

March 21, 2014

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, March 20, 2014 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. with the following results:

Commissioners in attendance:

Jeff Vita, Chair
 Fran Nelson
 Elaine Dove
 Wayne Chorney
 Kyle DeLucia

Staff in attendance:

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

Mr. Vita called the meeting to order at 7:03 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

A. Public Hearing**1) 14-6516 138 Stanley Rd: Requesting a variance:**

Section 220, Table 2.3, To permit a side yard of 10ft 6 inches where 20ft is required for a permanent roof over an existing deck

R-2 zone, Brian Forsyth, Applicant

Mr. Brian Forsyth, Owner, addressed the Commission and reviewed the application. A variance was granted to build the deck. Mr. Forsyth reviewed the history and topography of the site. He explained that the deck is built over a concrete wall. In the summer he attaches a tarp to existing piping. Mr. Forsyth would like to have permanent roof installed because he has had shoulder surgery and it is difficult to put the tarp up and remove it. He will also be enclosing his spa that is located on the deck.

Mr. Vita asked if the entire deck will be enclosed. Mr. Forsyth replied that he will only be putting a roof over the deck. Mr. Vita asked where the room for the spa will be located. Mr. Forsyth reviewed the location of the spa. Mr. Chorney asked if a variance is needed for the spa. Ms. Holly Masi, Zoning Enforcement Officer, stated that the location of the spa meets the required setbacks and would not need a variance. The variance request is for the proposed roof because one side of it will encroach into the side yard. Mr. Forsyth reviewed pictures of the existing deck with the Commission.

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

Ms. Sandra Stephenson, 36 Elizabeth Road, addressed the Commission and stated that her property abuts the applicant's. The proposed roof will be lower than the existing tarp and will not obstruct her view. Ms. Stephenson stated that she has no issues with the application.

Mr. Vita asked for comments against the application. There was none.

Mr. Vita closed the Public Hearing.

2) 14-6517 533 Newhall St: Requesting variances:

Section 230.c to permit a 6ft front yard set back where 25ft is required for baseball fields

Section 230, Table 2.5, to allow a 24ft high accessory structure where only 15ft is allowed for a grandstand and press box

Section 230, Table 2.5 to permit a front yard setback and building setback of 8ft 6 inches where a total of 37ft is required

Section 580.7, Table 5.4 to permit up to 60 foot-candles of illumination where only 0.2 foot-candles is allowed

Sections 520.11.3 & 720.5.10 to permit the stormwater discharge peak flow increase due to the soil remediation and capping of the whole site

Section 520.11.15.d,e,f,g, to allow a variance of the stormwater quality requirements due to the capping of the site with an impermeable membrane

Section 570.b, to permit a 24ft high fence where only a 4ft high fence is allowed in the 25ft front yard setback

Section 570.b to permit a 24ft high fence where only a 6ft fence is allowed in the rear yard

Section 530, Table 2.4 & 2.5 to permit a 24ft high fence where only 15ft is allowed.

R-4 zone, Dale Kroop, Applicant

Dale Kroop, Director of Economic & Community Development, addressed the Commission and stated that the rehabilitation of the park is the continuation of a 2003 consent order for the remediation and restoration of the two parks that are being discussed at this meeting. The projects are designed to replicate the fields as they were previous to the 1989 tornado. Mr. Kroop stated that the proposed plans were approved by the State. He said that the details of the proposed plans were explained to the residents at a meeting held in 2013. The work will begin in November, 2014. The parks will be closed for use during the project. He explained that the existing storm drainage in the neighborhood is bad because the area is low lying and was previously a wetland that was filled in. The project will improve the drainage.

Mr. Tom Hammerberg, Landscape architect, addressed the Commission and reviewed the proposed site plan. He noted that the baseball field will be the centerpiece of the site with a grandstand bleacher and a

press box. A little league field will also be located on the site. Lighting hardware will be put in place, so that the Town can install lights in the future. Mr. Hammerberg explained that the use of 60 foot candles is required for the infield as protection and safety for the children using it.

Mr. Kroop explained that the lights are not being proposed at this time. However, the lighting hardware is being put in place so that the field will not have to be dug up at a later date. Mr. Nelson asked what time the lights would go off if they are installed. Mr. Kroop stated that the use of lighting would follow the Town Ordinance. The application will go before the Planning & Zoning and they can set the time of day the lights would need to go off. Mr. Nelson discussed the lighting of the fields with Mr. Hammerberg.

Mr. Hammerberg reviewed the height of the proposed grandstand, backstop and press box. He noted that the height of the backstop is to keep foul balls within the park. Protective netting will also be used. Mr. Chorney asked if the netting will be removable and Mr. Hammerberg replied yes. Mr. Nelson asked if a clam shell backstop can be used to eliminate the netting. Mr. Hammerberg explained that many baseball managers do not like the clam shell backstop. Mr. Nelson asked who would be using the fields. Mr. Kroop replied that the Hamden Father's Baseball League, High School students and travel leagues will use the fields. In the fall the fields will be used for soccer. Mr. Chorney asked if the fields will be available to the neighborhood children and Mr. Kroop replied yes.

Mr. Antonio DiCamillo, Civil Engineer, addressed the Commission and reviewed the Stormwater Management Plan. Mr. Kroop stated that he, the RWA and the Town Engineer were involved with the planning of the Storm Water Management Plan. Mr. Chorney asked where the water would drain to. Mr. Hammerberg said it would drain near the old Hamden Middle School tennis courts onto property owned by the RWA.

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

Ms. Gloria Fabor, 361 Mill Rock Road, addressed the Commission and stated her home is located across from the fields. She is concerned that the lights on the field will shine into her bedroom. She asked if the sidewalks that currently exist will be removed.

Mr. Hammerberg said that there will be sidewalks around the outside of the fields and a rubberized walking track located inside of the fence. Ms. Fabor asked what time the lights are required by the ordinance to go off at night. Mr. Kroop stated that they must go off between nine and ten p.m. Mr. Nelson asked if the proposed underground fixtures will be used in the future. Mr. Kroop said that there is no lighting proposed, however, if the underground fixtures are not put in place, it cannot be done at a later date. The Commission discussed lighting for the field with Mr. Kroop.

Ms. Fabor stated that she is in favor of the Stormwater Drainage Plan because of the water issues that exist on the street. She questioned if there would be additional parking. Mr. Hammerberg reviewed the proposed parking plan. Ms. Fabor stated that there have been issues with parking and trash on the street. She also noted that there are signs posted that state "No Soliciting after 10:00 p.m".

Mr. Vita asked for comments against the application. There was none.

Mr. Vita closed the Public Hearing.

3) 14-6518 260 Mill Rock Rd: Requesting variances:

Section 230.c, To allow recreational structures within 1ft of the property boundaries where none are permitted in the required front yard(25ft) and side yard(12ft)
 Section 570.b, To permit a 16ft high fence where only 4ft within the 25ft front yard set back
 Section 570.b to permit a 16ft high fence where only a 6 ft fence is allowed in the rear yard
 Section 530, Table 2.4 & 2.5 to permit a 16ft high fence where only 15ft is allowed
 Section 540.3.2, To permit a tennis court and a basketball court in the 25ft front yard where none are allowed
 Section 540.3.4, Table 5.3, To permit a 3ft planted area for a sidewalk where 10ft is required
 Section 580.7, Table 5. To permit up to 60 foot-candles of illumination where only 0.2 foot-candles is allowed
 Sections 520.11.3 & 720.5.10 To permit the stormwater discharge peak flow increase due to the soil remediation for the whole site & addition of 2 parking lots for the park
 Section 520.11.15.d,e,f,g, To allow a variance of the stormwater quality requirements due to the RAP soil remediation and soil thickness for the whole site
 Section 220, Table 2.1, To permit 50 percent impervious surface where only 30 percent is allowed.

R-4 zone, Dale Kroop, Applicant

Dale Kroop, Director of Economic & Community Development, addressed the Commission and reviewed the amenities proposed for the park. He stated that the amenities were based on comments received at a public meeting. He noted that the park was renamed “Villano Park,” but in the consent order it is still referred to as “Mill Rock Park”.

Mr. Tom Hammerberg, Landscape Architect, addressed the Commission reviewed the proposed site plan and an aerial photo of the site. He reviewed the proposed uses of the site and the additional parking that will be added. He explained the access to the site.

Mr. Chorney stated that he is concerned about the visibility of the site from the street. Mr. Hammerberg explained that the proposed screening was requested by the abutting property owners. He discussed with the Commissions their safety and security concerns for the abutting property owners and the neighborhood. Mr. Antonio DiCamillo, Civil Engineer, stated that the screening meets the requirements of the zoning regulations. Mr. Hammerberg said that he would like to see regulations for parks in the zoning regulations. He noted that both parks are within the Newhallville District. Mr. Dan Kops, Assistant Town Planner, stated that there is nothing in the regulations that addresses the Newhallville District. The parks are within the Newhall Design District. Mr. Kroop stated that the Newhall Center only includes the incubator site and the old middle school property. The Newhall Design District was established because of the remediation requirements.

Mr. Antonio DiCamillo, Civil Engineer, reviewed the proposed Stormwater Drainage Plan. Mr. Hammerberg stated that the underground utilities are being proposed to allow for sports lighting in the future. Ms. Dove asked if the park will be lit at all times and Mr. Hammerberg replied yes. Ms. Dove asked if the neighbors are aware of this. Mr. Hammerberg replied that the lighting was requested at the public meetings to allow for pedestrian use.

Mr. Chorney asked if there will be trash receptacles. Mr. Hammerberg replied yes and reviewed where they would be located.

Mr. Kroop stated that dogs will be walked in the parks and people do not pick up after them. There will be doggie collection bag dispensers placed at the entrances of the parks.

Mr. Vita asked for comments in favor of the motion. There was none.

Mr. Vita asked for comments against the application.

Mr. Samuel Roman, 54 Wadsworth Road, addressed the Commission and reviewed the location of his house to the park. He is concerned with two basketball courts being proposed. There have been problems with the existing court. Mr. Roman stated that he was never asked about lights. He reviewed where kids are hanging out in the park and feels increased lighting will bring more problems. Mr. Roman stated that privacy is also an issue. Mr. Hammerberg reviewed the proposed planting plan. He discussed the proposed screening with the Commission and Mr. Roman.

Ms. Jean Pittman, 53 Wadsworth Road, addressed the Commission and stated that she was not aware of the meetings that had been held to discuss the proposed plans. Mr. Kroop stated that there will be additional meetings held prior to the plans being finalized. Mr. Nelson explained that the applicant must go before the Planning & Zoning Commission.

Mr. Kroop reviewed the timeline for the proposed work on the site. He stated that the park would reopen in the spring of 2016.

Mr. Kroop closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

14-6516

Mr. Nelson made the motion to approve Application 14-6516. Mr. Nelson seconded the motion. Mr. Chorney stated that he & Ms. Dove went to the property and it is a difficult site. The previous variance that was granted was based on the topography. The roof will not interfere with the sight line because of its location. The neighbor stated that the roof will be lower than the season tarp. ***The motion passed unanimously.***

14-6517

Mr. Chorney made the motion to approve Application 14-6516. Ms. Dove seconded the motion. Mr. Chorney stated that the variances are for the heights and setbacks of the structures. The proposed plan is replicating and improving on what previously existed. The variance request for the baseball field setbacks is a safety issue. There will be improvements to the water drainage on the site. Ms. Dove stated that the Town needs to clean the storm pipes and drains on a regular basis. ***The motion passed unanimously.***

14-6518

Mr. Chorney made the motion to approve Application 14-6517 for the same reasons as previously stated for Application 14-6516. Mr. Nelson seconded the motion. Mr. Chorney stated that the

structures' setbacks would improve the functions of the park and public safety. Ms. Dove stated that the hardship is that the park is within an R-4 zone. Mr. Chorney stated that the park was destroyed by the tornado of 89 and needs to be replaced. *The motion passed unanimously.*

b. Approve Minutes of February 20, 2013

Mr. Nelson made the motion to approve the minutes of February 20, 2013 as written. Ms. Dove seconded the motion. The motion passed unanimously.

c. Old Business

There was none

d. New Business

There was none

e. Adjournment

Mr. Nelson made the motion to adjourn. Mr. Chorney seconded the motion. Therefore, the motion passed unanimously.

The meeting adjourned at 8:13 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission