



# Town of Hamden

## Planning and Zoning Department

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7033  
Fax: (203) 287-7075

### MEMORANDUM

**To:** Hamden Planning and Zoning Commission

**From:** Erik C. Johnson, Acting Director Planning and Economic Development

**Re:** Updated Staff Memo – 8-30g Application – 455 Sherman Avenue Rear  
31 New Construction Rental Unites – change to Special Permit 10-1163

**Date:** April 26, 2022

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The owner/ applicant John Ranciato, seeks the approval of the Commission to develop a 31 unit multifamily residential development of a parcel of land of approximately 3.5 acres located at 455 Sherman Avenue Read. The parcel is located in the M Zoning District.

The applicant has filed this application pursuant to and in compliance with the Affordable Housing Act of the State of Connecticut as codified by C.G.S 8-30g. The Town of Hamden is a non-exempt municipality under the 2020 Affordable Housing Appeals List, meaning that less than 10% of the Town's current housing stock is affordable as defined by the State. Under the 8-30g provisions, if a municipality has not meet or exceed that 10% threshold for affordable housing units, it is the jurisdiction's burden to demonstrate why a developer's application to build affordable units should not be granted. The only exception to this requirement is if the applicant's requests in located in an Industrial, or in the case of Hamden a Manufacturing Zone. In such instances, the Jurisdiction has the right to consider the applicants request outside of the 8-30g statutes. In such instances, the Planning and Zoning Commission has the right not to approve an application for housing development in a zone where this form of development would not be granted.

#### **Department Review:**

The Subject Property received approval from a Special Permit and Site Plan Approval on December 14, 2010 from the Planning and Zoning Commission. (Special Permit 10-1163). At the time the prior owner GAR Development, LLC received approval to construct an 11,960 square foot building and a smaller 8,400 square foot building to be used in some combination of manufacturing and wholesale businesses. The approved site plan called for the blasting of rock and the construction of a retain wall of the west side of the property. Approximately 7,537 cubic yards of material were scheduled to be cut and 5,800 cubic yard of material was to be excavated from the property.

GAR Development, LLC sold parcel to John Ranciato, who after attempting to develop the property as previously approved, determined that highest and best use of the property given in current condition was

to attempt to develop the property as a residential development using the 8-30g statutes given the zoning and use restrictions on the property.

### **Staff Recommendation and Considerations:**

The Planning Department recommends the following actions be taken at this time:

1. The Planning Staff recommend that the Planning and Zoning Commission waive its right to use the Industrial / Manufacturing Zoning exemption provided under 8-30g Statute to prohibit its consideration of this application and
2. The Planning Staff recommend the approval of the applicants request to develop 31 units of housing at 455 Sherman Avenue with any conditions included in this report or as provided by the Planning and Zoning Commission.

Upon review of the Applicant's plan, prior Commission approvals and the existing conditions of the parcel, Staff came to the following conclusions:

- Despite prior attempts and investments from the current and previous owner, the existing site conditions have demonstrated that the property is suitable for commercial development. Specifically the driveway entrance, and limited turning radius for truck make the site challenging for commercial / manufacturing use. The concerns were originally raised by Planning Staff and Town Engineering Department in the 12.23.2000 Staff report for the previously approved site plan.
- The required infrastructure investment required make development of the parcel as manufacturing or industrial use cost prohibitive. Per the Developer's estimates the cost to install the required infrastructure on the property is approximately \$750,000. Given the access limitations and limits to the size and scale of a potential industrial or commercial structure on the property income generated from the building would be insufficient to cover its development costs.
- Residential use is consistent with the surrounding area. The parcels adjacent to the subject property are zoned a T4, T3 and T3.5 and majority of the M zoned property proximate to this site is owned by Quinnipiac University.
- The proposed residential development generates higher taxes. The proposed residential development will likely result in higher tax proceeds than if the project was developed as a commercial development. The proposed residential development is approximately an \$8-9M project, the commercial project that was approved in 2003, today would represent an approximately \$4.5M to \$5M project.
- Proposed project increases Hamden limited housing inventory. This project is consistent with the Town's need to add more inventory to its housing stock. The fact that a percentage of the units will be developed as affordable / workforce housing under the 8-30g statute is an additional benefit and helps address the affordable housing challenge that the Town has in addition to its need to create more housing options.

### **Department Review:**

The Town Engineer, Stephen White, has reviewed the applicant's submission. The required changes to the plan are included in Staff conditions for approval.

The Hamden Fire Department has not yet provided its final comments on the proposed application. If the Commission agrees to waive its right to use its exemption for manufacturing and industrial lands under the

8-30g statute, the Planning Staff will have the HFD complete a full review of the proposed plans. Staff understand that given site conditions, HDP will have be able to access the property in a way that is safe for themselves and residents.

Subject to the following Conditions

1. Prior to the issuance of zoning permit, the applicant must
  - A. Obtain approval from the Hamden Fire Department for the proposed site plan and make sure that there is an emergency access plan for HDP apparatus given site conditions.
  - B. Work with the Town Engineer and Town Attorney to resolve potential use or ownership issues between the property owner and the Town for access into the subject property. The development requires Town to either grant or easement over 'Paper Street into the property or for the Town to transfer ownership of all or a portion of this property to the applicant.
2. Prior to the start of construction:
  - A. The owner must provide the GNHWPCA with a complete set of design plans for review and approval and obtain a sewer connection permit prior to starting any work.
  - B. The applicant should notify the RWA at least three days in advance.
  - C. Erosion controls (silt fence, anti-tracking pads, hay bales, etc.) should be installed
3. During construction:
  - A. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance.
  - B. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
  - C. All work must comply with GNHWPCA standards and specifications.
4. All work on the site must be completed within five years.