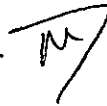




Town of Hamden Planning and Zoning Department

To: Hamden Planning and Zoning Commission
From: Matthew Davis, Assistant Town Planner 
Re: Report on Recent Minor Amendment Approvals/Developments
Date: April 22, 2021

Staff has approved the following applications for minor modifications:

1. Hamden Hall Cafeteria – 1108 Whitney Avenue (Lender Refectory) addition and associated minor site work. This 2,000 SF addition is “internal” to the existing campus and will not have any collateral impacts on adjacent uses, traffic, etc. There will be no increase in student population, staffing, parking demand, trip generation, etc. The addition was necessary to provide social distancing space for staff and students using this space. The scope also included interior renovation and modernization of the existing dining area and kitchen. Impervious areas have been slightly reduced, decreasing the current lawful NC impervious to 51.9%. This has been done using pervious pavers, additional landscaping and the removal of a small garage structure.
2. ShopRite (Hamden Plaza) – 2100 Dixwell Avenue. This project was done in two phases. Approval of the first, limited to the installation of a depressed walk area to facilitate curb side pick-up, was issued late last year and that work has been completed. There will be no interference with the main access/travel lane, and safety bollards separate the vehicles from the walk/building front.
3. ShopRite (Hamden Plaza) – 2100 Dixwell Avenue. This is related to the work done with the minor mod noted above. The scope of this application approval includes the installation of a new Bottle Return area of 360 SF (under the existing canopy) and a new concrete ramp (also under the existing canopy) providing access to a new door to ShopRite from the “Home” space within the supermarket. These improvements take advantage of the regulation amendment the PZC approved in 2017, with respect to T zone requirements for “glazing,” exempting structures that are setback at least 200 feet from the street. This work should commence within a few weeks and be completed this Summer.

Staff can provide pdf versions of any of the above plans or additional detail if desired.

MJD



Town of Hamden Planning and Zoning Department

To: Hamden Planning and Zoning Commission

From: Matthew Davis, Assistant Town Planner

Re: Special Permit/Site Plan Application #16-1281 (2784 Whitney Avenue)
Request for Five Year Extension

Date: April 22, 2021

Overview

On 7/27/16, the PZC approved the above referenced special permit/site plan for Mr. Sylvester Botte, allowing a small “coffee shop” on a 0.35 acre triangular parcel at the intersection of Whitney and Cannon.

Based on a quick site visit on 4/22/21, its apparent some of the required site improvements have been done and some interior work has been completed, however there does not appear to be any significant activity at present.

In general, staff is supportive of extension requests, however the duration of any extension should be considered in the context of the scale of the project, the project attributes and whether or not there is any likelihood of relevant policy or regulatory changes occurring or changes in conditions, data or assumptions upon which the original approval was based, within the timeframe requested for project completion. Trade permits were pulled in 2018/2019 and Covid obviously made much of 2020 moot, however it appears reasonable that the project could be completed within the next two years.


Accordingly, staff suggests a shorter extension of perhaps two years, but not the full five years at this time. If necessary, the owner/applicant can request additional time in 2024.

Staff recommends that an extension for the completion of special permit/site plan #16-1281 be granted to July 27, 2024.



Town of Hamden Planning and Zoning Department

To: Hamden Planning and Zoning Commission

From: Matthew Davis, Assistant Town Planner 

Re: Special Permit/Site Plan Application #21-1514 (2440 Dixwell Avenue)
Proposed Conversion of Automotive Repair to Retail

Date: April 22, 2021

Overview

This memorandum may or may not be necessary. Staff has, for reasons to be explained in this memo, made multiple requests to this applicant to withdraw this application. In essence, the PZC cannot approve the application, as variances are necessary for the work scope proposed. In addition, the application is substantially incomplete and the conditions shown on the site plan as “non-conforming” have no legal standing, based on staff’s review of 50 years of zoning records for this location and use.

Staff has, as always, noted our willingness to work with the applicant and his professional consultants to evaluate and where possible, resolve compliance matters. This project scope, given the location and unique attributes of the site, make that due diligence complicated and it may be that the conversion of the existing approved auto repair space to a conventional retail “C” store might conflict with a number of special permit and/or site plan requirements.

Staff has advised the applicant that since the PZC cannot approve the application, we will be required to recommend denial, if it is not withdrawn.

As of the writing of this memo, no withdrawal has been provided. If such is received by staff in writing in advance of the 4/27/21 hearing, we will advise the PZC.

In the interest of efficiency and in the hopes that PZC action will not be required, rather than “re-write” what we have already produced, staff has attached communications dating back to late 2020 between the office and the applicant. These should provide sufficient background for the PZC members to understand the nature and extent of the application deficiencies.

Recommendation

Should the applicant choose to go forward with the application process, staff recommends the PZC deny the application, without prejudice for (at least) 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.

Exhibits Attached:

- M. Davis , memo dated 3/23/21 regarding application deficiencies, emailed to applicant 4/6/21.
- M. Davis, email dated 4/21//21 to J. Gabel, inquiring about withdrawal.
- M. Davis, email dated 4/16/21 to J. Gabel, inquiring about withdrawal.
- M. Davis email, dated 4/7/21 to J. Gabel, regarding best contact options.
- M. Davis email, dated 4/6/21 to J. Gabel, transmitting staff INITIAL review comments.
- M. Davis email, dated 4/6/21 to J. Gabel re: likely PZC hearing date.
- M. Davis email, dated 4/6/21 to J. Gabel, re: application review and deficiencies.
- J. Gabel email, dated 4/5/21 to M. Davis re: K. Curry to contact me (did not contact me).
- M. Davis email, dated 4/5/21 to J. Gabel, asking for status/reply.
- M. Davis email, dated 3/29/21 to J. Gabel, asking for status/reply.
- M. Davis email, dated 3/23/21 to J. Gabel, replying to JG of 3/23/21.
- J. Gabel email, dated 3/23/21 to M. Davis, indicating they'd reply to me 3/24/21 (no reply recd)
- M. Davis email, dated 3/23/21 to K. Curry re: application review and deficiencies (no reply recd)
- M. Davis email, dated 3/19/21 to J. Gabel, responding to JG 3/19/21 status inquiry
- M. Davis email, dated 3/4/21 to K. Curry, transmitting (again) MD email to KC of 1/4/21
- D. Kops email, dated 12/18/20 to K. Curry re: concept drawing (MD copied)
- K. Curry email, dated 12/18/20 to D. Kops requesting telecom (MD not copied)
- K. Curry email, dated 12/7/20 to D. Kops, transmitting concept drawing
- M. Davis email, dated 1/4/21 to K. Curry, including guidance as to due diligence, etc.
- K. Curry email, dated 1/4/21 to M. Davis, transmitting D. Kops email to KC of 11/5/20
- K. Curry email dated 11/6/20 to D. Kops, replying to DK email of 11/5/20.
- D. Kops email, dated 11/5/20 to K. Curry re: need for professional assistance, etc.

✓ via email
4/6/21

Site Plan Review : Proposed Gas/C-Store (Initial comments)

2440 Dixwell Avenue (T-5)

M. Davis, Assistant Planner

3/23/21

Planning and Zoning Office Application Files Reviewed

1. ZP #2628-098 (re-approval of SP #87-439 as SP #95-748, for site work). ZP approved by ZEO on 4/10/96. Application was to re-open prior curb cut closed by Sunoco (w/o owner approval). Zone CDD-1. Bond taken on 6/3/97 for \$17,500. Conditions relating to bond included striping stalls, dumpster enclosure, removal of illegal signs, HC signs, markings. See PZC mtg minutes of 10/10/95.
2. Site Plan #41, dated 3/22/62. Zone CC-2 (gasoline service station). No parking north side due to slope (now retaining wall).
3. ZP for "change of use" zone CDD-1, signed by ZEO on 5/19/88. Refers to PZC #87-439. Also refers to variances for "moving canopy and gas islands" variance dated approved 12/17/87.
4. ZP for changes to exterior building siding; zone CDD-1. Signed by ZEO 10/8/87.
5. ZBA file #00-5836 for SF of freestanding sign and total sign area, dated 10/19/00; denied 10/19/00.
6. ZBA file #00-5848 (sign area) – application withdrawn 12/21/00.
7. ZBA file #01-5863 (sign area variance); denied 4/19/01.
8. PZC Location Approval #16-042; change in ownership; approved 7/12/16. Refers to appeal #266 of September 1963 for limited repairers (approved 9/12/63). Refers also to appeal #3060, 12.5 feet FY variance – 1987
9. ZP #16-5319 by HM, approved 7/19/16. KEY – 2016 apps and permits used the 1995 site plan for SP 95-748; see 1995 plan as to dumpster location, parking layout, etc. as to existing conditions depicted on 2021 application plan.
10. ZBA #3060, approved 12/17/87, see V 623 P 99 (12.5' FY setback)
11. SP #87-439, approved 1/12/88 (revoked 11/8/94) – see plan as to four stalls, no ZC block; no dumpster; see DK hand annotations on plan used for CZC inspection.

- Most recent PZC approved site plan is #95-748. Only map reference on the CCE site plan is a "piping layout" plan from October 2006. No basis provided for the note on the CCE plan that "The existing parking spaces & aisles are pre-existing non-conforming."
- Lawful NC features (i.e. those approved by PZC under prior zoning) may be retained, however any changes now proposed must comply with all applicable current zoning standards. Lawful NC can be changed to reduce or eliminate the lawful NC. New or expanded NC cannot be permitted by the PZC w/o prior approval of relief by variance (ZBA).
- Applicant/owner must identify all necessary variances and make application to the ZBA for same. The present design cannot be approved by the PZC.

over →

- PZC application (one single sheet) is grossly deficient even absent need for variances (no LS certification, traffic study is warranted, plan details missing, special permit and site plan standards, etc.)

Please take a look at the following sections of the regulations, at a minimum. This is not an all-inclusive "list" of every applicable regulation section, but it should give you a sense of the order of magnitude and nature of the application deficiencies. You are responsible to comply with all applicable regulations and to submit a complete application.

Article I –

Section 120 – purpose; 120.1 through 120.4 inclusive

Section 130 - 130.1

Article III –

T-zone regs; need to be familiar with all of this as well as any cross referenced sections of the regulations. The site was developed under prior zoning no longer in place.

Article V

520.7.1 (possibly) as to dumpster location

Section 591 (all)

Article VI

Section 650 (all, as applicable)

Article VII

Section 718 (all)

Section 720 (all)

Section 726 (all)

Natalie Barletta

From: Matthew J. Davis
Sent: Wednesday, April 21, 2021 2:04 PM
To: John Gabel
Cc: Mark Austin; Tim Lee; Natalie Barletta; Kevin Curry
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Good afternoon –

I am preparing for the 4/27 PZC and request a reply to the several emails I have sent asking for a status on your application, specifically if you will withdraw or go forward with the hearing on the 27th.

From: Matthew J. Davis
Sent: Friday, April 16, 2021 2:51 PM
To: 'John Gabel' <jgabel4451@gmail.com>
Cc: Mark Austin <maustin@Hamden.com>; 'Tim Lee' <TLee@FILLaw.com>; Natalie Barletta <nbarletta@Hamden.com>; 'Kevin Curry' <kcurry@danbys.com>
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Good afternoon-

I never heard back from anyone on the applicant side as to the withdrawal, so this has been placed on the PZC docket for the 4/27 meeting for action (denial) w/o prejudice. I will write a memo for the PZC, listing the application's deficiencies.

You can obviously withdraw at any time prior to 4:30 pm on the 27th. To do so, simply send an email to me, copying Natalie (who is on this email).

The PZC meeting will be held via zoom and you will receive an invite from the PZC's clerk. When my review memo is complete, we will send a copy to you.

Regards –

M

From: Matthew J. Davis
Sent: Wednesday, April 7, 2021 10:14 AM
To: 'John Gabel' <jgabel4451@gmail.com>
Cc: Mark Austin <maustin@Hamden.com>; 'Tim Lee' <TLee@FILLaw.com>; Natalie Barletta <nbarletta@Hamden.com>; 'Kevin Curry' <kcurry@danbys.com>
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links

or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Just a heads up – if someone is trying to reach me via the office phone line, that will be very difficult if not impossible. Email is the best route at the moment. If you need to speak with me, email me a phone number where I can reach you and I'll call when I can.

Thanks.

From: Matthew J. Davis
Sent: Tuesday, April 6, 2021 12:50 PM
To: 'John Gabel' <jgabel4451@gmail.com>
Cc: Mark Austin <maustin@Hamden.com>; 'Tim Lee' <TLee@FILLaw.com>; Natalie Barletta <nbarletta@Hamden.com>; 'Kevin Curry' <kcurry@danbys.com>
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

I put these INITIAL notes together for you. Hope you find it helpful.

Matt

From: Matthew J. Davis
Sent: Tuesday, April 6, 2021 10:43 AM
To: 'John Gabel' <jgabel4451@gmail.com>
Cc: Mark Austin <maustin@Hamden.com>; 'Tim Lee' <TLee@FILLaw.com>; Natalie Barletta <nbarletta@Hamden.com>; 'Kevin Curry' <kcurry@danbys.com>
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

27th, not 13th – If not withdrawn first (which it should be).

From: Matthew J. Davis
Sent: Tuesday, April 6, 2021 10:26 AM
To: 'John Gabel' <jgabel4451@gmail.com>
Cc: Mark Austin <maustin@Hamden.com>; 'Tim Lee' <TLee@FILLaw.com>; Natalie Barletta <nbarletta@Hamden.com>; Kevin Curry <kcurry@danbys.com>
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Thanks John –

I did not take the time to write up the application deficiencies because they are voluminous. If Mr. Curry and/or his legal counsel would like me to do that, I certainly can if that's helpful. Regardless, the matter is on the PZC docket for the 4/13/21 meeting. The PZC cannot approve an application for a development that requires variances from the ZBA.

Regards –

M

From: John Gabel [<mailto:jgabel4451@gmail.com>]

Sent: Monday, April 5, 2021 1:20 PM

To: Matthew J. Davis <mdavis@Hamden.com>

Subject: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Importance: Low

Hi Matthew,

Kevin Curry or his attorney will get back to you today.

Thank you,

John Gabel

CONNECTICUT CONSULTING ENGINEERS LLC

CIVIL ENGINEERS & LAND SURVEYORS

One Prestige Drive. Meriden CT, 06450

Ph: (203) 639-8636

F: (203) 639-0022

On Mon, Apr 5, 2021 at 1:13 PM Matthew J. Davis <mdavis@hamden.com> wrote:

John -

Can you please advise? Thanks.

Matt

From: Matthew J. Davis

Sent: Monday, April 5, 2021 10:34 AM

To: 'John Gabel' <jgabel4451@gmail.com>

Cc: Mark Austin <maustin@Hamden.com>; Tim Lee <TLee@FILLaw.com>; Natalie Barletta <nbarletta@Hamden.com>

Subject: FW: 2440 Dixwell Avenue - Hamden

Good Morning John,

I have not yet received a confirmation that this application will be withdrawn. I have had the clerk place it on the 4/13 PZC docket so we can open the hearing, staff can provide its report (recommending denial), close and vote to deny without prejudice.

The plan is grossly deficient and cannot be approved. Prior to the application, I had offered guidance regarding the site, its unique geometry, complex zoning history, etc. The application and plan submitted do not address relevant zoning regulations.

Please advise at your earliest convenience.

Thanks.

From: Matthew J. Davis
Sent: Monday, March 29, 2021 2:47 PM
To: 'John Gabel' <jgabel4451@gmail.com>
Subject: 2440 Dixwell Avenue - Hamden

Good afternoon John,

Any report on status of this matter? Will need to take it to the PZC for their 4/13 and deny is not withdrawn. Let me know by end of day tomorrow, as we need to post up the agenda I think Wednesday, per the Covid protocols.

From: Matthew J. Davis
Sent: Tuesday, March 23, 2021 3:47 PM
To: 'John Gabel' <jgabel4451@gmail.com>
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: FW: 2440 Dixwell Avenue - Hamden

Thanks John- if the plan were something I could find a way towards "fixing" I'd be happy to oblige. But its not. This site is just too complicated and has so much history. The T 5 regs have also made the situation here in Hamden very complicated. I have advocated for necessary changes but we are so short staffed and buried at present, we have no hope to get those necessary reg changes done any time soon. We hope to have a new Planner on board soon and trained. I wish Dan had been a little more detailed and explicit and helpful in his guidance last winter. But, to be fair, he was on short time, with only a few weeks to go before retirement.....

Sorry –

Matt

From: John Gabel [<mailto:jgabel4451@gmail.com>]

Sent: Tuesday, March 23, 2021 3:29 PM

To: Matthew J. Davis <mdavis@Hamden.com>

Subject: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: FW: 2440 Dixwell Avenue - Hamden

Importance: Low

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe.

Hi Matthew,

I have to speak with Kevin on another matter tomorrow morning. I will bring this up to him and get back to you tomorrow.

Thank you,

John Gabel

CONNECTICUT CONSULTING ENGINEERS LLC

CIVIL ENGINEERS & LAND SURVEYORS

One Prestige Drive, Meriden CT. 06450

Ph: (203) 639-8636

F: (203) 639-0022

On Tue, Mar 23, 2021 at 2:30 PM Matthew J. Davis <mdavis@hamden.com> wrote:

Please see below. I think Kevin was listed on the app as owner agent.

From: Matthew J. Davis

Sent: Tuesday, March 23, 2021 2:27 PM

To: Kevin Curry <kcurry@danbys.com>

Cc: Mark Austin <maustin@Hamden.com>; Holly Masi <HMasi@Hamden.com>; 'Tim Lee' <TLee@FILLaw.com>

Subject: Re: 2440 Dixwell Avenue - Hamden

Kevin –

In light of the fact that our building is closed to the public and you cannot therefore perform the detailed due diligence you might otherwise undertake, as a professional courtesy to you, I took a few hours today to go through the rather large archive of zoning files for this site. That research was essential as a predicate to my being able to properly advise you, again, in light of the fact that you could not do it yourself. The prohibition on public access to this building creates a serious complication for both clients and for staff in this regard, so processing applications, especially ones like this, takes quite a bit longer than it otherwise would under normal operating circumstances. I reviewed I think 9-10 separate files, dating back to the original approval of the site for motor vehicle use in 1962.

I made general note of my concerns back on 12/18/20 (see below) and my concerns have now been confirmed. Your submittal is not only substantively incomplete and deficient, it also cannot be approved by virtue of the fact that certain of the proposed improvements you have on your plan have no lawful documentation (or even references to) approved zoning applications. For instance, the parking you note on your plan as “pre-existing non-conforming” is not, based on our files here, lawfully non-conforming. In fact, the last zoning approval I can locate in our office is a 2016 location approval approved by the PZC on 7/12/16. The ZP for that change in ownership/operator was ZP # 16-5319 and was approved by the ZEO (copied above) on 7/19/16. Importantly, both of those most recent approvals use the same approved (i.e. valid) site plan #95-748, which you may know was the “re-approval” (with conditions) of the

site plan approved under application #87-439. The 1987 and the 1995 approvals were granted under "old" zoning (the CDD-1 zone) which no longer exists.

So - That plan does not indicate the parking spaces you seem to be claiming as lawful non-conforming. Absent valid documentation, any parking in the locations show that have not been approved, is a zoning violation, potentially subject to enforcement.

Below you will see the guidance I gave you on 12/18/20, some three months ago. In particular I cautioned you about making certain assumptions and also that owners and patrons often use sites in ways that are not lawful in terms of current zoning requirements.

I also noted that the zoning of this site has changed quite a bit since the site plan re-approval in 1995. The unique nature of this site (triangle with three frontages) makes application of the new "T Zone" design standards quite a bit more complicated than would otherwise be for a more conventional site. Retro-fitting the T Zone standards to even conventional developed sites is to be frank, a bit of a nightmare, but until or unless those regulations are amended by the PZC, I have no option (nor do you) but to try to work with them.

All this leads to the fact that you need to withdraw this application, or we will have to take it to the PZC and recommend denial. The PZC has no other option, since they have no authority to violate their own regulations.

Please submit a withdrawal today by close of business (4:30 pm) via email. Following that, I can try to work with you to see if there is a way to design something to accommodate the owner's program, but the conversion to a C store will surely generate parking and trip changes, especially at this location. That's great for business, but the files I reviewed here indicate that traffic safety in terms of this site's use has been a serious Town and ConnDOT concern for literally decades. I share that concern.

You listed yourself on the application as the authorized agent for the owner, Twenty Four Forty Dixwell Avenue LLC. I did not however see in our file, a written consent from the actual property owner. Please submit that consent for our file and also please, as (presumed) agent for the owner, contact him/her/them immediately to advise of the files status and the need to withdraw.

Thanks -

Regards-

Matthew J. Davis

Assistant Planner

Hamden CT

From: Matthew J. Davis

Sent: Friday, December 18, 2020 4:31 PM

To: Daniel Kops <DKops@Hamden.com>; Kevin Curry <kcurry263@gmail.com>

Cc: Holly Masi <HMasi@Hamden.com>

Subject: RE: Caution: This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Thanks Dan, I did not see a pdf either.

Kevin, with the holidays, folks taking time off and our going through a staff transition here (Dan is retiring on 12/31), it would be great if you could include Holly and me in the pdf distribution as well. One of us will surely get back to you.

I assume you or the designer (that might be you) used our regulations for any changes (use and physical) and I would not necessarily assume the current parking lot striping is legit from a zoning perspective (i.e. that it is consistent with the last most recent zoning approval – site plan I assume). Owners often make changes w/o necessary zoning review and we can't assume any NC features that might exist are actually lawful NC (nonconforming). There may not be any but we will not know until we see existing conditions and compare them to the last approved plan (assuming we have one!).

Anyway, logging off for the day and will be back Monday. Have a great weekend. Get out and enjoy the snow!

From: Daniel Kops

Sent: Friday, December 18, 2020 4:15 PM

To: Kevin Curry <kcurry263@gmail.com>

Cc: Matthew J. Davis <mdavis@Hamden.com>; Holly Masi <HMasi@Hamden.com>

Subject: RE: Caution: This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Kevin

If I'm working at home. If there's a plot plan attached I can't see. Please send the plot plan as well as a brief description of what the use is being change from as well as what is proposed. Then we can evaluate it.

From: Kevin Curry [<mailto:kcurry263@gmail.com>]

Sent: Friday, December 18, 2020 11:06 AM

To: Daniel Kops <DKops@Hamden.com>

Subject: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe Re: 2440 Dixwell Avenue - Hamden

Importance: Low

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe.

Dan can you give me a call

Kevin Curry

203-213-1201

kcurry@danbys.com

On Dec 7, 2020, at 7:33 AM, Kevin Curry <kcurry263@gmail.com> wrote:

Dan, hope everyone is staying safe and you got to enjoy Thanksgiving. Attached is the conceptual drawing from our engineer. We are not proposing any site changes only restriping the existing parking and putting a dumpster enclosure and pad.

The building would be converter to a C-Store with a HC entrance and a Indoor entrance to a HC bathroom.

Please review and advise, thanks

Kevin Curry

203-213-1201

Begin forwarded message:

From: John Gabel <jgabel4451@gmail.com>
Date: November 27, 2020 at 9:26:02 AM EST
To: Kevin Curry <kcurry@danbys.com>
Subject: 2440 Dixwell Avenue - Hamden

Kevin,

Please see attached PDF

John

CONNECTICUT CONSULTING ENGINEERS LLC

CIVIL ENGINEERS & LAND SURVEYORS

One Prestige Drive, Meriden CT, 06450

Ph: (203) 639-8636

F: (203) 639-0022

<0-PLOT PLAN.pdf>

Matthew J. Davis

From: Matthew J. Davis
Sent: Friday, March 19, 2021 1:18 PM
To: 'John Gabel'
Cc: Kevin Curry; Mark Austin; Holly Masi
Subject: RE: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe 2440 Dixwell Avenue - Hamden

Good afternoon –

Short answer is not yet. It is in the que so to speak and I will get to take a first look next week. This one will require some level of effort given the complex and extensive zoning compliance history of this unique site. I need to review those files and see how what you are proposing relates to that as well as to the current regulations. Those regs have changed quite a lot over the period that the site has been in use. Changes need to comply with the new regs.

My initial sense with this site and with all such sites is that even the simplest change can set off a domino effect on compliance. For instance, if the changes result in increasing or creating non-conformity, that cannot not permitted unless ZBA approves a variance. If an improvement reduces a drive width that is already non-conforming (presumably NC) that cannot be approved. Not sure what level of analysis you did for this site and as to the proposed changes. It requires a lot of detailed work, looking at and assessing all of the current design standards that apply to the zone/site.

Our office is currently short staffed and so we rely more than ever on professionals to do the necessary due diligence. If that has not been done, then that means we have to do it and that takes time. As this is just one of many active matters on our plate, that translates into longer review times for everyone.

Anyway – that’s where we are at the moment. I hope to be able to get back to you by end of next week with some more specific guidance.

M

From: John Gabel [mailto:jgabel4451@gmail.com]
Sent: Friday, March 19, 2021 12:06 PM
To: Matthew J. Davis <mdavis@Hamden.com>
Cc: Kevin Curry <kcurry@danbys.com>
Subject: Caution:This email originated and was tagged as SPAM from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe 2440 Dixwell Avenue - Hamden
Importance: Low

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize and contact the sender to verify the content is safe.

Hi Matt,

I just wanted to get a status update to see if you had any comments regarding the site plan drawing of the above referenced property.

Matthew J. Davis

From: Matthew J. Davis
Sent: Thursday, March 4, 2021 1:53 PM
To: 'kcurry263@gmail.com'
Cc: Mark Austin; Natalie Barletta
Subject: FW: 2440 Dixwell Ave conversion of auto repair/c-store

This is the last email I could find in my records, dating prior to the submission of the formal application. I do not recall a follow up note and my initial look at the plan submitted with the formal app seems to suggest (I will confirm) that in some respects it does not conform to the regs or to the guidance provided previously.

Again, I will review the plan in detail, hopefully next week and will get back to you.

M

From: Matthew J. Davis
Sent: Monday, January 4, 2021 4:56 PM
To: 'Kevin Curry' <kcurry263@gmail.com>
Cc: Holly Masi <HMasi@Hamden.com>
Subject: RE: 2440 Dixwell Ave conversion of auto repair/c-store

Thanks Kevin –

As discussed, the office is operating under covid protocols that make client service quite a bit more complicated and difficult than would otherwise be and we are doing our best to manage, given that we've also just lost 40 hours/week of planner staff. Each application and site is unique so there is no "simple" answer. As discussed and as Dan noted back in early November, at a minimum, you will need a site plan approval from the PZC. If variances are needed, that will be a separate app to the ZBA, a public hearing etc.

We will try to pull the last most recent PZC approved site plan for this location and compare it to what is on site now and to what is being proposed. We also typically check the zoning permit files and the ZBA files as well. That basic research establishes the starting point for the zoning analysis (due diligence). I did take a look at the PDF you sent to Dan (who as noted was lead on this file until he left), and it does not contain the basic zoning compliance information (typically a table), nor does it call out what is existing and what is proposed. By basic zoning compliance I mean things like lot coverage, impervious coverage, square footage of interior space, etc. I did see a new small portion of what I assume is a raised concrete walk by the front door and a couple of other little changes.

What the engineer needs to do is to take a look not just at the "parking" calc for retail, but the entire body of the zoning regs and determine if any existing lawful nonconforming features are being increased or changed in a way that would violate the current regs. As you know from being a member of the Meriden PZC, lawful nonconformities are protected and by that we mean improvements or features that do not meet current design regs but that were approved under a prior set of regs and per the approval process in place at that time. Just cannot create any "new" or expanded NC. Without the detail and the research, we have no way to know what is lawful NC (as to existing features) and what isn't.

Any changes made need to comply with current regs. For instance, I have not put a scale to it, but its very likely that the installation of a new raised concrete walk at the front door will reduce the already nonconforming width of the interior drive. This is only one example and that's why your engineer needs to go through ALL of the current applicable design

regs (zoning) and determine if any variances are needed, etc. Then, if h/s has questions, then we can be focused and efficient.

The PDF is OK as far as it goes, but it does not provide the level of detail we'd need to be able to provide you with the type of detailed and conclusive guidance you'd like.

Hope this info is helpful.

From: Kevin Curry [mailto:kcurrv263@gmail.com]
Sent: Monday, January 4, 2021 4:24 PM
To: Matthew J. Davis <mdavis@Hamden.com>
Cc: Holly Masi <HMasi@Hamden.com>
Subject: 2440 Dixwell Ave conversion of auto repair/c-store

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Kevin Curry
203-213-1201

On Nov 5, 2020, at 3:44 PM, Daniel Kops <dkops@hamden.com> wrote:

Kevin

We treat conversions of the buildings at gas stations as retail, requiring Site Plan approval. One key issue will be compliance with the parking requirements. I recommend that you engage the services of a professional to review the relevant regulations and prepare a site plan.

*Dan Kops
Town Planner
Hamden Government Center
2750 Dixwell Ave
Hamden, CT 06518
(203)-287-7070*

<Site Plan Application rev 07-17-2012.pdf>

Matthew J. Davis

From: Kevin Curry <kcurry263@gmail.com>
Sent: Friday, November 6, 2020 8:13 AM
To: Daniel Kops
Cc: action@danbys.com; Matthew J. Davis; Holly Masi
Subject: 2440 Dixwell Ave conversion of gas with auto repair/to gas with expanded retail store

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Dan thanks for getting back to us. Our store is 2440 Dixwell Ave and would like to convert the Existing auto repair area to an expanded retail store. I know with Covid it is tough to view the existing file on this property. Do you have any other prior approvals or site plans on file at your office. I visited the site yesterday and parking is sufficient. I have an appointment with my engineer for early next week. Thanks for getting back to me, have a great weekend.

Kevin Curry
203-213-1201

On Nov 5, 2020, at 3:44 PM, Daniel Kops <dkops@hamden.com> wrote:

Kevin

We treat conversions of the buildings at gas stations as retail, requiring Site Plan approval. One key issue will be compliance with the parking requirements. I recommend that you engage the services of a professional to review the relevant regulations and prepare a site plan.

*Dan Kops
Town Planner
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