



Town of Hamden
Planning and Zoning Department

**Hamden Government
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May 3, 2021, Revised May 26, 2021

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting via Zoom teleconferencing technology on Tuesday, April 27, 2021 at 7:00 p.m. with the following results:

Commissioners in attendance:

Brack Poitier, Chair
Joseph McDonagh
Michele Mastropetre
Joseph Banks
Paul Begemann
Ted Stevens, Sitting for Vacancy
Jay Cruikshank, Sitting for Vacancy
Shanae Draughn, Sitting for Vacancy

Staff in attendance:

Erik Johnson, Acting Town Planner
Mark Austin, Town Engineer
Matt Davis, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Genevieve Bertolini, Stenographer
Natalie Barletta, Clerk

A. Regular Meeting

1. Site Plan 21-1514
2440 Dixwell Avenue, T-5 Zone
Retail/Gas Station
Teddy Stores, LLC, Applicant

Mr. Davis said that he prepared a memo, but he first wanted to let the Commission know that the client indicated that they would withdraw, but he has never received anything from the client.

Mr. Davis read his memo recommending denial of the application without prejudice based on the following reasons:

1. The proposed improvements in certain respects, including but not necessarily limited to failure to meet current drive width standards, cannot be approved by the PZC absent prior approval of variances by the Hamden ZBA.
2. The existing conditions survey is incomplete and inaccurate.
3. No legal basis has been provided to support the claim that the existing parking spaces and aisles are legally pre-existing non-conforming. The depiction of such spaces on the site plan conflicts with the parking arrangement approved by the Hamden PZC pursuant to application #95-748, which site plan was the last most recent valid PZC approval for this site.
4. The location of the (claimed) non-conforming parking does not comply with current zoning standards for the Transect Zones.
5. The application fails to comply with section 718.2 of the zoning regulations.
6. The application fails to comply with section 718.4, a through g inclusive of the zoning regulations.
7. The application fails to comply with section 720.4 of the zoning regulations.

8. The application fails to comply with section 720.5 of the zoning regulations.
9. The application fails to comply with section 720.6 of the zoning regulations.
10. The application fails to comply with section 130.1 of the zoning regulations.

Mr. Davis noted that the Applicant was not present at tonight's hearing, and if the Applicant didn't withdraw, the application would be denied, because the application is incomplete and inaccurate.

Mr. Stevens asked why it was recommended to be denied instead of tabling the application until it was complete. Mr. Davis explained that it needed to get a variance from the Zoning Board of Appeals, which may or may not get approved. Mr. Davis noted that the Planning and Zoning Department does work with applicants to make sure that the application is as complete as possible before bringing it before the Commission. He added that a Zoom call with the Applicant was tentatively scheduled for next week.

Mr. Stevens asked what it meant for an application to get denied without prejudice. Mr. McDonagh explained that denial without prejudice means that the Applicant don't have to go through the same approvals, and then asked if 1996 was the most recent approval. Mr. Davis answered yes, and briefly went over the history of this project. Mr. McDonagh asked if the existing conditions don't match the approvals from 1996. Mr. Davis said that's correct, and the zones were different at that time then they are now. There was a brief discussion on the zones.

Mr. McDonagh moved to deny without prejudice. Mr. Banks seconded, and all were in favor. The application was denied without prejudice.

2. Site Plan #16-1297
82-92 Crestway, M Zone
Major Amendment to note change in topography of the site, change of the mafia block bins located in the North, adding fencing, removal of curbing on the North and Eastern side of the detention basin, a change up to 30 feet in a westerly direction of the edge of the slop on the Western edge, a rock fall catchment area at the base of the slope on the Western edge, and elimination of the loading zone in front of the building.
Eighty Two-Ninety Two Crestway, Applicant

Mr. Davis deferred to Attorney Lee. Attorney Lee recommended that the application be tabled for another month, and when they come to terms, then the application would be withdrawn.

Mr. McDonagh moved to table this application, Ms. Mastropetre seconded, and all were in favor. The application was tabled.

B. Old Business

1. Review minutes of the April 27, 2021 meeting

Mr. McDonagh moved to accept the minutes, Ms. Mastropetre seconded, and all were in favor. There was one abstention from Ms. Draughn.

2. Discussion: Eliminating Applicability of Certain T Zone Standards to M Zone Developments

Mr. Davis said that this has been delayed, but now that Mr. Johnson is on board, it can be moved forward. Since the May 11th meeting has a full agenda, Mr. Davis said that he will have it ready for the second May meeting.

3. Discussion: FY 21/22 Budget and Department Operations

Mr. Austin reported that he, along with Mr. Johnson, had just started to go through the budget, and they are currently working on supporting documents. Mr. Austin said that they will be before the Council on May 5, 2021. Basically, the budget comes down to contractual employees, \$30,000 of expenses, and about \$150,000 of income.

Mr. Austin then introduced Mr. Erik Johnson, the new Acting Town Planner, to the Commission. Mr. Johnson was appointed on Monday, April 26, 2021. Mr. Johnson stated that he agreed with Mr. Austin that it will be a tight budget.

Mr. McDonagh then thanked Mr. Austin for his service, and asked how familiar Mr. Johnson is with form based code. Mr. Johnson answered from a developer standpoint, he likes form based code, but for older communities, it can make many properties nonconforming. This brings many people to the commission, and Mr. Johnson added that there needs to be more discussions on this.

Chairman Poitier congratulated Mr. Johnson and added that he was looking forward to working with him.

C. New Business

1. Request of Frank Pullano for a 5 year extension for Special Permit #16-1278 and Zoning Permit #16-5383 at 2308-2320-2330R Whitney Avenue

Mr. Davis said that they will wait for the Inland Wetlands Commission to do their approvals and wants to table it to the May 11, 2021 meeting.

Mr. McDonagh moved to table this application to the May 11, 2021 meeting, Ms. Mastropetre seconded, and all were in favor. The application was tabled to the May 11, 2021 meeting.

2. Request of Sylvester Botte for a 5 year extension for Special Permit 16-1281 for 2784 Whitney Avenue

Mr. Davis read his memo recommending approval for an extension through July 27, 2023. He added that the department has objection, but given the size and the scale, it makes sense.

Mr. McDonagh made a motion to extend for 2 years, and Ms. Draughn seconded. This passed, with one abstention from Ms. Mastropetre.

Discussion: Mr. Banks asked what caused the delay. Mr. Davis answered the pandemic. Mr. McDonagh commented that they started late. Mr. Davis said that it's a fairly small project, and pointed out that there is a lot of controversy with it. A brief discussion ensued about the length of time the extension would be granted.

Chairman Poitier asked about whether or not the bond was a typo is a letter of credit. Attorney Lee said he needed to do a letter of credit to transfer owners, and generally they don't bond for warrantee items. There was a brief discussion.

Ms. Mastropetre said she wanted to know how many special permits that have been given extensions. Mr. Davis said he can try to find out that information by the next meeting.

D. Adjournment

Mr. McDonagh moved to adjourn, Ms. Mastropetre seconded, and all were in favor. The meeting was adjourned at 7:49 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://zoom.us/rec/share/SIQu5PwI0exfjsyNheqWdmFH2ZmLdzTio2DHrkAmSY2JytxQapustuOLKKkOzbMA.D8wzfhqTC4vpkj8a>

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