



Town of Hamden
Planning and Zoning Department

**Hamden Government
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July 20, 2021

MINUTES: ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting via Zoom teleconferencing technology on Thursday, July 15, 2021, at 7:00 p.m. with the following results:

Commissioners in attendance:

Wayne Chorney, Chair
Ricci Cummings
Elaine Dove
Andrew Houlding, Sitting for Francis Nelson

Staff in attendance:

Matthew Davis, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Genovieve Bertolini, Stenographer
Natalie Barletta, Clerk

The meeting was called to order at 7:06 p.m. by the Chair, Wayne Chorney. Chairman Chorney went over meeting procedures and read the Public Hearing items into the record. The Commission and Staff introduced themselves.

Attorney Lee advised that the applicant needs to have the vote of all four commissioners present. He gave the applicants the option to proceed or continue to the September meeting. All applicants chose to proceed.

A. Public Hearing

1. 21-6675 275 Mount Carmel Avenue, Requesting a Variance of Section 220 to permit 50-foot light poles where 35-foot is permitted, Quinnipiac University, Applicant, R-2 Zone

Mr. Davis reported that the applicant wished to proceed in September when there would be five members available.

2. 21-6679 31 Barraclough Avenue, Requesting a Variance of Section 220, Table 2.1 for 49% impervious coverage where 35% is allowed, Paul Yearwood, Applicant, R-5 Zone

Paul Yearwood addressed the Commission. He had just purchased his home, and wants to replace the existing deck with one that works better for him. They calculated impervious coverage at 49 percent, which is partially due to the driveway. Basically, what was already there will be replaced. Chairman Chorney asked if there was spacing between boards and if it was permeable decking. Mr. Yearwood answered yes. Chairman Chorney asked if this counts as coverage. Mr. Davis replied that the Zoning Enforcement Officer saw it that way, but if the board wants to send the communication to the Planning Director, to say that if the deck has had sufficient spacing, then they wouldn't be required to grant a variance. Mr. Davis said he would send the Town Planner a report on the Board's behalf. Mr. Houlding asked the deck is going to be constructed in a manner that allows drainage through the deck. Mr. Yearwood answered yes. Mr. Houlding

asked who is building it. Mr. Yearwood replied that he is having a professional build it. Mr. Houlding asked if having a permeable structure a part of the contract. Mr. Yearwood answered yes. Ms. Cummings commented that is an unusual lot, as it is very narrow. Chairman Chorney commented that this relatively minor. Ms. Dove commented that the Board needs to clarify to the public what permeable versus impermeable, which makes a difference of how much water the land absorbs.

Chairman Chorney asked if anyone wanted to speak in favor of this application. No one spoke in favor of this application.

Chairman Chorney asked if anyone wanted to speak against this application. No one spoke against this application.

Chairman Chorney then closed the public hearing.

3. 21-6678, 2100 Dixwell Avenue, Requesting a Variance of Section 550.2.4(a) and Section 550.2.4(b) to allow sign area on façade of 6 feet 5⁵/₈ inches by 15 feet, 8-1/4" centered in proposed new Jr. Anchor storefront to accommodate future tenant signage, Hamden Plaza Associates, Applicant, T-5 Zone

Andrew Bermant, owner of National Shopping Associates, addressed the Board along with Paul Tephper of Studio Architecture. They are requesting a variance for section 550.2.4 to allow for a sign 6 feet 5⁵/₈ inches by 15 feet, 8-1/4". The proposed sign meets all other requirements and the maximum sign area is less than 1-foot façade length that's allowed under section 550. It will be between the former Dress Barn site, and the Pacific Grill. The proposed sign will be for a new DSW (Designer Shoe Warehouse) that will be applied to a new storefront that is under construction and located in front of main entrance. DSW will relocate from North Haven to Hamden. They are under a time constraint and the town, so they can open in January 2022. The height is within the maximum sign area, and the sign code didn't allow for a square instead of a rectangle.

Chairman Chorney asked if the sign square footage is the same square footage is the same area on a rectangular that would be going a little taller with it. Mr. Bermant answered if the area was less than a rectangular one. Ms. Dove asked what the height was. Mr. Bermant answered six feet five and five eighths, and the width will be 15-foot, 8 ¼ inches. Ms. Dove asked if this was the tallest sign there. Mr. Bermant answered no, as the sign for Shop Rite and Marshalls are larger. Chairman Chorney answered that the signs are prepared for a rectangle versus a square. Mr. Bermant commented that it doesn't fit DSW's sign criteria. Mr. Tephper replied the reason for the variance is that this tenant requires a square sign.

Chairman Chorney asked if staff had any objections. Mr. Davis answered no. There was a brief discussion on the materials on the sign.

Ms. Dove is this the same sign that is in the North Haven location. Mr. Bermant answered that this one is more rectangular, and is basically within the boundaries required by the retailer.

Chairman Chorney asked if anyone wanted to speak in favor of this application. No one spoke in favor of this application.

Chairman Chorney asked if anyone wanted to speak against this application. No one spoke against this application.

Chairman Chorney then closed the public hearing.

4. 21-6676 114 Lincoln Street, Requesting a Variance of Section 220, Table 2.3 to permit a 8'3" side yard where a 12 foot side yard is required for addition to match existing structure, Christopher White, Applicant, R-4 Zone

Christopher White addressed the Board. Last year, the tornado destroyed his deck. When this was fixed, he thought it would be a great opportunity to put an addition on the house. He needs the gable end of house to be at the preexisting to be 18 feet, where r-4 side yard requires 12 feet. He is unable to, because of the, going to a 12 foot side yard, which would move the addition over four feet. He plans to also take down the existing shed, which would reduce coverage, so the only variance is the side year. Chairman Chorney asked if this was the rear-right. Mr. White answered yes. Chairman Chorney asked what is going on in the left. Mr. White commented that besides the shed, there is a 2 car garage, and there is a wood shed and a blue stone patio which would be removed. There was a brief discussion on whether or not the temporary pool was removed and it was confirmed that it was by Mr. White.

Chairman Chorney asked if anyone wanted to speak in favor of the application. No one spoke in favor of this application.

Chairman Chorney asked if anyone wanted to speak against this application. No one spoke against this application.

Chairman Chorney then closed the public hearing.

5. 21-6677 34 Farm Brook Road, Requesting a Variance of Section 220, Table 2.1 to allow building coverage of 22.95% when 21.1% exists, and 20% is allowed, Patricia Lujick, Applicant, R-3 Zone

Patricia Lujick addressed the Board. She reported that her current deck is 32 years old, and has been in such disrepair to the point where it was deemed unsafe. The plan is to reconstruct the existing one, with some exceptions. She wants to add two existing feet, and referenced diagrams that she distributed to the Board. She added that she would be happy with a small addition with entry to the pool. The deck is going to be constructed with composite decking with the ability for water to drain. Chairman Chorney asked if the extra section would have spacing for drainage. Ms. Lujick answered yes, and added that since she is using the company Duralife, it will create a system, where it is conformed to the house structure and the boards just snap in. Mr. Houlding asked is there a foundation on the deck. Ms. Lujick answered sonic tubes. Mr. Houlding asked if that will be replaced. Ms. Lujick answered yes, and added that the package showcases it at 12 feet. Mr. Houlding asked about the figures, and asked if the town has looked at these. Mr. Davis answered yes, he is comfortable with the numbers. Chairman Chorney asked if that is the section going to the pool. Ms. Lujick answered yes. Chairman Chorney asked if she will have to get new fencing for the pool. Ms. Lujick answered that she purchased new fencing for the pool, and everything is going to be replaced.

Chairman Chorney asked if anyone wanted to speak in favor of the application. No one spoke in favor of this application.

Chairman Chorney asked if anyone wanted to speak against this application. No one spoke against this application.

Chairman Chorney then closed the public hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items

1. 21-6675 275 Mount Carmel Avenue, Requesting a Variance of Section 220 to permit 50-foot light poles where 35-foot is permitted, Quinnipiac University, Applicant, R-2 Zone

Continued to the September 16, 2021 Meeting

2. 21-6679 31 Barraclough Avenue, Requesting a Variance of Section 220, Table 2.1 for 49% impervious coverage where 35% is allowed, Paul Yearwood, Applicant, R-5 Zone

Ms. Dove moved to approve as it's a narrow lot and there are several others nearby and it's a permeable deck, Mr. Houlding seconded, and all were in favor. The variance was approved.

3. 21-6678, 2100 Dixwell Avenue, Requesting a Variance of Section 550.2.4(a) and Section 550.2.4(b) to allow sign area on façade of 6 feet 5⁵/₈ inches by 15 feet, 8-1/4" centered in proposed new Jr. Anchor storefront to accommodate future tenant signage, Hamden Plaza Associates, Applicant, T-5 Zone

Mr. Houlding moved to approve as the zoning ordinance is designed with a rectangular notion in mind and this doesn't fit the needs here, Ms. Dove seconded, and all were in favor. The variance was approved.

4. 21-6676 114 Lincoln Street, Requesting a Variance of Section 220, Table 2.3 to permit a 8'3" side yard where a 12 foot side yard is required for addition to match existing structure, Christopher White, Applicant, R-4 Zone

Ms. Dove made a motion to approve, as she thinks the Applicant has less coverage, and what they are asking for is very small, and the hardship is a preexisting nonconforming line. Mr. Houlding seconded, and all were in favor. The variance was approved.

5. 21-6677 34 Farm Brook Road, Requesting a Variance of Section 220, Table 2.1 to allow building coverage of 22.95% when 21.1% exists, and 20% is allowed, Patricia Lujick, Applicant, R-3 Zone

Mr. Houlding moved to approve because it's a very minor increase, Ms. Cummings seconded, and all were in favor. The variance was approved.

b. Approve Minutes of March 18, 2021 Regular Meeting and June 3, 2021 Special Meeting

Ms. Dove and Mr. Houlding went over corrections from the March 24, 2021 minutes with the clerk.

Ms. Cummings moved to approve the minutes from the March 24, 2021 meeting as amended. Ms. Dove seconded, and all were in favor. The minutes were accepted from the March 24, 2021 meeting.

Ms. Cummings asked if the sentence "This is like that because of the manufacturers" could be redacted from the June 3, 2021 meeting.

Ms. Cummings moved to approve the minutes as amended. Mr. Houlding seconded, and all were in favor. The minutes were accepted from the June 3, 2021 meeting.

c. Old Business

There was no old business to discuss.

d. New Business

Commissioners discussed vacated positions, in person meetings, and staffing issues.

C. Adjournment

Mr. Houlding moved to adjourn, Ms. Dove seconded, and all were in favor. The meeting was adjourned at 8:30 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission

To view the meeting, please click on the following link and observe the instructions when prompted:
https://us06web.zoom.us/rec/share/Cgc0848jlQmgGgKON8nU_PkbzpacnUmlXnWkLX4Rmpe_S3MdwlOQwB74IPp4uL98.4mJDknbimMAp60ZO

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