

November 24, 2009

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, November 19, 2009 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following items were reviewed:

Commissioners in attendance:

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

Staff in attendance:

Leslie Creane, Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Commission Clerk
Lisa Raccio, Stenographer

A. Public Hearing

- 1) **09-6366** 49 Hampton Road, Requesting action under Section 861.1, Appeal of Zoning Enforcement Officer Decision dated 8/31/09, 49 Hampton Road, Zone R-4.
49 Hampton Road, LLC, Applicant
Withdrawn at the applicant's request

- 2) **09-6368** 1970 Whitney Avenue, Requesting variances of the following: : Section 753.4.e to allow a free standing sign with a bottom edge at 33 inches above ground level where at least 10 feet above ground level is required. Section 753.4.e. To allow total surface area of pylon sign to be 74.25 square feet where no more than 32 square feet is permitted. Section 756.b.1 to allow 390 square feet of aggregate surface area of signage where 82 square feet is permitted.
Zone CDD-2.
Omnivision Eye Associates, Applicant

Dr. Louis Hochberg, owner, addressed the Commission and stated that he met with Mr. Dan Kops, Assistant Town Planner, to determine a more acceptable size for the proposed sign. They discussed reducing the size of the sign, but still maintain a sign that would be visible to his patients. According to Dr. Hochberg, Mr. Kops determined that an appropriate size for the free standing sign would be approximately 60 square feet. The size of the sign that will be located on the side of the building would remain the same. Mr. Hochberg stated that he understands the recommendations made for reducing the size of the sign. It is important for the sign to be visible to his patients because many of them have vision difficulties. Mr. Vita asked if the new plan for the free standing sign reduces the size from 74 square feet to 60.75 square feet, and if the height of the bottom of the sign was addressed. Mr. Hochberg explained that the size of the sign was reduced. He stated that it was determined by Mr. Kops and Ms. Holly Masi, Zoning Enforcement Officer, that the sign was going to be set back and the height would not be an issue. Mr. Vita asked if the placement of the sign would cause visibility difficulties when exiting onto Whitney

Avenue. Mr. Hochberg reviewed the location of the sign with the Commission. Ms. Leslie Creane, Town Planner, explained that the variance is not for the location of the sign, but for the size of the sign. The location of the sign would need to be approved by the Zoning Enforcement Officer and the Town Engineer. Ms. Creane does not object to the size of the sign. The Planning Office had spoken with the developer initially with regard to the placement of the building to avoid problems with the placement of the sign. Mr. Vita asked if the sign being proposed is larger than the one located at 1952 Whitney Avenue. Dr. Hochberg stated that his sign would be slightly larger. Mr. Walsh asked if the existing sign for Attorneys Laughlin and Fitzgerald would remain. Dr. Hochberg said that he has spoken with the Attorneys and they know that the new sign being proposed would replace the existing one. Mr. Chorney asked if Dr. Hochberg knew the size of the sign that currently exist. Dr. Hochberg stated that he did not know the size of the current sign. Mr. Chorney stated that the Attorney's existing sign would be grandfathered in, and it is located at 1960 Whitney Avenue. Mr. Lee explained to the Commission that the existing sign would not be grandfathered in because the new sign would be replacing it. Dr. Hochberg said that the new sign would incorporate both 1962 and 1970 Whitney Avenue, and would be known as Glen Terrace Commons. The Commission discussed the removal of the existing sign and replacing it with a new sign. Ms. Creane stated that a condition of approval could be that the existing sign needs to be removed before a new sign is installed. Mr. Chorney stated that the ratio of the existing sign vs. the new sign would be over the allowable size.

Mr. Chorney reviewed an existing sign for the Shell Gas Station is located on a lamp pole and could effect visibility when the new sign is put up. The Commission reviewed the location of the sign for the Shell Gas Station.

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

Ms. Rhoda Saltz, co-owner, addressed the Commission and explained that the sign being proposed is necessary for their patients to locate the building. She stated that there is a safety concern for their patients to have a visual cue when traveling on Whitney Avenue. They have had no sign to identify their location for five months. The business provides regular care and 24 hour emergency care. Ms. Dove asked why not having a sign was not an issue in the past. Dr. Hochberg explained that they had an awning that identified their location. He was approached by the developer and was told of the changes being made to the site. His options were to move to the new building or leave, and that there was no discussion with regard to signage. Ms. Dove explained that the Planning Office had suggested that they place the building closer to Whitney Avenue and the developer chose not to. Ms. Saltz said that there are also bushes that impact visibility to the building. Mr. Vita explained that the bushes impact the Discount Wine building. The Commission discussed the placement of a sign and visibility exiting onto Whitney Avenue. Ms. Creane explained again that the Planning Office and Town Engineer would need to approve the location of the sign.

Mr. Vita asked for comments against the application.

Ms. Christine Esposito, 1742 Whitney Avenue, addressed the Commission and stated that she understands the predicament that the applicant is in. The patients should be sent postcards with explicit directions for the location of the building. She feels that the applicant's argument is weak and that rules are rules. She stated that the temporary sign colors are garish.

Mr. Lee advised the Commission that a letter had been emailed to the Planning Office from Mr. John Morrison, dated November 18, 2009, and it objected to the proposed sign.

Mr. Vita asked for any further comments. There were none.

The Public Hearing was closed.

- 3) 09-6369** 400 Goodrich Street, Requesting a variance of the following: Section 740 to permit 4 spaces where 15 are required for office use. Zone B-2.
Tri-Con Construction Managers, LLC, Applicant.

Mr. Thaddeus Stewart, Agent for Tri-Con Construction, addressed the Commission and reviewed the application. He explained that the request is to allow four parking spaces where three parking spaces per 1,000 square feet is required. The building has approximately 5,000 square feet located in Hamden, and 5,000 square feet located on the New Haven side of the property. The applicant is converting the building into usable office space and storage space. There will not be any heavy machinery on the property. He explained that Tri-Con has been talking with Mr. Dale Kroop from Economic Development. Mr. Chorney stated that a floor plan showing how much of the area will be used for office space, and how much for the storage space has not been submitted. The property abuts the Farmington Canal Trail. Mr. Chorney stated that the existing parking spaces are located in the front of the building. Mr. Chorney feels that the plans that have been presented are lacking information. Mr. Vita asked how many customers would come to the site. Mr. Stewart said that there would be very little foot traffic with regard to clients or trades people. The additional parking would be for the four employees who will park on-site, four would be on the street and one employee who would go between the office and projects. The building was previously used for manufacturing and all the parking was on Daisy Street, which is located on the New Haven side of the property. Tri-Con Construction would like to incorporate the Daisy Street division and the Goodrich Street Division into one complex, which would be approximately 10,000 square feet in size. Mr. Chorney asked if the parking is located in the front of the building, would vehicles have to pull in and then back out onto the street. The entire parking plan needs to be looked at. The parking spaces on Daisy Street should be incorporated into the plans to show why additional parking is not needed on the Hamden side of the building. Mr. Chorney said that Goodrich Street is a busy street and is located next to the Farmington Canal which has a lot of foot traffic. Mr. Stewart has spoken with RWA and the IWC and they feel that the plan for the site is an ideal proposal. There will be beautification done to the property along the Farmington Trail when the property is obtained by the applicant. Mr. Vita asked if Mr. Stewart had spoken to the Town about the parking issue. Mr. Stewart said that they had spoken with the Planning Office and it was determined that an A-2 survey was needed. Mr. Chorney feels that the proposed plan would make good use of the building, but the plan being presented is inadequate because there is no breakdown of the parking spaces needed. Ms. Creane explained that the applicant is applying for the variance because fifteen parking spaces are needed and the applicant is asking for four spaces. Mr. Stewart discussed with the Commission the location of where the four parking spaces would be located and on-street parking. The handicapped parking space would be located in the front of the building which would require a curb cut. Ms. Creane explained that the building is large and it would be difficult to provide the required amount of parking needed for the site. The applicant will also be submitting an application to New Haven. The Commission discussed the hardship and the information they would need before making a decision. Mr. Vita asked if the building encroaches onto an abutting property. Mr. Stewart explained that the abutting neighbor is not interested in selling at this time.

Ms. Dove asked if there were a basement in the building. Mr. Stewart reviewed with the Commission what is currently located in the building. Ms. Dove said she thought that the Goodrich Street area has a plan for further remediation, and would have additional traffic in the area.

Mr. Vita asked Ms. Creane if it would be beneficial to continue a dialogue between the applicant and the town to see if there could be a satisfactory plan for the site. Ms. Creane stated that she feels it would be beneficial for the Planning Office and the applicant to have a meeting. Mr. Vita asked Mr. Stewart if he would be agreeable to meeting with the Planning Office to determine what would be necessary to address the parking needs. Mr. Stewart agreed to meet with the Planning Office. Mr. Chorney asked if there were a lot nearby that is not used during normal business hours that they might be able to lease. Mr. Stewart said that there is a lot in the area they could lease and that might be a good option. The

Commission discussed with Ms. Creane and Mr. Stewart what they need to determine if the variance should be approved.

Mr. Vita continued the Public Hearing until the 12/17/2009 meeting.

4) 09-6371 164 Washington Avenue, Requesting a variance of the following: Section 434.b to allow a side yard of 6.5 feet where 12 feet is required for an enclosed porch with a second story addition. R-4 Zone.
Daniel and Kimberly Vigliotti, Applicants

Mr. Dan Vigliotti, owner, addressed the Commission and reviewed the application. He stated that currently the house is located 6.5 feet from the property line. There is a three season porch which is not efficient to use. He would like to take it down and rebuild with the same footprint. He would like to extend the room two feet and make it flush with the end of the house. He would also like to add a second floor to the new addition and add a second floor bathroom. His family is growing and he would like to stay in the house to raise his children. The idea came from his neighbor who had previously been approved for a similar addition, and had received a variance. Mr. Vigliotti submitted a new site plan and reviewed it with the Commission. Mr. Vita asked if the addition would encroach further into the side yard. Mr. Vigliotti advised the Commission that it would not encroach any further into the side yard.

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

The Public Hearing was closed.

5) 09-6373 89 Sante Fe Avenue, Requesting a variance of the following: Section 434.b to allow a side yard of 8 feet where 12 feet is require for an addition. Zone R-4.
Bernard Pellegrino, Applicant

Mr. Greg Gallo, Attorney, addressed the Commission and reviewed the application. Mr. Chorney stated that there has been no plot plan submitted and there are no reference points for the addition. Mr. Gallo stated that the addition will be 21 x 16 foot addition. It will be a 2 story addition extending from the rear of the house and going back 16 feet. The intent is to have the addition flush with the side of the house. Ms. Dove asked if there is a bump out on the right hand side of the house and if that is where the addition will be flush with the house. Mr. Gallo submitted pictures of the existing house and reviewed them with the Commission. Mr. Chorney stated there would be a four foot difference in the elevation. Ms. Dove asked if any trees would be removed. Mr. Gallo said that the applicant would be removing some shrubs, but did not believe any trees would need to be removed. The existing buffer between the properties would remain. The Commission discussed with Mr. Gallo the proposed plan. The Commission reviewed the plan and the need for a plot plan showing the addition, garage, and the amount of lot coverage.

Ms. Elaine Marcella Federico, owner, addressed the Commission and stated that she lives in the home. She explained that the previous owner was her uncle.

Mr. Vita asked Mr. Gallo if he would be able to submit a plot plan. Mr. Gallo reviewed with the Commission what they would want on the plot plan and advised he will submit a new plan. Ms. Dove advised that the correct spelling of the street is "Santa Fe". Mr. Gallo reviewed and submitted letters in support of the variance from Alyson Cohen and Elaine Banas in support of the plans for an addition. The Commission stated that they would like a copy of the abutters list for the property.

Mr. Vita continued the Public Hearing until the 12/17/2009 meeting.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

09-6368

Mr. Chorney made the motion to deny the request for the variances . The motion was seconded by Mr. Reynolds. Mr. Chorney stated that the location of sign and the size of sign were not shown. The applicant did not submit anything showing the existing sign for Attorney’s Laughlin and Fitzgerald sign, and that it would be removed. The exact address on sign needs to show 1960 and 1970 Whitney Avenue. There could be 12 tenants that would need to be shown on the sign. Mr. Chorney stated that there are currently only two tenants on the property and they should discuss with the developer how much space they need on the sign. If more signage is needed in the future, they could come back to the ZBA. The name of the property is Spring Glen Commons and that could be used with the address for locating the property. The applicant previously had an awning which could be put up again. The argument that the applicant used was his clients need to have a visual cue to locate the property. The Commission discussed that the name of the property “Spring Glen Commons” and that the address should be used to identify the property. Mr. Lee explained that the developer created the hardship by the placement of the building and that the developers went against the advice of the Planning Office. The Commission would like the dimensions of the existing sign for Attorneys Laughlin and Fitzgerald so that they can compare the sizes. The Commission discussed with Ms. Creane and Mr. Lee if the application should be denied without prejudice. Mr. Lee advised that the Commission that they can deny the application for any reason. They could place a condition that the applicant cannot come back to the ZBA if there is not a significant change with the size of the sign. Mr. Vita agrees with the applicant that they need a sign to identify the property, and a sign should be placed on the property that is appropriate and complies with the zoning regulations.

The motion passed unanimously

09-6371

Mr. Reynolds made the motion to approve the request for the variance. Mr. Walsh seconded the motion. Mr. Reynolds stated that the applicant is not changing the footprint of the building and not encroaching any further into the side yard.

The motion passed unanimously.

b. Approve Minutes of October 15, 2009

Mr. Reynolds made the motion to approve the minutes of October 15, 2009 as written. Mr. Walsh seconded the motion. Mr. Vita, Mr. Chorney, Mr. Reynolds, Mr. Walsh voted in favor of the motion. The motion passed.

c. Old Business

d. New Business

1. 2010 meeting Schedule

Mr. Reynolds made a motion to approve the 2010 meeting schedule. Mr. Chorney seconded the motion. The motion passed unanimously.

Mr. Chorney stated he would like Ms. Holly Masi, Zoning Enforcement Officer, to look at the Shell Station Sign that is on the lamp post adjacent to the liquor sign. She should determine if the sign is allowed and if it creates a problem with the visibility in the area.

e. Adjournment

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

The meeting adjourned at 8:22 p.m.

Submitted by: _____
Stacy Shellard, Commission Clerk