

File No. \_\_\_\_\_ Ward No. \_\_\_\_\_  
Date of: Filing \_\_\_\_\_ Hearing \_\_\_\_\_ Decision \_\_\_\_\_

**APPLICATION TO BOARD OF ZONING APPEALS FOR A SPECIAL EXCEPTION**

I. LOCATION of Property 1351 Whalley Avenue ~~xxxxxx~~ Ave. Zoning District BA  
Building Line \_\_\_\_\_  
north east \_\_\_\_\_ St. \_\_\_\_\_ St.  
side between \_\_\_\_\_ Ave. and \_\_\_\_\_ Ave.  
south west \_\_\_\_\_  
  
north east \_\_\_\_\_ St.  
corner of East Ramsdell Ave.  
south west \_\_\_\_\_

II. Name of OWNER 1351 Whalley Ave., LLC Address 1351 Whalley Avenue, New Haven  
Date of Purchase \_\_\_\_\_ CT 06515  
Also, required:  
Proof of ownership  
Proof of agency  
Proof of some other right to property

~~xxpresent~~  
Name of \_\_\_\_\_ tenant 7-Eleven, Inc. or proposed purchaser \_\_\_\_\_  
proposed

Name and signature) \_\_\_\_\_ Address 75 Broad St., Milford, Ct 06460  
of APPLICANT) Anthony V. Avallone, Attorney  
7-Eleven, Inc., by \_\_\_\_\_  
Party to be notified Anthony V. Avallone Attorney Address 75 Broad Street  
agent \_\_\_\_\_ Milford, Ct 06460  
Telephone No. 203-882-4134

III. THE SPECIAL EXCEPTION (S) sought involve (s):  
[ ] Use of property. Proposed Use:  
[x] Other matters (describe precisely): To allow operation of convenience store between 11:00 P.M. and 6:00 A.M.

IV. SECTION (S) of zoning ordinance giving Board of Zoning Appeals authority to grant the requested special exception (s):  
Section 63D.

V. Paragraph 63(D) (6) ~~xxxx~~ (does not) require referral of this case to the City Plan Commission after Board hearing.

VI. LOT Dimensions (width x depth): 249x187.8 LOT Area: .85 acres

List all EXISTING BUILDING (S) AND USE (S) on this lot, giving symbol for legal basis of each. (PR- permitted as right; PS-permitted by special exception; PV-previous variance; NCU-nonconforming use existing at effective date of ordinance or amendment; CAL-previous certificate of approval of location – motor vehicle uses):

- (1) Beauty Supplies - Services PR
- (2) Tommy K's PR
- (3)

VII. SUMMARY of reasons asserted for the granting of this special exception, including any relevant discussion of subsection 63(D) of the zoning ordinance and the section (s) cited in question IV above, and listing of any proposed conditions and safeguards (attach additional sheet if needed):

See Schedule A attached hereto and made a part hereof

New Haven.....200.....

VIII

State of Connecticut  
County of New Haven

Personally appeared,.....Anthony V. Avallone.....  
~~Authorized Agent for~~ attorney for.....7-Eleven.....Owner, who made oath  
that the statements herein were true and correct before me.

*Luca Jay Deamo*  
Notary Public  
My Comm expires 12-31-2014

- IX.  Hearing Fee to be paid upon filing of this Application – see Fee List attached
  - Special Exception
  - Special Exception for PDU
  - Required plans filed with Appeal as follows:
    - (a) **8 copies of a scaled PLOT PLAN**, with a North arrow, showing the lot in question and the following (if any):
      1. existing buildings,
      2. proposed construction and use of outdoor areas,
      3. existing and proposed curb cuts, driveways, and parking and loading facilities,
      4. existing and proposed fences, walls, landscaping and signs,
      5. that part of any building on adjoining lots that is located within 20 feet of the lot in question, and
      6. such other information as may be required to define clearly the question involved.
    - (b) **7 copies of scaled FLOOR PLANS and ELEVATIONS:**  
for each floor and each side of proposed construction, including use of all floor areas.

BELOW THIS LINE FOR BOARD USE ONLY

- X. **Communication with regard to this Appeal received from:**

|  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> City Plan Dept                | <input type="checkbox"/> Health Dept. | <input type="checkbox"/> Bureau of Engineering |
| <input type="checkbox"/> Dept of Traffic & Parking     | <input type="checkbox"/> Police Dept. | <input type="checkbox"/> _____                 |
| <input type="checkbox"/> LCI – Livable City Initiative | <input type="checkbox"/> Fire Dept.   | <input type="checkbox"/> _____                 |

- XI. **Case referred by Board to City Plan Commission.** Date: \_\_\_\_\_  
**Report received from City Plan Commission.** Date: \_\_\_\_\_

- XII. **Previous Board of Zoning Appeals cases at this location (file number, year, proposed construction and/or, Board decision, and court decision where applicable).**

NEW HAVEN BOARD OF ZONING APPEALS

NOTICE is hereby given that State Law requires the Board of Zoning (BZA) to hold a public hearing to review your application and/or appeal. The BZA will make its decision based upon testimony at the public hearing and the documents you submit with your application..

TO BE CONSIDERED COMPLETE, your application **MUST** include the documents and required information listed below. If you fail to submit the **REQUIRED DOCUMENTS AND INFORMATION** to describe the zoning relief requested, **YOUR APPLICATION AND/OR APPEAL MAY BE DENIED.**

REQUIRED MATERIALS SUBMITTED

1. **SIGNED AND NOTARIZED ORIGINAL APPLICATION/APEAL FORM.** YES NO  
Answer all questions completely and include a clear, detailed description of your zoning relief proposal.

2. **SCALED SITE PLAN** SUBMITTED  
**Eight (8) copies of Scaled Plans representing the zoning relief sought** YES NO  
(A MINIMUM SCALE OF 1 INCH = 20 FEET IS STRONGLY RECOMMENDED)

**SCALED SITE PLAN** with North arrow showing the lot in question and each of the following, if any:

- Existing buildings;
- Proposed construction and use of indoor and outdoor areas;
- Existing and proposed curb cuts, driveways, parking and loading facilities;
- Existing and proposed fences, walls, landscaping and signs;
- That part of any building on adjoining lots that is located within 20 feet of the lot(s) in question; and

If you are seeking yard variances within five (5) feet of a property line or a lot split **a Class A-2 Survey is required.**

For a Certificate of Approval of Location (CAL) for an automotive use, **TWO (2)** original stamped copies of **a Class A-2 Survey are required.**

3. **FLOOR PLANS AND ELEVATIONS** SUBMITTED  
**Seven (7) copies of the following if construction or a change of use (see arrow below) is proposed:** (A MINIMUM SCALE OF 1/8 INCH = 1 FOOT IS STRONGLY RECOMMENDED) YES NO

- SCALED FLOOR PLAN of each floor including use of all floor area.
- SCALED ELEVATIONS for each side, if new construction is proposed.

For any change in zoning use classification under the state building code (BOCA), or for any construction costing more than \$25,000, an Architect or Engineer **must** prepare your plans on a **Class A-2 Survey** base.

**NOTE: As requested above, Required Materials are to be submitted as follows: The Original Application form. ALL plans and other materials MUST be sorted and stapled in sets.**

4. **OTHER INFORMATION**, as necessary, to clearly define the questions involved and the zoning relief sought, such as:

- Days and hours of operation
- Provisions for Employee Parking
- Number of Employees
- Signs

**ONCE FILED, FILING FEES(S) FOR YOUR APPLICATION/APEAL ARE NOT REFUNDABLE**

I HAVE READ THIS NOTICE AND UNDERSTAND THAT MY APPLICATION AND/OR APPEAL MAY BE **DENIED** IF THE MATERIALS REQUIRED TO BE SUBMITTED ARE NOT COMPLETE.

BY:   
Signature of Applicant  
Date: 1-12 20 12

Telephone Number 203 882 4134

VII

SCHEDULE A  
7-Eleven  
1351 Whalley Avenue  
New Haven, Connecticut  
Special Exception

The past several years have seen many changes along the section of Whalley Avenue where the subject property is located, most exceptionally being the widening and realignment of Whalley Avenue running from the junction of Route 69 and 63 down towards Westville Village. With the changes in this road, we have also seen changes in the traffic flow, some of them positive and some of them not.

The location of the property in question is uniquely positioned. It is a legally existing commercial retail plaza, bordered by Whalley Avenue and east Ramsdell Street. But, while directly across the street on Whalley Avenue we have commerce, including a Dunkin Donuts and a pre-existing 24 hour store, in the other direction the store is bordered by open land (much of it not well lit), a drug rehabilitation facility and a housing project. The area between the subject property and the affordable housing development is something of a "no man's land", being poorly lit and very possibly being an invitation to criminal activity. One of the benefits that 7-Eleven will provide, and a need which will be met for the community, is the lighting that will be installed to cover the broadest possible area without interfering with existing residences, and to provide 24 hour photographic video security covering areas of the contiguous properties. We believe the lighting will be a substantial deterrent to questionable activity surrounding the property. A greater deterrent will be the 24 hour video surveillance which 7-Eleven will work with the police on installing an interactive system which will allow the police to have instant access to the 7-Eleven surveillance system to see what is going on in real time on the site and areas peripheral to the site.

7-Eleven will offer food options that are not currently available in the existing 24 hour store located across Whalley Avenue. These items 7-Eleven would be carrying, which are presently not carried by the 24 hour store, include fresh fruit such as bananas, apples, oranges and fruit cups, frozen vegetables, packaged lunch meat and packaged cheese, ready to eat hot dogs, chicken tenders and pizza. 7-Eleven will also carry a wide line of over the counter medicines which might not be available after 11:00 P.M. These over the counter drugs will include stomach

medication, allergy medicines, and headache medicines. One of the areas where 7-Eleven will completely distinguish itself from the 24 hour store across the street on Whalley Avenue is that it will not, in any fashion or form, sell anything that could be considered "drug paraphernalia". The franchisee has agreed, and will agree on the record, not to carry cigarette rolling papers, drug paraphernalia, any item which is sold in a glass tube, or any product which might questionably encourage any form of illegal drug use. The 24 hour store across the street has a very healthy selection of this paraphernalia, and this is one more area where there will be absolutely no competition between the stores.

Whalley Avenue, as indicated, is a well travelled road with many commercial establishments and the site is designated BA. Residential neighborhoods within a short distance offer a wide diversity of single and multi-family dwellings. Experience shows that significant sales are made between 11:00 P.M. and 6:00 A.M. Significant sales are made between 4:00 A.M. and 6:00 A.M. servicing people from the area on their way to work.

As stated above, 7-Eleven will add additional parking light lighting, and lighting in the rear of the building, with exterior video cameras to record and deter any illegal activity. The lighting and video surveillance, in addition to serving as a deterrent crime, will be part of an interactive system which will allow the New Haven Police to have instant access to the 7-Eleven surveillance systems to see what is going on at all times on site.

The proposed franchisee Mrs. Desai owns and with her husband has operated a 7-Eleven in Naugatuck, Connecticut for over ten years. This is a store open 24 hours. They are very familiar with community concerns as the store is located in a residential area. The Desai family is acutely aware of the potential for loitering at all times during the day and night. This was an issue when they acquired the Naugatuck store and it took weeks of constant vigilance and working cooperatively with local law enforcement to stop the loitering. But they did it. They changed the "culture" of a store that had been opened forty years before they became owners. It is easier to prevent such activity from starting. The Desai family will certainly work with police and community organizations to create the appropriate "culture". The community's interest is the same as the business interest. A safe environment for the area, for the customers and employees. Mr. Desai will manage the store and in addition to required training provided by 7-Eleven Corporate he will conduct on going training for his employees especially with reference to potential loitering.

The subject property is located on the northerly side of a major commercial artery in New Haven, and there should be a very limited impact of residential abutters, and this impact will be positive. With the addition of exterior lighting and continuous video surveillance a greater element of safety and security is added to the neighborhood. These security devices will also send a message to potential wrongdoers to stay away or risk arrest. Our stores are clean and well lit and we believe we will have a positive effect on all abutters.

7-Eleven is committed to working with neighborhoods and has engaged in the "Operation Chill" program which is designed to encourage positive interaction between police and youth in the community. The way Operation Chill works, the community service officer and officers on patrol will hand out a coupon to a child who is spotted doing something good. The good deeds can include helping an elderly person carry their groceries, opening a door, deterring crime or participating in a positive activity in the community.

The store will employ ten to twelve people and Mr. Desai will be the manager. It should be noted that during the ten years of ownership and management of the Naugatuck store, there have been no violations for sale of beer or tobacco products by the Department of Mental Health or the State Liquor Commission. Attached are letters from community organizations who are familiar with the franchisee which attest to the level of their involvement and positive impact in the area.

Deliveries to the store are as follows:

Trailer - Twice a week between 11:00 P.M. and 6:00 A.M.;

Box truck - One truck per day delivers all fresh foods: salads, fruits, bread, donuts, sandwiches between 11:00 P.M. and 6:00 A.M.

Small truck - Three times a week for mil - during the day.

This schedule has some flexibility; however, there will not be an adverse impact on traffic patterns. Whalley Avenue can certainly accommodate this level of traffic.

There will not be a negative impact on the future development in the area if the application is granted. The public health, safety and welfare will not be impaired.

For the reasons set forth previously the Comprehensive Plan of the city will be adhered to.