



Town of Hamden
Planning and Zoning Department

**Hamden Government
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July 20, 2021

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting in the Legislative Council Chambers, Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT with the following results on Tuesday, July 13, 2021 at 7:00 p.m. with the following results:

Commissioners in attendance:

Joseph McDonagh, Vice-Chair
Michele Mastropetre
Paul Begemann
Lewis Beilman
Robert Cocchiaro
Shanae Draughn, Sitting for Brack Poitier
Jay Cruikshank, Sitting for Vacancy
Joseph Banks

Staff in attendance:

Erik Johnson, Acting Town Planner
Tim Lee, Assistant Town Attorney
Genevieve Bertolini, Stenographer
Natalie Barletta, Clerk

Vice Chair Joe McDonagh opened the meeting at 7:02 p.m. The clerk read the Public Hearing items into the record. The Commission and staff introduced themselves. Vice-Chair McDonagh then reviewed the meeting procedures.

A. Public Hearing

1. Special Permit and Site Plan #21-1337
2623 Dixwell Avenue, Town Green District
Hamden Middle School Expansion
Town of Hamden School Building Committee, Applicant

Mr. Johnson said that he expects the Middle School to withdraw, and added that he would like to continue the application until the next meeting.

Ms. Mastropetre moved to continue this application until July 27, Mr. Banks seconded, and all were in favor.

2. Zoning Map Amendment #21-0979
66, 72, 78, 84 and 102 Washington Avenue
Zone Change from a T3 to a T4 Zone
Bernard Pellegrino, Applicant

Attorney Bernard Pellegrino, Attorney at the Pellegrino Law Firm, addressed the Commission. He demonstrated the Zone Change to the Commission and asked that this would be considered the same way as a map amendment would be considered by the Commission by the POCD in the interest of promoting Economic Development. The plan is to develop these parcels with that use in mind. From a land-use standpoint, these parcels are surrounded by T-4 properties. He brought up the question of whether or not the

Zoning Maps were consistent. The uses are consistent with proposed regulations, and the map on page 27 of the packets that were prepared by the Assistant Town Planner, references that this is the only section of parcels with a T-3 Zone. A map amendment would continue the logical progression of the parcels. Currently, 102 Washington Avenue is vacant, but was approved for a 10,000 square-foot office, 84 Washington Avenue is a commercial day care center, and the others are three homes that are rental properties. They are small pieces of property, and the main issues are that the uses are very similar for the uses that are already permitted, and for the majority of the uses if the zone changed, are approved only by special permit. These include food service, and funeral home. This means applicants have to come back to the Planning and Zoning Commission for approval to determine if that use is a good fit for that particular site.

He added that this is the Town Center Park area, and the surrounded uses for a T-4 zone with the goal of revitalizing that center for the goal of expanding Economic Development. He referenced Mr. Davis' memo.

Mr. Banks asked if he was representing someone or himself. Attorney Pellegrino stated that he is representing a client who wishes to purchase 102 Washington Avenue and put a funeral home at that site.

Ms. Mastropetre asked if the other property owners been notified. Attorney Pellegrino answered yes, other than the owners of 66 Washington Avenue, who haven't responded despite multiple attempts of contacting them. There was a discussion about the previous zone changes, and the history of zone changes in that area.

Ms. Mastropetre then asked if this would be something that would be cleaned up by amending the zone regulations. Attorney Lee said he doesn't know. Mr. McDonagh clarified that this is not a split zone, and remarked that they spend a great deal of time of Whitney Avenue north of Washington Avenue. He added that this is a unique section, and the northern part of Washington is R-3. This section has an extension south of that in the efforts to keep the residential character of the area. Mr. McDonagh noted that just to the south, there are medical buildings on both sides of the street. This is why T-3.5 came about. Mr. McDonagh then referenced the day care center, which is not permitted in a T-3 zone. All of the residential properties, including the south, are all rental properties. This section is different than the north.

Mr. Johnson stated that the abutter notices were mailed out, and this application is not a specific project, just a zone change. Mr. Begemann noted that while looking at the uses, there are a lot of uses that are allowed in T-3, versus T-4 that are not appropriate for the area. He said he is concerned that the change would allow the other uses. Attorney Pellegrino stated that many of those uses today would not be appropriate, and all of those uses are by Special Permit only, so the applicant would have to go to the Commission for approval. He brought up the Commission can deny application if it's not an appropriate use. Mr. McDonagh stated there are some that can be approved on site plan, such as food service. Attorney Pellegrino agreed, but a majority of the ones of the special permit.

Mr. Banks commented that it looks like these parcels are 125,000 square feet. Attorney Pellegrino answered yes. Mr. Banks commented that the only thing that he noticed was the density, and the lot lines. Attorney Pellegrino agreed. Ms. Draughn asked is a T-4 Zone appropriate in that area and asked about the abutters. Attorney Pellegrino said that his answer is this area is almost all T-4 around it. Ms. Draughn then asked if it is an appropriate measure to change that parcel.

The clerk read a comment against the application from Lisandra Sanchez, who resides at 112 Washington Avenue, into the record.

The Acting Town Planner read a memo from the Assistant Town Planner to the Commission.

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

Mr. McDonagh asked if anyone wanted to speak against the application.

Jan Smith, 41 Day Spring Avenue, addressed the Commission. He has been a resident of 39 years. A couple of his questions have been answered, but he has concerns about the property size. He noted that there was no sign on the property. He owns the adjacent property, and added that this is a residential neighborhood, which traffic can accumulated there. He is also concerned about college students, and has concerns about building size, which can be bigger and longer in a T-4 zone. He added that he thinks that this can be done in other spots other than the residential area. This is a residential zone, not commercial. This will cause problems, and doesn't think that one little section is going to generate tax dollars, and other places can be put there. He wants this area to stay residential, and can stay within the residential of T4.

Amelia Blondeck, 75 Washington Avenue, addressed the Commission. She stated that the difference between T-4 and T-3 is different, and mentioned her concerns. She doesn't agree with a funeral home in that area. This area is somewhat residential, and she herself moved because of convenience. She also mentioned that she was concerned about bringing down the value of the condos, in addition to parking concerns. She brought up the point that in order to live in her condo, the owner needs to be over 55, with no children that is under 18. She also brought up concerns about pollutions.

Lita Rarey, 33 School Street, addressed the Commission. She noticed that the amount of noise in that area has risen, but during the COVID-19 pandemic, the traffic went down. Now that traffic is back, she noticed that many use that street as a throughway. She asked if the Commission wanted Route 15 to become similar to I-95 in Bridgeport, and if the Commission wants to sacrifice what makes Hamden unique. She added that this area is a hard area to zone. She commented that this area is largely residential, and she doesn't think it's a good reason to put a funeral home since there is already a person in that area who does cemetery monuments.

Ed Blake, 75 Washington Avenue, addressed the Commission. He commented that the residential properties, and feels that would change the amount of traffic and added that he is not that unhappy with what is already there.

Attorney Pellegrino commented that multi-family house is a T-4 Zone, and that was changed based on market conditions. All processes are protected by special permit criteria. The important characteristics of neighborhood, and are currently there under the current zoning regulation. If passed, this Zone Change will impact economic abilities for the Town, and this plan will increase that. He added that the parcels are between t-4 zones on both sides, and it makes planning sense for them to be converted in order to be consistent.

Mr. McDonagh said that based on the recommendation of the Assistant Town Planner, the Commission would continue this matter until the July 27, 2021 meeting. He asked if the Commission felt the need for a sign to be posted on the property.

Attorney Lee stated that for a zone change, the applicant is not required to have a sign, and clarified the Governor's executive order. There was a brief discussion about the requirements, and it was decided that the Applicant would put a sign up on the property.

Mr. Cruikshank moved to continue the application until July 27, 2021, Ms. Mastropetre seconded, and all were in favor.

3. Special Permit and Site Plan #21-1341
1105 Paradise Avenue, R-3 Zone
Converting a vacant lot to a cemetery
Islamic Center of Hamden Cemetery, Applicant

Attorney Lee commented that the applicant's engineer requested that the commission continue it to the July 27, 2021 meeting.

Mr. Banks moved to continue this application, Ms. Mastropetre seconded, and all were in favor.

4. Special Permit and Site Plan #21-1342
48 Waite Street, R-4 Zone
Change of Use from existing residential and family day care home to proposed residential and group day care home.
Peter Malczyk, Applicant

Attorney Joseph Porto, Parett, Porto, Parese and Colwell, addressed the commission. He went through the project. The applicant runs the day care on the property, and the daycare runs from September to July. It runs from the academic school year. The yard is fenced in, and services the Spring Glen area.

Marcus Puttock addressed the Commission and reported that this parcel is an R-4 zone, and he wanted to maintain character of residential home. It can accommodate a 3rd parking space, and the existing two car garage. Much of the parking is the owner of the residence, and also one parking space for each of the employees. As far as pickup and drop-off, all of the families presently live in the area, and when they do drop them off, they park in front of the house, which is the less busier of the road. They stay 5-8 minutes on the property, and don't return until the end of day.

Ms. Mastropetre asked for clarification that the business is currently operating at six children, and wants to update it to twelve children. Attorney Porto answered that there also a memo from QVHD that the commission acts favorable, however, it would need to be inspected, and they are subject at any time for inspection.

Mr. McDonagh asked if all of the pickup and drop-off, and commented that Waite street wasn't used for that.

The clerk then read the comments into the record from Jeffers Lennox (64 Waite Street), Daniel Greco (128 Harmon Street), Heather Wainwright (58 Waite Street), Ryan Dostie (25 Park Avenue), and Michael Paolucci (124 Ardmore Street).

Mr. Johnson then read a comment from the Assistant Town Planner recommending approval of the application with the following conditions:

1. The use shall be limited to no more than 12 children, with the caveat that if other standards imposed by State or other permit agencies allow fewer than 12 children, the more restrictive shall apply.
2. Parking shall only occur in approved designated locations. If drop off/pick up shall occur on street, that activity shall only take place on the East side of Coram Street and a minimum of fifty (50) linear feet from the intersection of Coram with Waite. No drop off/pick up shall occur on Waite or on the West side of Coram.
3. The use of Coram for drop off/pick up shall be subject at all times to the Hamden Traffic Authority and any changes in the use of Coram as permitted herein by the PZC shall require review and action by the PZC and/or the Town Planner as either a major or a minor modification to the approved Special Permit.

4. There shall be no more than three (3) employees.
5. The daycare shall occupy no more than 25% of the interior gross floor area of the home.
6. If necessary, site lighting shall be primarily for safety purposes and otherwise maintained at the minimum levels necessary.
7. Business signage is expressly excluded from this approval and if proposed, shall require application for and approval of, a separate zoning permit.
8. The final plans shall depict any proposed or required exterior play area and related “apparatus” and screening of apparatus as required by the Hamden Zoning Regulations. No play apparatus shall be located within any required side or front yard setback area.
9. The required zoning permit application shall include scaled floor plans and area calculations for all interior areas, to document compliance with the maximum 25% floor area standard per item #5 above.
10. Prior to issuance of a CZC by the Hamden Zoning Officer, the applicant shall allow the Hamden Zoning Official access to inspect the property to confirm that all improvements comply with the approved Special Permit and Site Plan.
11. No Certificate of Occupancy shall be issued until a CZC has been approved by the Zoning Official.
12. No changes shall be made to the approved plans without prior review and approval by the Zoning Officer.
13. All improvements shall be completed by July 13, 2026.
14. Prior to the issuance of a zoning permit, the applicant shall submit revised plans incorporating all conditions of approval.

Mr. McDonagh asked if the applicant has any issues with the conditions. Attorney Porto answered no.

Mr. McDonagh asked if anyone wanted to speak in favor of the application. No one spoke in favor of the application.

Mr. McDonagh asked if anyone wanted to speak against the application. No one spoke against the application.

Mr. McDonagh then closed the public hearing.

B. Regular Meeting

1. Special Permit and Site Plan #21-1337
2623 Dixwell Avenue, Town Green District
Hamden Middle School Expansion
Town of Hamden School Building Committee, Applicant

Continued to July 27, 2021 Meeting

2. Zoning Map Amendment #21-0979
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3. Special Permit and Site Plan #21-1341
1105 Paradise Avenue, R-3 Zone
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Islamic Center of Hamden Cemetery, Applicant

Continued to July 27, 2021 Meeting

4. Special Permit and Site Plan #21-1342

48 Waite Street, R-4 Zone

Change of Use from existing residential and family day care home to proposed residential and group day care home.

Peter Malczyk, Applicant

Ms. Mastropetre moved to approve Special Permit and Site Plan #21-1342 in accordance of the memo from Assistant Town planner. Mr. Banks seconded and all were in favor.

The application was approved with the following conditions:

15. The use shall be limited to no more than 12 children, with the caveat that if other standards imposed by State or other permit agencies allow fewer than 12 children, the more restrictive shall apply.
16. Parking shall only occur in approved designated locations. If drop off/pick up shall occur on street, that activity shall only take place on the East side of Coram Street and a minimum of fifty (50) linear feet from the intersection of Coram with Waite. No drop off/pick up shall occur on Waite or on the West side of Coram.
17. The use of Coram for drop off/pick up shall be subject at all times to the Hamden Traffic Authority and any changes in the use of Coram as permitted herein by the PZC shall require review and action by the PZC and/or the Town Planner as either a major or a minor modification to the approved Special Permit.
18. There shall be no more than three (3) employees.
19. The daycare shall occupy no more than 25% of the interior gross floor area of the home.
20. If necessary, site lighting shall be primarily for safety purposes and otherwise maintained at the minimum levels necessary.
21. Business signage is expressly excluded from this approval and if proposed, shall require application for and approval of, a separate zoning permit.
22. The final plans shall depict any proposed or required exterior play area and related "apparatus" and screening of apparatus as required by the Hamden Zoning Regulations. No play apparatus shall be located within any required side or front yard setback area.
23. The required zoning permit application shall include scaled floor plans and area calculations for all interior areas, to document compliance with the maximum 25% floor area standard per item #5 above.
24. Prior to issuance of a CZC by the Hamden Zoning Officer, the applicant shall allow the Hamden Zoning Official access to inspect the property to confirm that all improvements comply with the approved Special Permit and Site Plan.
25. No Certificate of Occupancy shall be issued until a CZC has been approved by the Zoning Official.
26. No changes shall be made to the approved plans without prior review and approval by the Zoning Officer.
27. All improvements shall be completed by July 13, 2026.
28. Prior to the issuance of a zoning permit, the applicant shall submit revised plans incorporating all conditions of approval.

5. 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

Attorney Porto asked that the commission continues this to the next meeting.

Ms. Mastropetre moved to continue this application, Mr. Banks seconded, and all were in favor.

C. Old Business

1. Review minutes of the June 22, 2021 meeting

Ms. Mastropetre moved to approve the minutes, Mr. Cruikshank seconded, and the minutes were approved, with three abstentions from Mr. Banks, Mr. Beilman, and Ms. Draughn.

2. Discussion: Eliminating Applicability of Certain T Zone Standards to M Zone Developments
3. Discussion: FY 21/22 Budget and Department Operations

D. New Business

Mr. McDonagh raised concerns about pandemic restaurant COVID-19 regulations that were renewed last January, and brought up the points that the restaurants may not be appropriate. Mr. Johnson then went over the staff's projects for the next few months. There was a discussion about the executive orders. Mr. Beilman introduced himself to the Commission. There was a discussion about possible changes in regulations.

E. Adjournment

Ms. Mastropetre moved to adjourn, Mr. Banks seconded, and all were in favor. The meeting was adjourned at 8:52 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission