

October 26, 2011

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, October 20, 2011, at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following actions were taken:

Commissioners in attendance:

Jeff Vita, Chair
Wayne Chorney
Fran Nelson
Bill Reynolds
Steve Walsh, sitting for Elaine Dove

Staff in attendance:

Dan Kops, Assistant Town Planner
Holly Masi, Zoning Enforcement Officer
Tim Lee, Assistant Town Attorney
Stacy Shellard, Commission Clerk
Genovieve Bertolini, Stenographer

Mr. Vita called the meeting to order at 7:00 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

A. Public Hearing

- 1) **11-6436** 3490 Whitney Ave, Requesting variances of the following: Section 550.2.7.a to permit a second free standing sign where one is only allowed. Section 550.2.7.b to locate a free standing sign within the Town right of way; Section 360.4.a to permit a parking area in the 1st layer, where only 3rd layer parking is allowed; Section 370.1 to permit a paved parking area within the 1st layer. T-4 Zone, Elwood Hoyt, Jr, Applicant;

Mr. Victor Benni, Civil Engineer, addressed the Commission and reviewed the existing conditions survey and the State of Connecticut's relocation plan for the intersection of Whitney Avenue and West Woods Road. He stated that a 200 foot access drive to the site was put in by the State because of the relocation of West Woods Rd. Mr. Benni explained that the old section of West Woods Road came over the subject parcel and the existing easement is out of use by the town and will be transferred back to the property owner. The applicant is interested in extending the parking area because of the State's layout of the road, and that there is a safety concern for cars entering and exiting the site. Mr. Benni reviewed the proposed parking area and stated that a crosswalk will be included. The request for the variance to relocate the signs is also due to the relocation of West Woods Road and the need for them to be seen as vehicles approach the site. Mr. Benni stated that the hardship was created by the State project to realign West Woods Road and would also alert drivers on West Woods Road that there is an access drive.

Mr. Nelson asked if the parcel in front of People's bank is the location of the easement that is being signed back over to the property owner. Mr. Benni reviewed the subject parcel and the Town's easement for the right of way.

He explained that the Town needs to relinquish use of the easement and that the proposed parking would remain on the subject parcel and not within the easement.

Mr. Vita asked for an explanation of what is meant by the 1st layer and 3rd layer that is stated in the zoning regulations. Mr. Kops explained that the zoning regulations for T zone areas states there cannot be a parking area in the 1st layer which is defined as the area between the property boundary and the building, plus 20 feet back from there. He further stated that the existing parking area is legal non-conforming.

Mr. Chorney asked if the ZBA can take action on property owned by the Town. Mr. Kops said that to put a sign on any property other than the site where the store is located requires a variance, and to put a sign on Town property would require a C.G.S. 8-24. After a review by the P&Z Commission there would need to be an approval by the Legislative Council. The Commission discussed with the Planning Staff the variance and the approvals necessary for the sign to be installed.

Mr. Vita asked for Comments in favor of the application:

Ms. Cindy Civitello, West Woods Civic Association, addressed the Commission and stated that she does not feel Talbot's will remain at the site if the variance is not approved to allow the signage. She asked that the ZBA grant the variance.

Mr. Vita reviewed a letter dated October 20, 2011 from Mr. Dale Kroop, Director of the Economic & Development, Town of Hamden, which asked for approval of the variance.

Mr. Chorney asked Mr. Kops if there were recommendations from the Planning Office. Mr. Kops said that the applicant has met with the Planning Staff and there is a hardship caused by the actions of the State, which are beyond the control of the property owner.

Mr. Vita asked for comments against the applicant. There were none.

Mr. Vita closed the public hearing.

- 2) 11-6438** 135-145 Sanford Street, Requesting variances of the following: Section 652.1, Table 6.3 to permit a 33 unit multi-family housing where none are allowed; Table 3.4 (Zone T-4 Form-Based Code Graphics) to allow 14.5 percent principal building frontage build-out where a minimum of 60 percent is required; Section 652.1.o to allow a minimum of 500 square feet where 600 square feet is required for a 1 bedroom unit; Section 652.1.p to allow a minimum of 665 square feet where 900 square feet is required for a 2 bedroom unit; T-4 Zone, New Haven Home Recovery, Inc., Applicant;

Mr. Paul Bailey, Architect, addressed the Commission and reviewed the concept plan. The site is 2.7 acres located at the corner of Sanford Street and Mill Pond Road. The site is located within a 100 year flood zone and there is a large pond located on the site. Mr. Bailey reviewed the proposal for a 3 story building with 33 one and two bedroom units. He reviewed access on to the site which will be on both Mill Pond Road and Sanford Street. Mr. Bailey explained why the variances are being requested and stated that there have been several variances in the past which allow for multi-family housing to be located on this site. He said that the T-4 zone allows up to 44 units and reviewed the variances being requested, the neighboring properties which include residential, businesses, and manufacturing. Mr. Bailey further explained that the hardship is due to a Town sewer line that goes through the site, the pond located on the site and that the site is within the 100 year flood zone. Also located on the site is a silt sump that was requested by the Town when the area was being developed making it impossible for the required principal frontage.

Mr. Bailey explained that the proposed multi-family units will be for affordable housing and built with government funding. CHFA will provide the funding and they have strict guidelines for cost efficiency. He advised the

Commission to have 600 square foot units would have a negative impact on the cost efficiency. He said that there has been a long history in Connecticut of successful affordable housing developments with one and two bedroom units like those being proposed.

Mr. Vita asked if Mr. Bailey's client is the current or prospective owner of the property. Mr. Bailey replied that his client has an option to buy the property.

Mr. Tim Lee, Assistant Town Attorney asked Mr. Bailey if his position is that the only way to build the proposed units is with government funding and if it is a requirement for affordable housing that government funding must be obtained, or if it a practical way to afford building the housing. Mr. Bailey replied it is his client's only way to afford building the proposed housing.

Mr. Vita asked if the prior approvals have expired because nothing had been built on the property, contingent on the actual construction of the units approved. Mr. Kops explained that the variances do not expire and that they go with the land, but the special permits that were approved did expire because nothing had been built. He has researched the variances that were approved and the language was vague and did not cite the sections of the regulations. Mr. Kops was unable to determine if the variance was to allow multi-family housing in this area where multi-family housing was not allowed, because Sanford Street did not allow it. He was unable to locate any information in the Town Clerk's Office.

Mr. Vita asked if a T-4 zone allows multi-family housing. Mr. Bailey replied that multi-family housing is allowed in a T-4 zone, but only on certain streets, which does not include Sanford Street.

Mr. Chorney said that the previous variances were granted prior to the current zoning regulations. Mr. Bailey believes that the regulation to allow multi-family housing was allowed in the previous regulations. Mr. Kops explained that Sanford Street was not approved for multi-family housing under the previous regulations, but the ZBA granted the variances to allow it. The variances and minutes did not reference the specific regulations.

Mr. Chorney asked Mr. Bailey if the reason for the size of the units was based on a financial aspect. Mr. Kops explained that a variance cannot be granted strictly on a financial hardship, but because the application is based on the affordable housing act, the ZBA must consider the State Statute 8-30g before considering the standard variance criteria. He submitted a copy of the State Statute 8-30g to the Commission for their review.

Mr. Lee asked if the applicant would be building in the flood plain or raising the building and the mechanicals to a certain level. Mr. Bailey explained that the funding being used would not allow building within the flood plain.

Mr. Chorney asked if a traffic analysis was going to be done and Mr. Bailey replied no.

Mr. Walsh asked if the reason for the reduced size of the units was for cost efficiency or to allow more units to be built. Mr. Bailey replied that the number of units are based on the cost to make the project viable. Also, because of the restrictions of the existing site and that the Town installed a municipal sewer on the site that serves the area. He said because of the market, there is not a lot of building being done and funding is difficult to get.

Mr. Nelson said that Hamden recently had a project to build multi-family housing and it was not for affordable housing, so the applicant may be creating the hardship by wanting the entire project as affordable housing.

Mr. Lee said that the application is for affordable housing and the ZBA must analyze the application under the traditional variance principals and whether there is a hardship or not. Once it is determined whether there is a hardship the Commission must also consider the State Statute 830.g to determine if the Town's interest is for the public's health, safety, and welfare out weighs the Town's need for affordable housing. Mr. Nelson asked if the entire application must be based on the two step process Mr. Lee described and Mr. Lee replied yes.

Mr. Chorney asked if there is a requirement that sidewalks would be necessary. Mr. Kops said that the need for sidewalks would be a decision made by the Planning & Zoning Commission. Mr. Chorney feels if a decision for the public's health, safety, and welfare needs to be a consideration, it will be difficult to determine because a complete plan of the site and a traffic study has not been submitted. Ms. Holly Masi, Zoning Enforcement Officer, explained that like the ZBA, the Planning & Zoning Commission will be charged with the same task of determining the health, welfare, and safety of the public. Mr. Bailey stated if the Planning & Zoning Commission requires a traffic study, sidewalks on the street, or any other safety issues the applicant will comply.

Mr. Reynolds asked if the size of the units being requested is an affordable housing requirement. Mr. Bailey replied that in order to get funding, the project must be cost effective. Also the lot being considered is undersized. Mr. Bailey has had previous projects for affordable housing in the State and all the units were the same size as being proposed and have received funding.

Mr. Vita asked for comments in favor of the application. There were none.

Mr. Vita asked for comments against the application:

Ms. Janice Marler, 6 Stratton Court, addressed the Commission and asked if the 3 story building with 33 units is approved, what in the future would prevent additional units and increasing the amount of floors of the building. She said this would change the green space because additional parking would be necessary.

Mr. Kops explained that in order to expand the number of units it would become an expansion of a non-conforming use, and the applicant would again need to come before the ZBA and the P & Z Commission.

Ms. Marler asked if the existing sewer would be adequate to handle the additional units being proposed. Ms. Masi explained that the Greater New Haven WPCA will review the Special Permit to determine if the sewer lines would be adequate.

Mr. Ted Harrison, 36 Bromley Court, addressed the Commission and stated that he does not believe the area can accommodate affordable housing. The existing homes in the area are those with long time residents. He said that a previous statement that had been made referred to commercial buildings on Mill Pond Road and Mr. Harrison explained that there are none and the streets off Mill Pond Road are cul-de-sacs. Mr. Harrison feels that Sanford Street is used as a short cut for traffic to go from Shepard Avenue to Dixwell Avenue. It is difficult to access Sanford Street from Mill Pond Road because the traffic is traveling at high rates of speed. Also, many residents in the area have lived there for 25 years or longer and Mr. Harrison does not feel that the neighborhood would accommodate additional housing.

Mr. James Pascarella, 49 Stratton Court, President of the Legislative Council, addressed the Commission and stated that he has not heard any compelling reason that a variance should be granted. The applicant has not provided an economic analysis or a traffic study. Mr. Pascarella stated that he has been on the Legislative Council for six years and that this application would have been tabled because of the information that is lacking. He feels that the safety of the project cannot be weighed without a traffic study and by granting a variance, it would decrease the Town's development plans square footage to accommodate the financial concerns of this project without a study. The ZBA has an obligation and needs a financial analysis in order to analysis this proposal with the data to support the requirements of CHFA. Mr. Pascarella stated that in his personal opinion strictly from a proforma basis with the sewer line going through the property and the Town mandated silt line which was installed to alleviate water problems on Mill Pond Road makes this a difficult site. His advice to the Commission is that this application should not go forward without additional data.

Mr. Vita stated that if the ZBA denies the application, it would be because the applicant did not meet the criteria to support the application. He explained that there are many residents who would like to voice their concerns at this meeting.

Mr. Pascarella stated that he stood up to speak first to direct residents to where their comments should be focused, because he does not feel that the criteria to approve the application has been met. Furthermore, he feels that the variances that were granted 25 years ago, do not have the documentation to what the specifics of the variance were for. Mr. Pascarella said that in his opinion the POCD that is now in effect would make a 25 year old variance null and void without the proper documentation which is another reason for not going forward with the application. For the ZBA to proceed without the previous variances being located, they must be careful because the data being provided by the applicant is to grant four different variances for this project and whether they have met the standard.

Ms. Christine Esposito, 1742 Whitney Avenue, addressed the Commission and is concerned with the size of the units being relevant to the money that needs to be made. The applicant is proposing a one bedroom unit of 500 square feet where the zoning regulation requires 600 feet and another variance for a two bedroom leaves Ms. Esposito with great reservations about the application. She feels that the application should be denied.

Mr. Frank Williams, 23 Bromley Court, addressed the Commission and stated that he has been a resident since the development was created. He is concerned with the traffic because coming down from Shepard Avenue is downhill and on a curve and leaves a short span of time for people coming off of Mill Pond Street to enter on to Sanford Street. Also, traffic travels from Dixwell Avenue at a high rate of speed to go up the hill towards Shepard Avenue. Mr. Williams has questions regarding the targeted population for low income housing from a concern stand point. There are young children on his street and a school at the end of Sanford Street that was not built at the time that the previous variances had been granted for this property. The silt requirement on the property was because of flooding on Mill Pond Road because of the increase of pavement due to construction.

Ms. Diane Perrone, 29 Bromley Court, addressed the Commission and asked Mr. Bailey who the owner of the property is. Mr. Bailey stated that New Haven Home Recovery, Inc. is his client and they have an option to buy the property. Ms. Perrone asked if New Haven Home Recovery, Inc. is a private company and Mr. Bailey replied that they are a non-profit organization.

Mr. Johnnie Best, 54 Mill Pond Road, addressed the Commission and referred to the site plan and the history of the area. He said that in the winter time when the stream runs under the street every year water backs up. There is a lot of traffic on Sanford Street and has increased with the Middle School. He reviewed the location of homes and driveways in the area. He has been in his home since 1976 and the water problems on his street have just been corrected. He does not feel that low income housing would help the housing market and asked if the application is proposing apartments or condominiums.

Ms. Judy Feather, 37 Stowe Court, addressed the Commission and stated that she is concerned with the traffic coming down Mill Pond Street because there is a rise in the road as it approaches Sanford Street and in the winter it is a problem with the site line being difficult. She said that the additional traffic coming to and from the Middle School has also made it difficult to access Sanford Street.

Ms. Maura Geirin, 60 Stratton Court, addressed the Commission and asked if because it was referred to as a transitional area if the tenants would be Hamden residents paying taxes.

Mr. Brad Schide, New Haven Home Recovery, Inc., addressed the Commission and stated that the owner of the property will pay Hamden Taxes. Priority will be given to Hamden residents to live in the complex.

Ms. Geirin said that 33 units will mean potentially more children going into the Hamden School System. Mr. Schide stated that the majority of units will be one bedroom with no children. Ms. Geirin said that the traffic is a disaster and before a decision is made a traffic study should be done. The Middle School has created more traffic and in the winter the hill is very icy.

Ms. Mary Katz, 38 Stowe Court, addressed the Commission and stated that she is concerned with traffic. She moved into her home 35 years ago and the Middle School was not there. Many businesses have moved into the

area and have been welcomed. When traveling Sanford Street, especially when there are summer concerts and fireworks it is impossible to travel. Because of the Middle School there are many school buses and children trying to cross Dixwell Avenue. In the winter time it was dangerous with the snow for the children to cross over Dixwell Avenue and to add more traffic would be wrong.

Mr. Mark Katz, 38 Stowe Court, addressed the Commission and stated that adding low income/affordable housing would bring the neighborhood down, and it is already difficult to sell the homes in the area. He does not feel that the Town needs the money that bad.

Mr. Bailey apologized that the information previously stated with regards to commercial businesses located on Mill Pond Road was incorrect and he meant to say Sanford Street. On Mill Pond Road there is a government facility for the USDA. Mr. Bailey stated that the traffic concerns should be addressed by the Planning & Zoning Commission and if they determine the traffic to be an issue they will deny the application. He added that it will be a Public Hearing where the public can address their concerns.

Mr. Vita said that because the application is for affordable housing the State Statute does allow the ZBA to consider the public safety and welfare with regard to the application. Mr. Bailey said that the Planning & Zoning Commission would also have the opportunity to consider the public's health, safety and welfare.

Mr. Reynolds said that because it will be heard by the P & Z Commission does not mean that the ZBA is not required to consider the public's health, safety and welfare and Mr. Bailey stated that he is allowed to have a difference of opinion on this matter.

Mr. Bailey said that the concern about ice and traffic on Mill Pond Road the applicant would be willing to remove the access to/from the site on Mill Pond Road if the P & Z Commission would accept the application with the only egress/ingress located on Sanford Street and a turn around on site.

Mr. Bailey stated that because of the concerns regarding two bedroom units and families with children the applicant is willing to withdraw the requested variance to have the two bedroom units and only have 33 one bedroom units in the building. He hopes this will alleviate the concern with regard to family and children in the development.

Mr. Lee asked Mr. Bailey if he is withdrawing the request for the variance for the two bedroom units and Mr. Bailey replied yes.

Mr. Nelson asked if the square footage for the one bedroom unit would be increased because there would be no two bedroom units and Mr. Bailey replied it would not make that much difference. There was a further discussion on how many units there would be.

Mr. Katz stated that there is already a condominium complex on Mill Pond Street and whether there is an access way onto Mill Pond Street or not, there is still a lot of traffic and the proposed building does not belong.

Ms. Masi asked that New Haven Home Recovery address the Commission and give a description of what their business is about.

Ms. Kelley Ann Day, Executive Director, New Haven Home Recovery, addressed the Commission and stated that the agency has been in existence for 21 years and she has been employed there for 15 years. She explained that there is an opportunity that CHFA has issued to the State to develop affordable housing. New Haven Home Recovery has operated homeless shelters for homeless women and children in New Haven. Many women and children from Hamden have utilized these shelters because Hamden does not have any shelters. She further explained that her company is not advocates of building more shelters, but to build more housing. Ms. Day said that CHFA asked for proposal and her company may not be chosen. The concern for low income housing and

property values is understandable. Ms. Day said she is a resident of Hamden and lives close to Davenport/Dunbar development and it is a well run program and her property value has not decreased. New Haven Home Recovery has other affordable housing in the area and they are a non-profit agency that allows people to find affordable housing and stability. Ms. Day said no profit will be made and the proposal is for the mission of the organization. The property run by her company is well run and includes intense services provided and security on the site. A reputable property manager will oversee the property to deal with tenant issues, garbage, and plowing. Ms. Day said that her company is committed to providing affordable housing in a way that will not infringe on the neighborhood and the property values.

Ms. Diane Perrone asked if the occupants of the apartments will be tenants and Ms. Day replied yes. Ms. Perrone asked where else New Haven Home Recovery has properties located in Hamden and Ms. Day said one location is on Treadwell Street and it has 10 units. Ms. Perrone stated that it was suggested that the units only house single women. Ms. Day explained that the target group is to the disadvantaged. Ms. Day reviewed the services that will be offered on site.

Mr. Pascarella asked if the facility on Treadwell Street is for tenants that suffer from a particular illness. Ms. Day said that all the units are affordable housing and half the families came from homeless shelters and the other half are those who have met the criteria for affordable housing.

Mr. Pascarella stated that no one wants excess traffic and there should be a traffic study. He thought that the building would need two points of egress and this should be reviewed by the Fire Marshal. Mr. Pascarella thought that it was indicated that there had to be a certain degree of financial ability for the project to be funded by CHFA and he asked if it would be a problem by removing the two bedroom units. Mr. Pascarella feels that a traffic study and a financial analysis are necessary. He agrees with his neighbors' concerns. He said that to understand what criteria needs to be met for a decision, the data is necessary.

Mr. Vita stated that this is the ZBA, not the P&Z Commission. The ZBA looks only at variance requests and the criteria of whether the request can be granted. Mr. Pascarella asked if it would be okay for the ZBA to issue a variance for 33 units on a site without ever knowing what the traffic issues would be. Mr. Vita stated if the hardship were met it would be okay, but with this application they must consider the public's health, welfare, and safety and if it is determined that it was met it could be approved and then it would go to the P&Z Commission. Mr. Pascarella said that in theory the variance would stick, and a variance from 25 years ago has been cited and no one seems to know what the variance was for.

Ms. Masi explained that a variance being granted does not guarantee that the use will get an approval from the P&Z Commission, and this application also needs to be reviewed by the Inland Wetlands Commission.

Ms. Feather stated that she does not want to penalize the work that New Haven Home Recovery does, but she is concerned with additional traffic on Sanford Street.

Mr. Vita stated that two letters received on October 20, 2011 from Marsha Walsh and Megan Giaquinto oppose the application.

Mr. Bailey does not feel that no facts have been submitted that there is a traffic problem. He understands that the residents in the neighborhood are concerned with the traffic, but no data has been presented so it would be no basis to turn down the application. Mr. Vita disagrees with Mr. Bailey because multiple people had stated their concerns and experience with traffic.

Mr. Vita closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

11-6436

Mr. Nelson made the motion to approve Application 11-6436. Mr. Reynolds seconded the motion. Mr. Nelson stated that the new intersection created by the State creates the hardship and the parcel is now secluded and is now 200 feet farther in from the street and the building cannot be seen.

The motion passed unanimously

11-6438

Mr. Vita said that there is a 2 step process. The Commission should discuss the hardship and then discuss the factors of the health safety and welfare and whether these interests outweigh the Town's need for affordable housing.

Mr. Chorney made the motion to open for discussion. Mr. Reynolds seconded the motion.

Mr. Reynolds asked if a hardship is needed because the zoning regulations state that there cannot be multi-family housing on Sanford Street. Mr. Lee explained that the variance request is to allow the multi-family housing on Sanford Street and a hardship would be needed.

Mr. Chorney stated that there is no back up evidence stating the hardship for the type of unit or use being requested. Mr. Lee stated that Hamden is below the 10 percent for affordable housing and the law presumes that there is a need for affordable housing in Hamden because there is less than a 10 percent threshold. Mr. Chorney said that this was not presented by the applicant as part of the evidence. Mr. Lee said that it is a given because the State Statute presumes that the State has an interest in affordable housing. If the Town was over the 10 percent the ZBA would not be subject to this type of application. Mr. Chorney asked if Mr. Lee knows what percentage of affordable housing the Town has and Mr. Lee replied that he did not know, but that it is less than 10 percent. Mr. Chorney asked if it would be advantageous for the ZBA to know what the figure is to see if 33 units are needed. Mr. Kops stated that when Hamden was last evaluated it was several hundred units under the required amount.

Mr. Vita asked if the site is suitable for the requested type of development. Mr. Lee said that when affordable housing needs to be considered it confuses the issues with regard to hardship. Mr. Vita said that the Commission should discuss the issues of hardship and affordable housing at the same time as the health, welfare, and safety of the community.

Mr. Chorney said that there is an issue of traffic, safety, and sidewalks that has not been presented. The Commission's judgment needs to be more stringent and there is no traffic study, no police study with regard to security in the area, and the lighting situation is unknown. Normally the Commission does not see this information, but the proposal is not for a small complex and there will be social services on the site and Mr. Chorney asked if this should be considered. Mr. Kops said that this would not be considered for this application, but would be reviewed by the P&Z Commission. Mr. Chorney asked if when services are going to be offered does it change the view or become something else. Mr. Kops said that the State would have these requirements for single family homes that will be used as a group home and they provide social services. Mr. Lee stated that the services will be provided within the complex.

Mr. Vita stated that testimony was heard from the residents of the neighborhood who had significant concerns with regard to adding 30-40 units would add significant traffic on Sanford Street. There are hills going between Shepard Avenue and Dixwell Avenue and weather conditions creating hazardous conditions such as ice. Also there are many children in the area with the Middle School nearby.

Mr. Chorney stated that one of the proposed access ways will be on a strictly residential street.

Mr. Vita said information was heard with regard to the flood plain and pond located on the property and the negative impact the proposed building could have.

Mr. Chorney asked Mr. Kops about the parking within the 100 year flood plain. Also, he asked where would the snow would go with the design of the parking being placed within the slope going towards the pond. There would be a substantial amount of parking within the flood zone and the building line placed at the flood zone. He asked if there was anything in the zoning regulations how close a building can be placed to the flood zone. Mr. Kops reviewed the FEMA requirements that are reflected in the zoning regulations. There are strict regulations regarding the structures and not vehicles. Mr. Chorney said the area has flooded in the past and is there potential for infiltration into the lower levels of the buildings. Mr. Kops said that this is not relevant to the issue before the ZBA and would be considered by the P&Z Commission. Ms. Masi said that it will come before the Inland Wetlands Commission and the Town Engineer will review the stormwater management plan for the site.

Mr. Walsh asked if the residents who have lived in the area for a number of years are qualified to give their opinions with regards to the traffic and hazard issues.

Mr. Lee said that one of the hardships stated was the financial argument for the grants available from CHFA .

Mr. Chorney said the applicant referred to the size of the units being a cost factor, and CHFA is not requiring the applicant to have a 500 square foot unit where the zoning regulation requires a 600 foot unit. In the past CHFA has approved 500 square foot units but is not saying they would not allow a 600 square foot unit to meet the requirements. The applicant spoke of minimizing the cost and the cost that they were talking about was reducing their cost.

Mr. Chorney further said that there was concern of the addition of school children, and there is nothing that precludes a one bedroom unit from not having children. The zoning regulations do not state a limit on the amount of children in a unit except for an unrelated clause. There has been no cost analysis given and when a property has been vacant for a number of years the applicant needs to prove that the property cannot be used for something else. He does not feel this criteria has been met.

Mr. Chorney made the motion to deny application 11-6438. He stated that the applicant has not presented enough information to the ZBA to justify an approval. Mr. Reynolds seconded the motion. Mr. Vita added that the motion is incorporating all the reasons that had been previously discussed.

Mr. Walsh, Mr. Reynolds, Mr. Chorney and Mr. Vita voted in favor of the motion. Mr. Nelson abstained from the motion. Therefore, the motion passes 4-0-1.

b. Approve Minutes of September 15, 2011

Mr. Walsh made the motion to approve the minutes of the September 15, 2011 meeting as written. Mr. Reynolds seconded the motion. The motion passed unanimously.

c. Old Business

Mr. Chorney discussed with Ms. Masi cars being parked on sidewalks. Ms. Masi advised the Commission that this problem is not a zoning enforcement issue. Mr. Lee said that he would speak with the Police Department and the Mayor to advise them of the problem. Mr. Chorney feels that the southern end of Hamden gets ignored.

Mr. Chorney said that there are signs still on the fences at the the Home Depot Plaza. Ms. Masi explained that the new sign is on order and if the problem continues after it is installed she will start enforcement action.

Mr. Chorney asked if the Home Depot Plaza is required to have stalls in the parking areas for carriages. He said they are being left all over the place and not being picked up. Mr. Kops will review the original approval which was for the Pathmark Plaza to see if this was a condition of approval.

d. New Business

There was none

e. Adjournment

Mr. Nelson made a motion to adjourn. The motion was seconded by Mr. Reynolds. The motion passed unanimously.

The meeting adjourned at 8:40 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission