most. There is no reason to assume that it could not happen in this area.

Ms. Elaine Dove, 137 Santa Fe Avenue, addressed the Commission and stated that there is a need to consider the planning. Hamden has never gotten the pilot funds for schools like Quinnipiac University. When the planning is being done the commission must plan for what they want that would increase the tax base. You do not make it a better place for a non-profit school to develop. Quinnipiac is non-profit and there is very little money coming from the pilot fund and the taxes come from the home owners. She said zoning is important, but there must be planning for what is wanted. Ms. Dove feels that Mr. Pellegrino has his own interest and is representing people who are his clients, but they are not necessarily taxpayers. Mr. McDonagh asked Ms. Dove if the area of Whitney Avenue that need to be considered, because there are 8-12 single family houses that houses students. When Quinnipiac completes their dormitories in 2011 the requirement will be that there be 1 bed for every undergraduate student and the residential properties will no longer be needed to house them. The Commission would like to see creating appropriate commercial develop north of Sherman. Ms. Dove stated that Quinnipiac has purchased entire streets where people used to live and paid taxes. Quinnipiac has created the situation and the students do not care about them. In some of them the original owners who still live in them are under contract to pay the taxes. Mr. McDonagh explained if Quinnipiac owns a single family home it remains a taxable property if it is not used for an educational purposes. The privately owned properties used by Quinnipiac students are not maintained and Quinnipiac maintains the homes they own. The issue is what is appropriate for Whitney Avenue. Ms. Dove disagrees about the taxes because she has looked at the tax records and spoken with the Tax Assessor. Ms. Altman feels that it is important that the Commission is trying to finish the preparation of the proposed zoning regulations. There are concerns from the residents and business owners with regard to Whitney Avenue uses. The decisions made by the Commission have been made in public view with full public notice. She is concerned that decisions made this evening are in the presence of a smaller public representation than at past meetings.

Ms. Creane stated that any building that Quinnipiac University owns with regard to taxes is based on how it is used. If it is used for educational purposes then it is not taxed and a building that houses students pays taxes. Ms. Creane said to Ms. Dove that her comments regarding planning were incredibly astute. The stages of planning include: 1) Updating the POCD; 2) developing community vision during the charrette; 3) review of individual applications. Plans must be implemented and the zoning regulations are the implementation of the plans. The next step would be evaluating each application submitted. Ms. Dove stated that in the course of time things change. The Plans of Conservation and Development was completed in 2004 and things have changed. She is a commissioner of the ZBA and they may not always like something about an application, but are unable to say no. Mr. McDonagh said that changes can be made by amendment to the regulations in the future as they determine if something is not working. Ms. Dove discussed with the Commission the amendments that have been made to the current regulations and the possibility of having to make changes in the future regulations.

Mr. McDonagh stated that the Commission is in agreement that Sherman Avenue south of Evergreen is residential. The concern is Sherman Avenue north and what will the zone be on the east side. The concern is the difference between a T-4 and a T-3.5 zone and the uses allowed. The principle issue is the density and the impervious service. The area from Rollins Printing north to Mt. Carmel Avenue should be a T-4 zone restricting automobile garages and food drive-throughs. Mr. Roscow stated that drive-throughs are not wanted. Mr. Pellegrino said that he has provided 2-3 reports from consultants that are planners. They talked specifically from a planning stand point and analyzed the density and how it promoted the economic development stand point. He had met with the Planning staff and provided them with the reports showing analysis that was done by qualified planners, and with the right density it would achieve

the outcome desired. Mr. Roscow asked if these were the Saratoga reports. Mr. Pellegrino stated that two of the three reports were from Saratoga. Mr. Roscow said that the east side of Whitney Avenue is owned by the Regional Water Authority. There is a sewer pipe that runs along Whitney Avenue and through properties that are not deep. There is an area that drops off quickly to Mill River. Mr. McDonagh stated that there is a fair amount of Mill River that runs through the property. Mr. Marottoli asked if rather than two villages, they should work on a cross area for pedestrian safety. Ms. Creane advised that she has been working with the DOT with regard to safety pedestrian traffic. Mr. Roscow stated that the regional planning commission had done a presentation on traffic safety and the need to slow vehicle traffic down and there are common techniques that can work.

Mr. McDonagh that there is a question with the T-4 zone past Mt. Carmel Avenue. Ms. Creane explained that the design done at the Charette was for West Woods Road and Mount Carmel Avenue. There was a sliver that was zoned T-3 which does not make sense. The discussion at this meeting has been to extend the T-4 zone 3 lots up to Todd Street.

Mr. McDonagh asked for a consensus from the Commission how many would like from Sherman north to West Woods be a T-4 zone. The consensus from the Commission was to make the area a T-4 zone.

Mr. McDonagh stated that the Magic Mile being a T-5 zone is an issue that needs to be discussed:

Mr. McDonagh stated that the principal concern is the density of the Magic Mile and the T-3.5 district. The proposed density would be 60 percent and includes the maximum impervious surface. The current regulations do not have a limit on the impervious surface. The building coverage has a maximum of 35 percent. Smart code recommendation is higher than 60 percent. The drawing presented last week has been redone with a higher density and the required parking for the proposed regulations. The question is if the proposed zoning regulations should keep the building coverage at 35 percent. The drawing shown at this meeting is not specific, but a possibility of what the build out of the area could be. Ms. Altman asked if Ms. Creane could review the numbers that correspond with the last meeting and this meeting.

Ms. Creane explained that she explained that there is a schematic design that is a representation of what of area would look like and a diagram is the geometry of how something would fit on a site. She said that they had taken the Plaza site which is 1,000 million square feet and looked at what would fit in terms of pervious vs. impervious coverage. She reviewed the schematic design and the diagram. She explained how the numbers would work for pervious surface vs. impervious surface. She noted that her drawing have been done to scale and includes on street parking. They do not indicate the uses, and the drawings were done as a geometric tool to show how the numbers would work.

Ms. Elaine Dove stated that there is a need for a three dimensional model, which would give a better visual to understand. The density is the biggest concern. Have an area with high density does not always make it livable and safe.

Mr. McDonagh agreed with the need for a three dimensional model if it were for a specific project. The drawings by Ms. Creane are to help better understand the proposed zoning regulations. Ms. Dove stated that if an area is allowed in the zoning regulations to have a high density, it could not be changed in the future. Mr. McDonagh explained that is why there would be a need for a special permit. Ms. Dove stated that if someone had a special permit denied they could take it to court. Ms. Creane explained that would have POCD, and the proposed zoning regulations that would allow them to make decisions for a special permit, which currently is not allowed under the current regulations. Ms. Dove explained that the concept of form base-use is needed in the proposed regulations because the density and potential development is a concern. Ms. Creane that what she is presenting this evening is not complete because density cannot be judged until more information is received. There are limits on the density based on which zone the applicant would be in. When an application is being submitted the Planning Office will look at the entire zoning regulations in its entirety to see if the proposal meets them. If it does not, then it would not go before the Commission.

Ms. Mary Lynn, 4 Harmon Street addressed the Commission and reviewed her concerns about the density in a T-5 zone. Ms. Creane explained where the T-5 zones would be located. She stated that if growth is not allowed somewhere for financial growth, you would be unable to protect the natural resources and open space. Ms. Lynn would like a visual model. She discussed with the Commission the effect on neighborhoods surrounding areas with higher density.

Ms. Creane explained that Hamden is hoping that DOT and the State would allow funds for a train station. She explained that property values do not decrease property values and could attract more businesses in an area that creates an influx of young people with a need to commute. She reviewed the need to have growth that would generate taxes.

Mr. David Hennigan, 64 Waite Street addressed the Commission and stated the concern is the density when constructing buildings with mixed-use. He feels that this would be a risky strategy.

Ms. Christine Esposito, 1742 Whitney Avenue, addressed the Commission and asked if the Saratoga report is available to the public. Mr. Kops advised that it was not a report but three letters with recommendations.

Mr. John Morrison stated to the Commission that he feels Hamden is good the way it is now so why change it. The last property re-evaluation that State mandated created a situation where the taxes were shifted to the residential owners from the commercial property. Mr. McDonagh explained that commercial property is evaluated more often than residential property. He does not feel that there will be increase in the tax-base allowing mixed-use. The people that live here and pay their taxes do not want change. The Hamden Plaza has low impact buildings with beautiful tree lines above them and if the area was allowed to be high density this would no longer exist.

Mr. Matt Corcoran, 2420 Whitney Avenue addressed the Commission and asked at Dixwell Avenue and Whitney Avenue how far north the T-5 zone goes. Ms. Creane reviewed the area with him.

The Commission and the Planning Staff reviewed with the public the revised Diagram. There was a discussion regarding the recommended lot coverage by Smart Code vs. the letters from Saratoga. Mr. Roscow explained what had been done in Savannah Georgia and the development of the area and feels this area should be looked at as a reference. Mr. Roscow said that he hopes the "Magic Mile" will not end up looking like Universal Drive in Hamden.

Ms. Dove stated that she understands that the current Commissioners are professional, but the commissions in the past were not always. She referenced the application that was for a proposed mall and she feels that future commission could still allow for a mall to be built. She said that mixed-use in an area would be like having a mall and the density would be too much.

Mr. McDonagh stated that he appreciates the discussion that has taken place with the public. The next step is the amendment to the Plans of Conservation and Development that is being heard at a Public Hearing of the Planning Section on September 22, 2009. The proposed zoning regulations will be submitted to the Council of Government and then there will be a public hearing. The Planning and Zoning Commission can either reject or accept them as they are proposed. The members could reject them for a specific reason or accept them as written and amend them in the future.

Mr. Hennigan asked if the proposed zoning regulations draft would be posted for two weeks before it goes to the Council of Government so that feedback can be given from the public. Mr. McDonagh stated that he does not detect any opposition from the Commission with regard to the changes to the proposed zoning regulations that have been made. Mr. Kops explained that there are some sections that will be amended and then it will be posted to the Town Web site and sent to COG. Mr. McDonagh thanked the public for their comments and assistance in helping to provide the information necessary to create the proposed regulations. Ms. Creane explained that the final draft of the proposed regulations and the zoning map will be posted on the Town Web site.

D. Adjournment

Mr. Riccio made a motion to adjourn. Mr. Roscow seconded the motion. The motion passed unanimously.

The meeting closed at 10:50 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions