

May 21, 2014

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, May 15, 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
Wayne Chorney
Fran Nelson
Elaine Dove
Andrew Houlding, alternate sitting for Kyle DeLucia

Staff in attendance:

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

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

A. Public Hearing

1) 14-6520 79 Talmadge Road, Requesting a variance: Section 620.b, To permit a 1,002.5 sq ft accessory apartment where only 600 sq ft is permitted. R-2 zone, Mussarat Ishfaq, Applicant

Withdrawn at the request of the applicant

2) 14-6522 25 Filbert St, Requesting variances: Section 220, Table 2.1, to permit 35% impervious surface where 30% is allowed. Section 220, Table 2.1, to permit building coverage of 32% where only 25% is allowed. Section 220, Table 2.3, to permit a 6ft side yard where 12ft is required for an addition. Section 220, Table 2.3, to permit a front yard setback of 16ft where 25ft is required for a porch. R-4 zone, Ronald & Geraldine Remer, Applicant

Ms. Geraldine Remer, Applicant, addressed the Commission and reviewed the application. She stated that the lot is small and the proposed location allows for the addition to be functional.

Mr. Vita asked if the proposed addition could be placed at a different location on the lot. Ms. Remer replied no. Mr. Nelson asked if addition will be one story and Ms. Remer replied yes. Mr. Chorney asked what the distance is from the proposed addition to the garage.

Mr. Ron Remer, Applicant, addressed the Commission and stated that there will be 10-12 feet between the garage and the addition. Mr. Chorney asked if the zoning regulations require a specific distance between the garage and the house. Mr. Dan Kops, Assistant Town Planner, stated that there is no requirement in the zoning regulations, however, the Fire Marshall likes the distance to be at least 10 feet. Ms. Dove asked if access to the driveway will be impeded. Mr. Remer replied no and reviewed the location of the driveway with the Commission.

Mr. Remer reviewed the site as it exists and the proposed structures with the Commission. Mr. Chorney asked if the limits of the patio will stay within the backyard. Mr. Remer reviewed the location of the patio and explained that brick pavers will be used. Ms. Masi stated brick pavers are considered pervious and would not affect the non-pervious surface or building coverage.

Ms. Dove asked when the front porch was closed in. Mr. Remer stated in 1983. Mr. Remer submitted a picture of the existing enclosed front porch and a copy of the variance granting the front porch to be closed.

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

Ms. Wendy Dector, 24 Wakefield Street, addressed the Commission. She is concerned with proposed addition creating a problem with water coming onto her property. Mr. Remer stated that the water from the gutters and downspouts go into an existing drywell. Ms. Dector questioned a shed being placed on the property. Mr. Remer said that a shed will be placed on the property to allow for storage of yard tools. Ms. Masi advised Mr. Remer that a shed was not included in this variance request. Mr. Remer stated that he understood and would submit a new variance request for a shed. Ms. Masi explained that Ms. Dector's concern about water runoff will be addressed by the Town Engineer when the zoning permit is submitted.

Mr. Vita closed the Public Hearing.

3) 14-6523 1732 Dixwell Ave, Requesting variances: Article III, Figure 3.6 to allow a structure of 56.1ft in height where only 35ft is allowed for telecommunications antennas. Article III, Figure 3.6 to allow a structure of 61.1ft where only 35ft is allowed for an equipment shelter. T-4 zone, Cellco Partnership d/b/a Verizon Wireless, Applicant

Mr. Ken Baldwin, Attorney, addressed the Commission and reviewed the application. He explained that there are two wireless carriers, Sprint and T-Mobile, whose equipment is already in place on the roof. Verizon is looking to update their equipment. The building is a five story residential building and currently exceeds the height limitations. The existing penthouse (mechanical area) is 63 feet in height and the building's roof is 47 feet in height. The proposed antennas and equipment shelter will not exceed 63 feet. The proposed top of the equipment shelter will be 61 feet above the ground and the top of the antenna will be 56 feet above the ground.

Mr. Carlos Santori, Project Engineer, addressed the Commission and stated that Verizon Wireless will install a 12 square foot x 24 square foot self contained equipment shelter. It will house the radio equipment and a room that will house a 50KW natural gas emergency generator. The shelter will sit on a steel frame mounted to the existing building. The frame is a steel concrete masonry structure with the loads transferred down into the building through the building columns. The antennas will be installed in sectors and groupings. There will be three sectors with groupings of four antennas. He reviewed the placement of the sectors. The utilities will be brought in from the basement. Conduits will be tucked in to the corners of the building and routed up to the roof for the shelter. The natural gas will be metered and mounted to the rear of the building. The structures will be painted to match the existing building.

Mr. Baldwin stated that Verizon Wireless has facilities located at 265 Benham Street and 905 Mix Avenue. Verizon is experiencing capacity issues within the State of Connecticut and nationwide. They need to increase the capacity because cellphone users have increased their data usage. Currently there is a limitation based on the equipment and the power alpha that was placed on the carriers by the FCC. The capacity can only be boosted by adding an additional site. Data transmission uses a large amount of capacity of cell sites. The proposed location is between

the two existing sites and a tall structure that will allow the additional coverage footprint. The proposed structure will not change the character of the building or the area. The backup generator will only be used when there is an interruption to service and it will meet state and local requirements.

Mr. Vita asked if the existing carriers are T-Mobile and Sprint. Mr. Baldwin stated that he had previously stated the wrong carrier. The existing carriers are Sprint and Metro PCS. Mr. Santori explained that their equipment is located on the chimney and penthouse. Mr. Vita asked what the size difference of the antennas will be vs. the other carriers antennas. Mr. Baldwin said the antennas will be approximately the same size as the existing antennas. He reviewed pictures of the existing and proposed antennas and mechanical buildings with the Commission. Mr. Baldwin explained that the proposed antennas will be shorter than the Sprint antennas and larger than the Metro PCS antennas.

Ms. Dove asked what proposed beta sector antennas and what gamma vs. beta means. Mr. Baldwin said that there are three sectors of antennas proposed. The alpha sector and the beta sector indicate which direction the antennas will be going. Ms. Dove asked what the hardship is. Mr. Baldwin stated that the hardship is the amended zoning regulations. Ms. Holly Masi, Zoning Enforcement Officer, explained that the building is pre-existing and was rendered non-conforming with the new regulations. Ms. Dove questioned why the building which is already high in height be allowed to go higher. Mr. Baldwin replied that the proposed antennas and mechanical building would not extend higher than what already exists. Ms. Masi explained that the existing building is non-conforming and the request is to only increase the foot print.

Mr. Baldwin stated that photo one (in the application) shows the proposed antennas and what will be visible. Mr. Baldwin reviewed sheet C-3 with the Commission. He explained that the antennas need to be close to the edge of the roof so there will be no interference with the antennas transmission. If the antennas were to be pulled back onto the roof they would need to be higher. Mr. Vita asked what the distance is from the perimeter that the antennas can go back without getting interference. Mr. Baldwin stated 10 feet. The proposed plan calls for the antennas to be placed two feet from the edge of each corner and allows them to be low to the roof line. This allows the top of the antenna to be 56 feet above ground level. If you move them back the antennas will need to be placed higher and you need to leave a distance from the existing antennas. Mr. Vita asked if the antennas were to be pushed back from the proposed locations would it affect the signal strength. Mr. Baldwin replied that the variances would still be needed. He said that the proposed antennas could be screened, but this would add more mass to the building.

Mr. Chorney asked if the mechanical building can be placed somewhere else on the property. Mr. Baldwin replied that the equipment that Metro PCS and Sprint use is smaller. Mr. Santori explained that Metro PCS' equipment is the size of a small refrigerator and the Sprint equipment is located in the basement of the building. Mr. Baldwin noted that there is no room in the building for Verizon's equipment. If the equipment is placed on the ground it would require a long cable run and would lose signal strength.

Ms. Dove asked if Verizon is the owner of the building. Mr. Baldwin replied that they would be renting the space.

Ms. Dove asked what the regulation is for telecommunications. Ms. Masi explained that cell towers are regulated through the CT Citing Council. Many of the existing antennas located on buildings meet the zoning regulations. There is a requirement that there be minimal impact to the visibility. Mr. Baldwin said there was a change in the regulations that made the building non-conforming. The use is permitted and what is being proposed is consistent with the regulations. Ms. Dove is concerned with the visibility of the antennas on a building that the appearance is already distressing. Mr. Baldwin said if the issue is aesthetics there may be away to place screen around the antennas.

Mr. Holding asked if there are pictures of the proposed antennas. Mr. Baldwin explained that there are simulated pictures included with the application. The antennas will be six feet tall and approximately six inches wide. There will be 12 antennas placed in three clusters with four antennas on each. Mr. Santori reviewed drawing Z-2 which shows the dimensions and height of the antennas.

Mr. Houlding asked what the height of the roof is. Mr. Baldwin stated that the top of the roof is 47.1 feet; the antennas would go to 57.1. The existing penthouse is 63.3 feet.

Mr. Santori said the photo simulations show a brick color building on the roof. If a gray color building is used it will blend in with the existing penthouse. The proposed antenna frames are ballast mount frames and can be moved. There is another mounting option by using horizontal tubes that will be a foot or two off the roof and you would only see the vertical structures.

Mr. Chorney is concerned with the proposed structure and the need for a hardship. Sprint has their mechanicals in the basement and Metro PCS does not require them. It was noted that moving the equipment would mean loss of transmission. However, it should be shown why the mechanicals cannot be placed elsewhere. Mr. Baldwin replied that the issue with a roof to ground structure will be the location of the generator. Because of past storms, Verizon installs backup generators and they must be located on a roof. Mr. Santori said the option of placing the equipment room in the basement would create other challenges when bringing the cables up to the roof. There is no alternative for the generator because there is no space on the ground and placing it in the basement would require ventilation. Mr. Vita asked what the size of the generator is. Mr. Santori replied four feet by eight feet and six to eight feet tall. Mr. Vita asked what the proposed dimensions are for the equipment structures on the roof. Mr. Santori replied 12 feet by 24 feet, the top of it would be approximately 14 feet off the roof including the steel frame. The leasing options show the locations as proposed. Mr. Chorney would like to see alternatives for the equipment and the generator. Mr. Santori discussed the site with the Commission and does not feel there is another location for the generator.

Mr. Dan Kops, Assistant Town Planner, feels that the applicant should reconsider a way to reduce the footprint of the equipment room. The antennas can be pushed back from the roof line. The existing utility building is massive. He would like the applicant to reduce the size of the building being requested, possibly eliminating the shed. Mr. Kops feels that some of the equipment could be located in the basement to reduce the variances being requested. The Commission discussed with Mr. Kops, Mr. Santori and Mr. Baldwin possible alternative locations for the mechanicals, generator and materials to be used. Mr. Baldwin reviewed the locations of Verizon's equipment located on Benham Street and Mix Avenue.

Mr. Vita stated that the public hearing should be continued to allow the applicant to propose other locations on the site to place the equipment. Mr. Kops stated that the variance request may need to be revised. He asked Mr. Baldwin if he is willing to grant a 35 day extension. Mr. Baldwin replied yes.

Mr. Vita continued the Public Hearing until the June 19, 2014 meeting.

4) 14-6524 69 Augur St, Requesting variances: Section 220, Table 2.3 to permit a 5.5ft side yard where 12ft is required for an addition, Section 220, Table 2.1 to permit 27% building coverage where 25% is allowed, Section 220, Table 2.1 to permit 48.3% impervious surface where only 30% is allowed. R-4 zone, Kathleen Kiely, Applicant

Ms. Kathleen Kiely, Owner, introduced herself to the Commission.

Ms. Sharon Kiely, 69 Augur Street, addressed the Commission and reviewed the application. The addition would have a bedroom and a handicap accessible bathroom. It would allow for an enclosed rear entrance into the house. Ms. Kiely stated that her 90 year old father lives with them. She reviewed the site and location of the property with the Commission.

Mr. Chorney noted that Jaenicke Lane is narrow and the street line is not straight. There are no sidewalks on the applicants side of the street.

Ms. Kiely reviewed the history of the neighborhood and the surrounding properties. Mr. Chorney asked if Ms. Kiely will have enough room to access the garage. Ms. Kiely stated that there is a timber wall that will be removed. Ms. Kiely noted that it has not been determined if there will be a basement under the addition.

Mr. Chorney stated that the proposed addition will be within the character of the neighborhood. Ms. Kiely reviewed the proposed addition with the Commission. Mr. Nelson asked if the addition would be one or two stories. Ms. Kiely replied two stories. The existing footprint of the house is small.

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

Mr. Vita closed the Public Hearing.

5) 14-6525 333 Hill St, Requesting variance: Section 220, Table 2.3, to permit a side yard of 18ft where 30ft is required for a deck, R-1 zone, Mark Grindell, Applicant

Mr. Mark Grindell, Applicant, addressed the Commission and reviewed his application.

Mr. Grindell reviewed the location of the proposed deck and rear door access to the basement with Mr. Vita.

Mr. Chorney questioned the property being zoned an R-1. Ms. Masi stated that the property abuts the golf course. The existing zone for this property is not typical to other properties in the area and possibly amending the zoning map should be addressed.

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

Mr. Vita closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

14-6522

Mr. Nelson made the motion to approve Application 14-6522. Ms. Dove seconded the motion. Mr. Nelson stated that the hardship is the long narrow lot located in Spring Glen and as it exists it is legal non-conforming. *The motion passed unanimously.*

14-6524

Mr. Nelson made the motion to approve Application 14-6523. Ms. Dove seconded the motion. Mr. Nelson stated that the hardship is the size of the property located on a narrow road. The houses and garages are located at the road. The request is an extension of the existing side yard. Mr. Chorney noted that the lot coverage request is minimal. *The motion passed unanimously.*

14-6525

Mr. Chorney made the motion approve Application 14-6524. Mr. Nelson seconded the motion. Mr. Chorney stated that the property is possibly zoned incorrectly. The area reflects that it should be an R-3 zone which would not require a variance. *The motion passed unanimously.*

b. Approve Minutes of April 17, 2014

Ms. Dove made the motion to approve the meeting Minutes of April 17, 2014 as written. Mr. Nelson seconded the motion. Mr. Vita, Ms. Dove and Mr. Nelson voted in favor of the motion. Mr. Chorney and Mr. Houlding abstained. Therefore, the motion passed 3-0-2.

c. Old Business

Ms. Dove questioned why the variance request for 79 Talmadge Road was withdrawn. Ms. Masi stated that applicant has removed the accessory apartment. Ms. Masi did a site visit to confirm that it was removed.

d. New Business

Ms. Dove questioned who is responsible for the upkeep of catch basins. She has had trouble with water in her basement and feels that the catch basins are creating the issue. Ms. Masi explained that it must be determined if the issue is being caused by the catch basins or if there is an issue on her property. She referred Ms. Dove to the Town Engineer who should be able to determine if it is a Town issue.

Mr. Kops advised the Commission that pending variance applications and supporting documentation are posted on the Planning & Zoning Departments web site.

Mr. Chorney discussed the signage at Fruitful Treats with Ms. Masi.

Mr. Nelson advised Ms. Masi that there are signs placed on the fence in front of Home Depot.

e. Adjournment

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

The meeting adjourned at 8:21 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission