



**Town of Hamden**  
**Planning and Zoning Department**

**Hamden Government  
Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7070  
Fax: (203) 287-7075**

March 26, 2009

**MINUTES: THE ZONING SECTION, PLANNING & ZONING COMMISSION**, Town of Hamden, held a Regular Meeting on Tuesday, March 24, 2009 at 7:00 p.m. in the Legislative Council Chambers, 2379 Whitney Avenue Hamden, CT and the following was reviewed:

Commissioners in Attendance:

Ed Grant, Zoning Section Chair  
Ralph Marottoli, sitting for Bob Roscow  
Greg Tignor, sitting for Gerald Dimenstein  
Len Grabowski, sitting for Donald Moses

Staff in attendance:

Dan Kops Jr., Assistant Town Planner  
Tim Lee, Assistant Town Planner  
Stacy Shellard, Commission Clerk

Mr. Grant called the meeting to order at 7:00 p.m., reviewed the agenda and meeting procedures, and introduced the panel.

**Regular Meeting:**

- 1) Site Location Approval 09-005  
1089 Dixwell Avenue, CDD-1 Zone  
Used Car Sales  
William McCreary , Applicant

Mr. Kops, Assistant Town Planner, read his comments and recommended approval based on the following plans:

Property Survey of 1089-1091 Dixwell Avenue dated November 3, 1998, prepared by Doug Jourdan, sealed by John Thompson, L.S.

With the following conditions:

1. All hazardous materials and waste chemicals should be stored on-site on an impervious floor with some form of secondary containment.
2. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
3. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
4. All vehicle washing should be conducted indoors.
5. All servicing of vehicles should be conducted indoors on an impervious surface.
6. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
7. Any vehicles that are leaking automotive fluids should be stored inside the garage or at minimum on an impervious surface where the leaks can be contained and cleaned up.
8. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.

9. RWA inspectors should continue to be granted access to this property during the annual inspection program.
10. Conditions 1-9 should be placed on the survey submitted to the Connecticut department of Motor Vehicles.
11. A copy of the revised survey should be submitted to the Planning and Zoning Department.

Mr. Kops explained that the Commission is acting as an agent for the Department of Motor Vehicles when approving a change of ownership to a non-family member for an automotive location. The Commission asked if the current owner is observing the conditions of approval. Mr. Kops stated that the best practices may not have been observed and that is why the RWA has commented. The location is within the Mill River watershed area and the recommended conditions should be observed. Mr. McCreary, owner stated that he has received a letter from the RWA and will be able to meet the conditions stated for approval.

***Mr. Tignor made the motion to approve the application for Location Approval 09-005 as recommended by the Assistant Town Planner with the following conditions:***

1. All hazardous materials and waste chemicals should be stored on-site on an impervious floor with some form of secondary containment.
2. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
3. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
4. All vehicle washing should be conducted indoors.
5. All servicing of vehicles should be conducted indoors on an impervious surface.
6. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
7. Any vehicles that are leaking automotive fluids should be stored inside the garage or at minimum on an impervious surface where the leaks can be contained and cleaned up.
8. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
9. RWA inspectors should continue to be granted access to this property during the annual inspection program.
10. Conditions 1-9 should be placed on the survey submitted to the Connecticut department of Motor Vehicles.
11. A copy of the revised survey should be submitted to the Planning and Zoning Department.

***Mr. Grabowski seconded the motion. The motion passed unanimously.***

- 2) Minor Amendment-Site Plan 95-1106  
1697 Whitney Avenue, CDD-3 Zone  
DVD Rental Vending Machine  
Emily McGowin, Applicant

Mr. Grant advised the Commission that the applicant is located out of state and not present at the meeting. He read letters of opposition from Elaine Dove, Mr. John Morrissey and Ms. Marsha Walsh.

Mr. Kops, Assistant Town Planner, read his comments and recommended approval based on the following plans:

A1, A2, A3 dated February 4, 2009, Sheet 2 of 3 and 3 of 3 dated September 19, 2007

With the following conditions:

1. Prior to the installation of the kiosk the applicant must obtain a Zoning Permit.

2. All work must be completed by March 24, 2014.

Mr. Kops stated to the Commission that the kiosk will be located outside 15 feet from the door and will be used for DVD rentals. Mr. Marottoli asked if a condition could be added stating that the kiosk would be placed for a trial period of time. Mr. Lee, Assistant Town Planner advised the members that once the site plan is approved, it would be difficult to have the kiosk removed. He explained that if the application is denied the applicant could appeal the decision.

The Commission discussed the need to have the applicant present to answer questions regarding the safety and welfare of the public. They would like to know if there have been problems with similar kiosks that have been placed outside of stores. Mr. Kops explained to the Commission that they could table the item until the April 14, 2009 meeting and request that the applicant provide an answer to their questions.

*Mr. Tignor made the motion to table the Minor Amendment for Site Plan 95-1106 until the April 14, 2009 and ask the applicant if they have had any problems in areas that have kiosk installed with regards to the health, safety, and welfare of their users. Mr. Marottoli seconded the motion. The motion passed unanimously.*

**A. Old Business/New Business**

None

**B. Adjournment**

Mr. Grabowski made the motion to adjourn the meeting. Mr. Tignor seconded the motion. The motion passed unanimously.

The meeting closed at 7:25

**Submitted by:** \_\_\_\_\_  
Stacy Shellard, Clerk of the Commissions