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TOWN OF HAMDEN

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PLANNING AND
ZONING DEPT.

ZBA # 21-6675
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Fee _____
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Receipt # _____

TOWN OF HAMDEN
ZONING BOARD OF APPEALS
VARIANCE APPLICATION

Property Address 275 Mt. Carmel Avenue Zone R2

- Spring Glen Village District
- Newhall Design District

Hamden Land Records (from Town Clerk's Office): Volume _____ Page _____

Applicant Quinnipiac University Address 275 Mt. Carmel Avenue

Phone _____ Town/Zip Hamden, CT 06517

Property Owner Quinnipiac University Address 275 Mt. Carmel Avenue

Phone _____ Town/Zip Hamden, CT 06517

Lessee _____ Address _____

Phone _____ Town/Zip _____

Agent/Attorney Bernard Pellegrino Address 475 Whitney Avenue

Phone 203-787-2225 Town/Zip 06511

Email Address of Primary Contact bp@pellegrinolawfirm.com

*This application is not complete unless signed by the owner **and** his/her agent (if applicable).

1. Variance Requested – State the Section Number from the Hamden Zoning Regulations that relates to the requested variance. State what your request is in relation to what is required. For example, "Section 220, Table 2.3: Applicant is asking for a 15 foot side yard where a 30 foot side yard is required."
See attached.

2. What is the unique hardship applicable to the land (cannot be financial)?
See attached.

3. Attach a **site plan** that is drawn to scale and includes the following:
 - A. Dimensions of the lot
 - B. Location of all existing and proposed structures on subject property
 - C. Elevation drawings for any structures over four feet high
 - D. Zone of adjacent properties
 - E. Location of existing structures on adjacent properties

4. Provide an **Assessor's Map** (from the Assessor's Office) of the property clearly showing:
 - A. Your property (clearly identified)
 - B. Nearest intersecting streets
 - C. All properties located within 100 feet of any portion of your property

5. Provide a **list of property owners within 100 feet** of any portion of your property including properties across streets. You can get this information from the Assessor's Office. This list should contain the property owner's abutting property address and home mailing address.

6. Provide stamped (not metered) **envelopes** addressed to all property owners (not tenants) within 100 feet (on abutters list from Assessor's Office) including one addressed to yourself. Address the envelopes to the property owner's mailing address rather than to the address of the property that abuts yours. The return address should read:

Zoning Board of Appeals
 Hamden Government Center
 2750 Dixwell Avenue
 Hamden, CT 06518

7. Post the required sign(s) on the subject property at least ten days prior to the public hearing (see the instructions, page 2).

8. Pay the appropriate **fee** (fee schedule listed on the first page of instructions). How long have you owned/leased the property? 65 years

9. Please list any variances previously requested for this property and the outcome:
See attached.

10. Has any application involving this property been submitted to the Planning and Zoning Commission? Yes No If yes, what was its decision?
Still pending.

I hereby state that all the above information and any information contained in any papers submitted herewith are true and correct to the best of my knowledge and belief under penalties of false statements.

I understand that by applying I grant permission for a member or members of the Zoning Board of Appeals and staff to enter upon the subject premises for the purpose of making a visual examination of same.

11. Property Owner's Signature Bruce Kelly Date 5/12/21
12. Applicant's Signature Bruce Kelly Date 5/12/21
Deputy Authorized

NEXT STEPS IF YOU ARE GRANTED A VARIANCE

1. There is a **15-day appeal** period starting the day after the legal notice of action taken is published in the New Haven Register. During this time, anyone who wishes to appeal the Board's decision may take his/her case to court. **We recommend waiting until after the appeal period to record the variance.**
2. The variance must be recorded with the Town Clerk (between 9:00 am and 4:00 pm) to become effective. There is a recording fee of \$43.00 (subject to change). **Request three copies of the recorded variance notification from the Town Clerk's Office.**
3. After filing the variance with the Town Clerk, **you must obtain a Zoning Permit from the Planning Office.** The Zoning Permit process takes 7 to 10 working days.
4. At the time you file your Zoning Permit, you will need the following items:
 1. A completed Zoning Permit Application
 2. One (1) original and two (2) copies of the plot plan or site plan
 3. One (1) original and two (2) copies of the floor plans
 4. One (1) original and two (2) copies of the elevation drawings
 5. One (1) original and two (2) copies of the recorded variance notification
 6. The Zoning Permit Fee

Attachment to Variance Application

The applicant, Quinnipiac University, plans to seek approval from the Planning and Zoning Commission to relocate six tennis courts from their current location south of the existing Recreation Center to a new location in the North Lot on the Mt. Carmel Campus, as more fully detailed on the enclosed plans. Earlier this year, the Commission approved a site plan and special permit application for the addition of a Wellness Center to the existing Recreation Center building. SP 20-1336. During that approval process the University indicated that the tennis courts located in the area south of the existing building would need to be relocated because that area was needed for desired site improvements and amenities to compliment the new Wellness Center. After further investigation and study, the University has determined that the proposed location in the eastern end of the North Parking Lot, still proximate to the existing Recreation Center, would be the best location for the tennis courts. To illuminate the courts, eight 50' light poles are proposed. That area of the lot is also already served by site lighting and the area of closest disturbance is 290 feet to the nearest wetland. (A de minimis waiver has been granted by the IWWC.)

The need to light the courts cannot be understated. Outdoor tennis is a seasonal recreation sport. The courts will be used during the evening from April until October. In order to best facilitate recreational use by students, an additional amenity to keep them on campus, evening hours are necessary for their use after classes during the day are completed. The courts will be used primarily for physical education classes, general recreational and intramural purposes as well as the University's co-ed club tennis program. They will also be used by the University men's and women's varsity tennis teams, although from a time utilization standpoint the former will far exceed the latter. Furthermore the system will only be operable when the courts are in use as they are triggered by motion sensors. The lights will also be cut off by a timer at 11pm.

In order to accomplish the Project, the University, seeks to vary Section 220 of the regulations to permit 50 ft light poles where a maximum height of 35 ft is permitted.

The hardships that occasion this reasonable request to vary the regulations are as follows:

1. Health and safety. Athletic facility lighting is a specialty product. The University has engaged Musco Lighting, the recognized leader in the Industry to design the lighting system. Musco has designed a system specifically for this project. The goal of the design is to insure the safety of the tennis players, to focus the light on the court, while simultaneously minimizing light spill beyond the playing surface and also to meet NCAA guidelines. In order to accomplish all of those goals the 50' poles are the

minimum height that could be designed to accomplish these goals. This height allows the light to be focused almost directly downward. A shorter pole would result in an indirect focus that would cause glare into the eyes of players at either end of the court which would increase the potential that they could “loose” a ball traveling towards them in the lights. Additionally, the 50’ pole allows the light to be directed toward the middle of the court in a direction that reduces the off-court spill as illustrated in the photometric plan and is required by the regulations. As such, the Musco design allows the courts to be lit for safe athletic participation without impacting the surrounding area. By comparison, a strict adherence to the 35’ regulatory height restriction increases the probability of serious injury, encourages spill off the playing surface and beyond the property lines, which is not in accordance with the regulation prohibiting off-site spill, impacts surrounding environs and would not satisfy the NCAA requirements. All of these factors are inherent hardships imposed by the strict application of the regulations.

2. The Town’s Zoning Regulations do not address athletic facility lighting. The Board clearly recognized that fact, and the inherent hardships, when it granted the same variances requested herein to the Town for the reconstruction of the Town ball fields on Rochford Avenue and Mill Rock Road. Your regulations look to minimize off-site lighting impact. An athletic field cannot be lit to a level to permit safe athletic activity while at the same time eliminating off-field light spill with a maximum pole height of 35 feet. That is also the reason the light poles at the High School were permitted to be constructed at the height of 90 feet.
3. Finally, in assessing the merits of the application, the existing conditions and topography of the proposed location of the courts is also important. First of all, the parking lot in question is already serviced by existing lighting. While those poles are shorter, the technology of the existing poles are not as advanced as the poles proposed for the courts. The proposed luminaires designed by Musco specifically eliminates skyward glare. Musco’s International Dark Sky certification is a result of specifically engineered fixture that focus the lights downward to prevent night glare. This design reduces any impact the lights will have to the neighboring environs. From a topographic standpoint the courts are located at an elevation between 10-15 feet lower than Mt. Carmel Avenue. The street poles on that road are approximately 30’ tall. As a result, the height of the poles proposed for the courts will be at approximately the same height as the existing poles on the road.

For all of these reasons, and the hardships which occasion this application, the University respectfully requests that the Board grant the requested variance.