

June 29, 2009

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, June 18, 2009 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following was reviewed:

Commissioners in attendance:

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

Staff in attendance:

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

Mr. Chorney called the meeting to order at 7:05 p.m., reviewed the agenda and meeting procedures and the panel introduced themselves.

A. Public Hearing

- 1) **09-6359** 2259 State Street, Requesting action under Section 861.1, Appeal of Zoning Enforcement Officer's decision dated March 18, 2009, CDD-1, VID LIQ LLC, Applicant
 Public Hearing continued from May 21, 2009

Mr. Tim Lee, Assistant Town Planner advised the Commission that this matter is being tabled until the July 16, 2009 meeting at the request of the applicant.

- 2) **09-6362** 14 Malcolm Street, Requesting variances of the following: Section 434b to allow a side yard of 4 feet 10 inches for a deck where 12 feet is required. Section 326 to allow the expansion of a non-conforming use and structure. R-4 Zone, Jennifer and Michael Calderone, Applicants

Mr. Michael Calderone, Applicant addressed the Commission and reviewed the application. He advised that he would like to add a deck which would cover the existing concrete steps. The steps are in disrepair.

Mr. Chorney asked if there were a shed located on the property. Ms. Jennifer Calderone, owner, advised that there is no shed on the property. She has gone to the Assessor's office to have the records updated. Mr. Nelson asked if they would be adding the deck on the back of the home. Ms. Calderone advised that the deck would be off the back of the home. Mr. Chorney asked if there would be a problem with the lot coverage. Ms. Holly Masi, Zoning

Enforcement Officer advised the Commission there is no problem with the lot coverage. There is no shed located on the property, and she has verified with the Assessor's office that the records will be updated.

Mr. Chorney asked for comments in favor of the application and there were none. He asked for comments against the application and there were none.

The Public Hearing closed at 7:10 p.m.

- 3) 09-6363** 4224 Whitney Avenue, Requesting variances of the following: Section 413 to allow a 20,465+/- square foot lot where 40,000 square feet is required. Section 311 to provide an access way(driveway) for two lots where only one is permitted. To allow no buffer between any structures on the rear lot and the boundary between the front and rear lot where a 50 foot buffer is required. Zone R-2, William E Copeland, Applicant

Ms. Nancy Levesque, Professional Engineer, addressed the Commission and reviewed the application. She advised the members that the surveyor who had done the original A-2 survey has since passed away. There is 60,000 square feet of wetlands in the upland review area which has not been delineated in the past. Ms. Levesque requested that the public hearing be continued to allow time to obtain a survey of the wetlands so they can be delineated.

Ms. Dove asked if the property is part of a subdivision being developed. Ms. Levesque advised that this is a first cut off this property. She reviewed the history of the property. Mr. Tim Lee, Assistant Town Attorney advised the Commission that the lot was created in 1940. Ms Levesque stated to the Commission that the lot was large in size. Mr. Kops, Assistant Town Planner, stated to the Commission that it was a sub-division application that had been approved but never completed. The houses that are presently there were built with out an approval. Ms. Dove asked how long Mr. Copeland had lived on the property. Ms. Levesque advised that Mr. Copeland's family has owned the lot. He has lived on the property on and off for 35 years. He currently is living there with his daughter. They would like to build a home for him and his daughter will continue to live in the existing home.

Mr. Kops advised the Commission that the area is a special flood hazard zone and is an issue. Ms. Levesque stated to the Commission where the house is being proposed that would stay away from the flood hazard zone. The septic tank being proposed would be placed high enough, and the house would be kept out of the area. She had looked at the area on FEMA maps and the elevation is 125 feet and according to the Town it comes close to the wetlands. She said the proposed plan would keep the house up at about 130 feet. Mr. Nelson asked how big the lot is. Ms. Levesque advised that the total acreage is 3.88. Mr. Chorney asked if had to go through Inland Wetlands for approval. Ms. Levesque advised the Commission that the applicant would have to get Inland Wetlands approval.

Mr. Chorney asked that the applicant should contact the fire department to see if there will be adequate access to the rear lot. Ms. Levesque advised she would contact them. She said that the closest fire hydrant is at Willow Street.

Mr. Kops, stated that the wetlands does not count towards the size of the lot. Ms. Levesque said she will address the RWA concerns. Mr. Lee asked when the home was constructed. Ms. Levesque advised that the home was built in the late 1800's to early 1900's and added on too.

Ms. Dove asked if there was meant to be more then 1 lot and what the hardship was. Ms. Levesque advised the Commission that because of the topography and the wetlands there is an issue with the width of the lot and access to it. Ms. Masi advised Ms. Levesque that she would need all information well before the next meeting so the correct variances can be noticed in the newspaper. Ms. Levesque said she

will let Ms. Masi know if an extension will be needed until September. Mr. Lee advised that 35 day extension should be okay but then can extend a total of 65 days.

Mr. Copeland, owner of the property stated that he would like to stay close to his daughter, and have a place for his retirement. He has lived on the property for 35 years.

Mr. Chorney advised that the Public Hearing will be continued until July 16, 2009.

The Public Hearing closed at 7:10 p.m.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

09-6359

The item is tabled until the July 16, 2009 meeting.

09-6362

Mr. Nelson made the motion to approve the request for the variances. He stated that the request for a deck would not encroach into the side yard. The hardship is that the lot is a small, narrow and non-conforming lot. Mr. Houlding seconded the motion. The motion passed unanimously.

09-6363

This item is tabled until the July 16, 2009 meeting.

b. Approve Minutes of May 21, 2009

Mr. Nelson made the motion to approve the minutes of May 21, 2009 as written. Ms. Dove seconded the motion. Mr. Nelson, Ms. Dove and Mr. Chorney voted in favor of the motion. The motion passed.

c. Old Business

There was none

d. New Business

Mr. Tim Lee, Assistant Town Planner discussed with the Commission a case involving an adult video store in North Haven.

e. Adjournment

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

The meeting adjourned at 7:36 p.m.

Submitted by: _____
Stacy Shellard, Commission Clerk