



Town of Hamden
Planning and Zoning Department

**Hamden Government
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February 22, 2021

MINUTES: ZONING BOARD OF APPEALS, Town of Hamden, held a Regular Meeting via Zoom teleconferencing technology on Thursday, February 18, 2021, at 7:00 p.m. with the following results:

Commissioners in attendance:

Wayne Chorney, Chair
Ricci Cummings
Elaine Dove
Steve Walsh, Sitting for Vacancy
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 7:02 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.

A. Public Hearing

1. 20-6673, 1965 Shepard Avenue, Section 220, Table 2.3, Asking for a variance for continuance of a legal, non-conforming use of primary residence, including variance for minimum side yard and minimum front yard requirements and vertical expansion within the existing footprint, Bernardo and Josephine Azurin, Applicant
Continued from the January 21, 2021 Meeting

David Rosenberg, Attorney at Gambardella, Cipriano, Gottlieb and Hathway PC, addressed the board. He reminded the Board that the hardship was that the addition needs to be vertical instead of horizontal. Attorney Rosenberg said that he fulfilled the Board’s request for an engineer’s report that addresses the Board’s concerns.

Chairman Chorney asked if there were any questions. Ms. Dove commented that she was impressed with the report.

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

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

Public hearing was then closed.

2.20-058, 839 Sherman Avenue, Location Approval for auto sales and general repair, M Zone, Frederick Uhllein, Applicant
Tabled to the March 18, 2021 Meeting

B. Regular Meeting

a. Discussion and voting on Public Hearing items

Mr. Houlding moved to approve the variance, and added that it seems like they established that it is a hardship, and the issue has been resolved in a satisfactory manner. Ms. Dove seconded. The vote was unanimous in favor. The variance was then approved.

Chairman Chorney explained that the Applicant has a 15-day appeal period beginning at the date of approval. Attorney Lee explained what the 15-Day Appeal Period was. Mr. Davis said that an approved Zoning Permit approval would be needed prior to construction. Chairman Chorney asked about the Building Permit file. Mr. Davis commented that he is not in any position to tell the Building Department how to maintain their files. Chairman Chorney expressed his concerns about the Building Department's filing system, and added that the Building Department needs more information.

b. Approve Minutes of January 21, 2021 Regular Meeting

Ms. Cummings moved to approve the minutes. Mr. Holding seconded, and the vote was unanimous in favor. The minutes were approved.

c. Old Business

There wasn't any old business to discuss.

d. New Business

Attorney Lee stated that ordinarily it is out of the Board's jurisdiction to request an engineer's report, but in the case of this application, the Commission was right to ask for an engineer's report. However, an engineer's report isn't needed for many applications to show a hardship.

Chairman Chorney suggested going into executive session to discuss this, along with what's going on in the Planning and Zoning Office. Mr. Houlding said that it is not something that requires an executive session, nor is it something that the Board should be addressing. Attorney Lee added that the town planner position has been posted, but isn't sure where that stands in the form of interviews. Chairman Chorney commented there are a lot of things in the air, and has no idea how this effects different departments.

Mr. Walsh clarified where his question came from, because he didn't know if the structural report was required for the variance. Ms. Dove asked if he attended the meeting when the application first came before the Commission. Mr. Walsh answered no. Ms. Dove said normally it's not something they would ask for, but due to the circumstance, the Commission asked for it. She then referenced an email from Attorney Lee. Chairman Chorney then referenced a few different scenarios. Ms. Dove said that this was specific to the history of the property, and it was the only reason why she made the suggestion of the structural engineer.

Ms. Cummings said she had the same question, and asked what the scope of the authority of the Board is, as well as what the Board can and can't require.

Attorney Lee commented that this was a unique situation, and doesn't think that the ZBA should make a habit of requesting the Engineer's Report.

C. Adjournment

Mr. Houlding made a motion to adjourn. Ms. Dove seconded, and all were in favor. The meeting was adjourned 7:23 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission