



Town of Hamden Planning and Zoning Department

Hamden Government
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August 13, 2020

MINUTES: ZONING BOARD OF APPEALS, Town of Hamden, held a Special Meeting via Zoom teleconferencing technology on Thursday, August 6, 2020 at 7:00 p.m. with the following results:

Commissioners in attendance:

Wayne Chorney, Vice-Chair
Ricci Cummings
Elaine Dove
Steve Walsh, Sitting for Francis Nelson
Andrew Holding, Sitting for Vacancy

Staff in attendance:

Dan Kops, Town Planner
Matt Davis, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Sotonye Otunba-Payne, Stenographer
Natalie Barletta, Clerk

The meeting was called to order at 7:03 p.m. by the Vice-Chair, Wayne Chorney. Mr. Chorney went over meeting procedures. The Commission and Staff introduced themselves.

A. Public Hearing

1. 20-6666 202 School Street, Requesting a variance of Table 2.3 to allow a front yard of 23 feet where a 25 foot front yard is required, to add a dormer on an existing house, R-4 Zone, Southern Connecticut Contractors, Applicant
Continued from the June 18th, 2020 Public Hearing

The applicant was not present for this public hearing. Mr. Davis said that the applicant’s agent was contacted by the Planning and Zoning Office and had stated that he had a prior commitment so he couldn’t attend the Public Hearing. Mr. Davis added that the Planning and Zoning Office tried to reach him to advise him to attend, but Mr. Pethigal did not contact the office any further. Mr. Davis then said that the owner of the house was contacted by Ms. Barletta to say that someone needed to be present to speak on this application or continue to the September meeting as well, but Mr. Davis said he did not receive any email correspondence from her either.

Mr. Davis continued by saying that the Attorney Lee is of the opinion that lacking the extension, the Board would have to deny without prejudice simply because there is no more time. Attorney Lee confirmed that he agreed. Mr. Chorney asked if there were any recourse from the Building Department and the Zoning Department. Mr. Davis said that he can’t speak for the building department, but in terms of the Zoning Office, if the Board denies the application, then the applicant has the option to resubmit.

Mr. Chorney asked if this was a cease and desist. Mr. Kops said yes. Mr. Chorney asked if this should be a straight-up denial and then have the applicant resubmit the application. Mr. Chorney also asked about the timing of a resubmittal. Attorney Lee said that the recommendation was to deny the application without

prejudice so the application could be resubmitted. Ms. Cummings asked if the fee would have to get resubmitted. Mr. Chorney said yes. Mr. Kops then went over the definition of denying without prejudice.

Mr. Chorney then closed the public hearing for this item.

2. 20-6667 38 Westminster Street, Requesting a variance of Table 2.1 to request an impervious lot coverage variance for <1% over the 30% limit for the property's R-4 Zone, and requesting a variance of Table 2.3 to request a side-yard variance of 3.3 feet in order to align a new front porch with the existing structure at 8.7 feet away from the property line, where 12 feet is required, R-4 Zone, Kacie and Casey Meixell, Applicant

Kacie Meixell and Casey Meixell introduced themselves to the Board. Mr. Meixell said that about a year ago, a car came into the front entryway of his home, and as a result, he is looking to extend the house along the main entryway within precedence of other houses in the area. Mr. Meixell added that as a result of the increased area, he is going to violate the impervious area of the lot, the area of which is below the minimum lot area requirement area of the R-4 Zone

Mr. Meixell then continued that the main house is already 8.7 feet away from the neighbor's lot, and he is looking to extend the house build a front porch.

Mr. Chorney asked if there were any questions. Mr. Walsh asked if the porch was on the left. Mr. Meixell said that if you look at the plans, this is on the front of the property. Mr. Meixell added that this last portion, along with the porch, will not go around in front of the sunroom.

Mr. Chorney asked if anyone would like to speak in favor of this application. There were none.

Mr. Chorney then asked if anyone would like to speak against this application. There were none.

Mr. Chorney then closed the public hearing.

3. 20-057 2625 State Street, Location Approval for auto sales and general repair, T-4 Zone, Thomas Turpin, Applicant

Joseph Porto, Attorney at Parrett, Porto, Parese, and Colwell, addressed the Board. Attorney Porto said that the property is in a T-4 Zone, and is .5 acres. Attorney Porto said that the Board can comfortably find this an appropriate use based on the history. Attorney Porto explained that the Board had already granted a similar use back in 1962 and again in 2014. Attorney Porto added previous tenant decided to move his business to another town, and Mr. Turpin will now operate his business in this location. Attorney Porto stated that there will be no site changes.

Ms. Cummings asked if this was a change in ownership. Mr. Chorney said that it was a change of ownership, but there are some issues with parking.

Mr. Chorney added the Applicant was supposed to submit revised plans. Mr. Kops said that he mentioned these concerns to Mr. Davis. Mr. Davis stated he has been in contact with Attorney Porto and there were changes made to the property, although he is unclear when they occurred. Mr. Davis added that Attorney

Porto and Mr. Turpin have agreed to put the site back to the condition of its last approval. Mr. Davis explained that parking stalls will not be in the front where you see it, it will go back to where it was prior.

Mr. Chorney said the parking on the right side won't meet current requirements, since it's a repair site for tractors. Mr. Chorney added that currently there aren't any regulations for this type of use. Mr. Chorney stated that the site has been used for larger trucks before, and probably won't meet those requirements. Mr. Davis said that when the Board has a location approval, site design issues are not relevant under the ZBA's authority and that the ZBA's role is to determine whether or not the location of the use is consistent with the Town's comprehensive plan. Mr. Davis added that in terms of the use, he thinks it's a perfectly consistent use, and he has no concerns. Mr. Davis concluded in terms of site plans, the Planning and Zoning Commission will be looking at it if necessary.

Mr. Chorney asked if anyone would like to speak in favor of this application. No one spoke in favor of this application.

Mr. Chorney then asked if anyone would like to speak against this application. No one spoke against the application.

Public hearing was now closed.

B. Regular Meeting

- a. Discussion and voting on Public Hearing items:
20-6666

Ms. Dove made a motion to deny without prejudice, because the applicant has not come forward and an extension of time has not been provided. It was seconded, and passed, with one abstention from Mr. Holding. The vote was four members in favor, none against, and one abstention.

20-6667

Ms. Dove made a motion to approve the application. It was seconded by Mr. Holding, and passed unanimously.

20-057

Ms. Dove made a motion to approve the application. It was seconded by Mr. Holding, and passed unanimously.

- b. Election of the Chair

Ms. Cummings nominated Mr. Chorney for the position of Chair since he's the vice-chair. Ms. Dove seconded that nomination.

Attorney Lee asked if there were any other nominations. There were none.

Mr. Holding asked if he can vote since he is an alternate. Attorney Lee said that he could not, so the only members that could vote are Ms. Cummings and Ms. Dove since they are full commission members.

Ms. Dove and Ms. Cumming both voted for Mr. Chorney as chair. Mr. Chorney is now elected the new chair of the Zoning Board of Appeals.

c. Approve Minutes of June 18, 2020 meeting

Ms. Cummings moved to approve the minutes of the June 18, 2020. Mr. Walsh seconded them, and the vote was passed unanimously. The minutes from the June 18, 2020 meeting were approved.

d. Old Business

Ms. Dove asked if the house on School Street was vacant. Ms. Cummings said that it appears to be a blighted property that appears to be more blighted overtime. Mr. Chorney added that the Building Department has the strongest authority since the agent began to build without the permit. Mr. Chorney said that the two options would be for them to board it up or turn it back to the original state. Ms. Dove complimented the Planning Department on their efforts.

e. New Business

There was no new business.

C. Adjournment

Mr. Holding made a motion to adjourn. It was seconded by Ms. Cummings and unanimous in favor. The meeting was adjourned at 7:37 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission