



Town of Hamden

Planning and Zoning Department

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January 25, 2023

Planning and Zoning Commission Minutes

The Planning and Zoning Commission, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, January 24, 2023 at 7:00 p.m. The meeting was held in the Legislative Council Chambers, Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT.

Commissioners in attendance: Brack Poitier, (Chairman), Jay Cruikshank, Felicia Bond, Richard Pearce, Joseph McDonagh, Shenae Draughn, Charles Elbert.

Staff in Attendance: Eugene Livshits, Town Planner; Christopher Soto, Assistant Town Planner; Camile Deans Administrative Assistant to Commissions, Atty. Tim Lee, Assistant Town Attorney; Genevieve Bertolini, Stenographer.

Chairman Poitier called the meeting to order at 7:03p.m.; Ms. Deans read the Agenda and Public Hearing item into the record, the panel introduced themselves and the Chairman reviewed the procedures for the Public Hearing and Regulation Meeting.

A. Public Comment Session

Chairman Poitier read the details of the public comment session proceedings then called for any public comments.

- **There were no public comments.**

B. Public Hearing

Public Hearing opened at 7:07 p.m.

Item 1.

Special Permit and Site Plan 22-1362 2485 Whitney Ave. General Automotive Repair Kevin's Auto Repair, LLC, Applicant

Attorney Brian Stone of Pellegrino Law Firm represented the applicant Kevin Auto Repair. Mr. Stone explained the location, and its use, he specifically stated what the location is not proposed to be; a car rental, a gas station, car sales, or car washing. He explained that its use was totally car repair facility. There will not be tow trucks onsite. He also explained that he received a certificate of approval from ZBA and a variance. He further explained that the dimensions of the site which is 4,250 square feet building a 6

Page 1 of 5

bay garage, and the historical uses, which has always been a car repair shop until 2016 when there was a tree repair truck storage. He explained that the property has been vacant for a number of years. He also gave a description of the neighboring business sites.

Commissioner Cruickshank had a clarification regarding the number of bays onsite, one document stated 3 and another stated 6. Mr. Stone informed him that it was indeed 6. Commissioner Cruickshank had another question regarding oil storage and what or how they would be using for that. Mr. Stone gave diagrams of the proposed storage tanks to the panel. They will be using a Drum Platform that traps leak and spillage from 55 gallon drums and also a secondary containment for 275 gallon storage tank, both will be used for waste oil.

The Chair asked if anyone had any questions, there was none.

The Chair asked Mr. Christopher Soto Assistant Town Planner to read the staff report.

Mr. Soto read a copy of the staff report.

The Chair asked if there was anyone from the public who would like to speak for or against the permit. There was one member from the public.

Irene Denny Business owner on Whitney Ave spoke in favor of the application, she explained that as a business owner she knows how impactful that can be and this business would be beneficial to the town, and she is asking to accept the proposal.

The Chair asked if there is anyone else who like to speak in favor. There was no one else, he then asked if there was anyone who would like to speak against the application, and no one showed up.

The Chair closed the Item at 7:23pm

C. Regular Meeting

Regular meeting opened at 7:25

Item 1

Special Permit and Site Plan 22-1362 2485 Whitney Ave. General Automotive Repair Kevin's Auto Repair, LLC, Applicant

Commissioner Joseph McDonagh made a motion to approve the permit with the conditions, Commissioner Charles Elbert seconded the motion. All commissioners present were in favor.

Approval Conditions

Staff recommends approval of the Special Permit & Site Plan #22-1362 with the following conditions:

- 1. All site work shall be completed no later than five years from the date of the approval.*
- 2. All signs shall be approved by the Planning and Zoning Department prior to the issuance of a zoning permit.*
- 3. There shall be no outdoor storage of parts, tools, junked vehicles, or junked equipment.*
- 4. There shall be no outdoor repair or servicing of motor vehicles or equipment.*

5. *The dumpster area is to be enclosed. The final revised site plan submitted for permitting should reflect this change.*
6. *All fluids, hazardous materials, waste chemicals, and solid wastes shall be handled according to Section 650.1 of the Hamden Zoning Regulations.*

Item 2.

Site Plan Application 23-1520: 2323 Whitney Avenue (property address), 2321 Whitney Avenue (surface parking lot), 2361 Whitney Avenue (parking garage) Restaurant & Brewery: Applicant HC2 Associates LLC.

Attorney James Perito with Halloran Sage Law Firm represented the client along with Architect Sam Gardner with GWG Architect Group.

Attorney Perito read a short summary of the site plan application. He gave a clear description of the inside layout and the business set up, he also explained the outside area and its functions. Attorney Perito also explained the different parking spaces including a surface parking area and a parking garage. He pointed out that this application also has an easement that allows them to use the different parking spaces.

Attorney Perito introduced Sam Gardner Architect, Mr. Gardner did a quick review of the plans and the use of the different spaces. He explained in details the floor plans, the use of square footage and how it relates to the available parking. He pointed out that there would be more than enough parking on the surface area, and if needed the garage would provide more spaces. He explained the landscaping of the area, and that they are proposing a series of trees where the Beer Garden is going to be. He explained that the use of the brewery and the outdoor space is not an add-on to the restaurant, they both will be in use at the same time one tends to offset the other seasonally and the use of the brewery would be less in terms of parking. He added that they will be replacing the old lighting with new lighting post and shepherd crooks style lighting to give the space more appeal. Commissioner McDonagh asked if they were replacing the emergency exit, Mr. Perito confirmed that they are replacing the exit with stairs.

Commissioner Shenae Draughn wanted some clarity on the surface parking lot and how many existing spaces are currently there. Attorney Perito explained that in the easement it says there is 375 spaces in the garage. Commissioner Draughn had concerns with traffic in that area and a busy intersection in the center of town and that area can get congested, and with the additional use of that space she wanted to make sure they are taking that into consideration. Commissioner Draughn wanted to be clear that the owner has permitted the use of the garage, Attorney Perito informed her that it was explained in the easement that the persons from the office building had the right to go in the surface parking as well as the patrons from the restaurant were able to go in the garage as well. He also pointed out that the traffic flow is the same lay out as from before, there's different ways coming in and out. Commissioner wanted to be clear regarding the office hours and the business hours parking if there was an overlap. Attorney Perito ensured that even though all buildings share the space there was ample parking spaces for both. Mr. Kevin Fitzsimons who was a part of the application team assisted with explaining how traffic flows out into the intersection and the amount of space they had in parking lot. Commissioner Draughn had another clarification regarding the number of spaces in the garage and the surface area weren't reflected on the plans. Mr. Gardner explained in detail how they came about the number of spaces by adding the surface area and the spaces in the garage. Commissioner Elbert had a question on the plan, he wanted to know if

the spaces on sheet S1 were existing parking spaces or were they redesigned. Mr. Gardner informed him that what he is looking at are the current parking spaces that's there now. He had another question about the exits and where they go, Mr. Gardner showed him on the plan where the exits go. Commissioner Draughn asked about the restaurant capacity, Mr. Gardner explained that they base the evaluation on how zoning codes defines capacity, the capacity would be based on patrons per square foot. Commissioner Elbert had a question about entering the site and exiting the site, Mr. Gardner showed him on the map the exits and entrance.

Mr. Livshits read the staff report into the record.

Commissioner Cruickshank pointed out that in the zoning regulations, the specifications for of a T-zones in section 350.3 states that the commission are allowed to make a decision based on the amount of parking as long as it is not less and is satisfied amount of parking using table 5.5. Commissioner Elbert had a question regarding the private room and the capacity, he also inquired about restrooms, Mr. Gardner confirmed they had gender neutral and all the current buildings had to have one.

The Chair asked if there were any questions, there were none.

Commissioner McDonagh motioned to approve the application with conditions, Commissioner Pearce seconded the motion. All commissioners present were in favor.

Approval Conditions

- 1. All work must be completed within five years.*
- 2. Signage will require approval from the Planning and Zoning Department*
- 3. The applicant will be responsible for any damage done to sidewalk in the right of way that happens during construction/implementation.*
- 4. The applicant will be responsible for any permits required by the Town of Hamden and State of Connecticut DOT if any excavation is required in the right of way.*

Old Business

Review minutes of the January 10, 2023 Minutes

The minutes were approved with one suggestion by Commissioner McDonagh, that the public comments has to be closed moving forward.

There was a motion to approve the minutes by Commissioner McDonagh, the motion was seconded by Commissioner Elbert, all commissioners present voted in favor.

Discussion

Cannabis establishment review

The commission authorized Mr. Livshits to obtain a public hearing. There was also a continuation of discussion regarding distance and placement from places of worship, playgrounds etc. Commissioner Elbert pointed out that he gave a list of items that needed to be added to the discussion that included much more terms. He expressed his concerns with the different issues surrounding cannabis, and the issues he has seen working in the school system and that more children were overdosing on cannabis gummies, therefore he would like to look more into it. The commission had different concerns and questions, overall everyone was on the same page in having a public

hearing and moving forward to make a decision. Mr. Livshits explained that there were regulations and state guidelines pertaining to cannabis, Attorney Tim Lee pointed out that if the town doesn't make a decision then the state will. The commission has a tentative date for February 28 meeting.

Adjournment

Chairman Poitier motioned to adjourn; Commissioner McDonagh seconded the motioned.
The meeting adjourned at 8:31pm

Submitted by: _____
Camile Deans, Administrative Assistant to Commissions