

**MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, JANUARY 7, 2014; AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Acting Chair, David Sulkis, opened the first meeting of the 2014 Planning and Zoning Board on January 7, 2014 at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Jim Quish, Tom Nichol, Carl Moore, Jeanne Cervin, Edward Mead, John Grant, Ben Gettinger, Michael Dolan, Terrence Copeland,

Staff: David Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner; Phyllis Leggett, Board Clerk.

C. ELECTION OF BOARD CHAIRMAN AND VICE-CHAIRMAN

Acting Chairman Sulkis: First item on the agenda is the election of a Chair and Vice-Chair.

Nominations were taken for the position of Chair.

Mr. Quish: Nominated Benjamin Gettinger.

Ms. Cervin: Second.

A vote was taken: Benjamin Gettinger was unanimously voted as Chairman.

Chairman Gettinger: Asked for nominations for Vice-Chair.

Mr. Grant: Nominated Ed Mead.

Mr. Nichol: Second.

Chairman Gettinger: Any other nominations?

Mr. Dolan: Jeanne Cervin.

Mr. Quish: Second.

A vote was taken for Ed Mead as Vice-Chair: Messrs. Nichol, Grant, Mead in favor.

A vote was taken for Jeanne Cervin as Vice-Chair: Messrs. Quish, Moore, Cervin, Dolan, Copeland and Gettinger in favor.

Ms. Cervin was elected Vice-Chair.

- D. 1.** Request by Mayor Benjamin G. Blake for Planning and Zoning Board approval to use available funds in the amount of \$55,000.00 from Account #0040-4142-0434, Open Space Funds, for the purpose of continuing the services of an open space and natural resource agent to maintain, preserve and monitor usage of the City's open space.

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Mayor Blake: Happy New Year and congratulations to the new Board.

About a year and a half ago the previous board and Board of Aldermen approved funding for the position of Open Space and Natural Resource Agent in the City of Milford. The City of Milford has acquired over 500 parcels of property, approximately 2,500 acres, over the years. The funds that were originally approved and the request for funding now is not from taxpayer money. It comes from the Open Space Account, which is paid into by builders and developers in lieu of contributions of open space. This money can only be used to maintain or acquire open space property.

A selection process for the position of Open Space Agent was conducted by the City, comprised of representatives from the Open Space Committee, Conservation Commission and a representative from the Milford public school system. Candidates were assessed and evaluated and Steve Johnson, a fine selection, was chosen. Exactly one year ago Steve started as the City's Open Space and Natural Resource Agent. This was a seasonal temporary position that was funded for one year. The present proposal is also seasonal temporary funded for one year. The Mayor distributed information that related all Mr. Johnson's accomplishments in the past year. One of the accomplishments was an inventory of all of Milford's open space properties, which is accessible for viewing on the City website. His recruitment of over 1,000 volunteers for many diversified projects is commendable. He has also applied for grants; some of which have been received. A grant requested in the amount of \$500,000 to restore the Beaver Brook trail system, including a boardwalk has been applied for. A STEEP grant was applied for and may be forthcoming in the next few weeks for a very significant amount of money.

Mr. Sulkis: Had no comments.

Mr. Grant had questions about the funding coming from a City account and not from grant money as was the original premise when the position was proposed last year.

The Mayor explained why the funding for the position was being made in this manner and how the level of the salary for a full year was determined. Last year was a partial work year for Mr. Johnson.

Mr. Copeland asked why this position was not incorporated into a City position. The Mayor stated that may come to pass some time in the future. At this time there is funding that can only be used for the maintenance or acquisition of open space and this is what is being done.

Ms. Cervin stated she has always been in favor of this position and believes Steve has done an excellent job. She, too, would like to see it be changed from seasonal temp to a City position. She noted there are other open space funds. Is this the only one that provides for maintenance of the properties?

The Mayor's Open Space account is only for acquisition of property. The account being used is for acquisition and maintenance.

Mr. Mead asked how much money is presently in the amount that will be used for funding? The Mayor replied approximately \$200,000, however a small amount is restricted from this use.

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The question of how much money is in all the amount was asked. The Mayor's Open Space Account after the sale of the Downs House is \$360,000. There is about \$200,000 in the other accounts.

Ms. Cervin: Made a motion to approve the request of Mayor Benjamin Blake for funding in the amount of \$55,000, for the position of Open Space and Natural Resource Agent.

Mr. Quish: Second.

Eight members voted in favor. Mr. Grant opposed approval.

2. **CGS 8-24 APPROVAL** – Petition of Raymond A. Macaluso for CGS 8-24 and Coastal Area Management Site Plan Review approval for construction of Sanitary Sewer Infill Project #2 at High Street, Plains Road, Raton Drive, Tranquility Way, Wilson Street and White Oaks Terrace, of which the City of Milford is the owner.

Raymond A. Macaluso, Owner, Westcott and Mapes, 140 Temple Street, New Haven, CT, consulting engineers to the Sewer Commission. He outlined the two sections of approximately 5,500 linear feet of areas that need to be sewered in the City. This is on municipal and private streets. He named the streets involved in the project. John Gaucher of the DEEP has approved the Coastal Area Management Report for this project. Raton Drive, Plains Road and Tranquility Way, High Street and Wilson Street have not been sewered. The work will commence after bids are received this week. The work will take place in the spring and will last for approximately nine months.

Mr. Sulkis: His administrative summary states this is a straightforward municipal project.

Ms. Cervin: Made a motion to approve the CGS 8-24 request for Sewer Infill Project #2.

Mr. Grant: Second.

All members voted in favor.

Chairman Gettinger: Asked Staff to explain to the new members the CGS 8-24 procedure which comes to the Planning and Zoning Board and then to the Board of Aldermen for approval.

Mr. Sulkis: Connecticut General Statute 8-24 referrals have to do with the City entering into lease agreements; large capital projects and other City ventures that come through the Planning and Zoning Board for its review. When approved, the request goes to the Board of Aldermen and by a simple majority, can approve it. If the Planning and Zoning Board denies an 8-24 application, it still goes to the Board of Aldermen, but must pass by a super majority vote for approval. The Planning and Zoning Board will see many CGS 8-24 requests on many issues, however, the process will be the same.

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E. PUBLIC HEARING – Close by 2/10/2014; expires on 4/16/2014

3. **189 SEASIDE AVENUE (ZONE R-12.5)** Petition of Thomas B. Lynch, Esq., for approval to create a two-lot subdivision on Map 35, Block 430, Parcels 43 and 43A, of which Two Ninety Six LLC is the owner.

Thomas B. Lynch, Esq., 63 Cherry Street, Milford. This is for a straightforward two lot subdivision at 189 Seaside Avenue. There are no waivers requested. The property consists of approximately 4 acres in the R-12.5 zone on the easterly side of Seaside Avenue, which runs from Broad Street in downtown Milford to Fort Trumbull. Seaside Avenue has a mixed bag of zoning uses. The proposal is for a simple two lot subdivision to divide the property to allow the construction of one additional house on the property.

Attorney Lynch reviewed the existing site conditions via the display. The 2500 SF residence built in approximately 1954 will remain. There are a large number of trees that will remain for the most part. Mr. Lynch described the driveway for the proposed house and the existing driveway for the residence on the property. The development of the property was described.

The plan was drafted to provide two lots with the open space in the back, shown as a "Proposed Open Space Lot". It is not numbered or to be considered as a lot on the Subdivision Map. It was designed in this manner to contribute the land as open space and not pay the fee for open space. The Conservation Commission at its December meeting voted not accept the rear portion of the land for open space. Because there was no access to it it would not meet the recreational need requirement for Open Space dedication. That is not included in the square footage for either of the two lots. It will either be incorporated into Lot 2 or remain held by the applicant. It cannot be developed as it is all marsh land.

There is the accessway or fee simple portion of Lot 2 that creates the frontage as required by Section 2.5.5 for the rear lot. A portion of that will have the driveway for the new residence come out so that there is not another curb cut onto Seaside Avenue. The plans show a small portion of the driveway that will serve as the rear residence to be set up with an easement in favor of Lot #1, so that coming in off the street, both houses will be served by the same curb cut. The new house will have underground utilities. The existing house on Lot #2 will keep its current power provided by the existing utility pole. The existing house which is currently on septic will be tied into the sewer system with the new house on Lot #1.

All departments reviewed the plans. The Tree Commission said they were "happy" with the plan. They advocated that construction of sidewalks be waived due to the property's elevation and trees that would be in the way. Asking for a waiver not to construct sidewalks on the site.

Mr. Sulkis: This is the first subdivision before the new board and it is fairly straightforward. If the Board votes to approve this application, a condition of approval should be that the rear portion of the property indicated as open space, be consolidated with Lot 2. It is a land locked parcel and is nonconforming with the regulations.

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Attorney Lynch: Agreed. It was originally sought to have this property dedicated to the City as open space, but the Conservation Commission voted against it. The applicant will pay the fee in lieu of providing open space and will be conveyed with Lot #2.

Chairman Gettinger: Public portion of the hearing. Gave instructions to the public on speaking. Anyone which to speak in favor of the application? (No response) Any one to speak in opposition to the application? (No response)

Attorney Lynch: Had no further comments.

The Chair closed the public hearing.

Ms. Cervin: Made a motion to approve the subdivision of 189 Seaside Avenue for a two lot resubdivision with the condition that Lot 3, designated a open space, be consolidated into Lot 2. The applicant will pay a fee in lieu of open space.

Mr. Grant: Second.

All members voted in favor of approval.

F. NEW BUSINESS

4. **667 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Raymond A. Macaluso for Site Plan Review approval for temporary parking on Map 25, Block 207, Parcel 41, of which Sanford Realty LLC is the owner.

Ray A. Macaluso, Owner, Westcott and Mapes, Inc., 142 Temple Street, on behalf of Sanford Realty, the owners of Chevrolet of Milford, who recently purchased the property previously known as Armellino's Restaurant. Chevrolet of Milford decided to purchase the property and use it for parking. They are in the process of doing the design of the parking lot and the extension. He is asking for a six month temporary approval so they can put their parking facilities on the site at this time. The intention is to close Meadows End Road. They are also in the process of closing the Bridgeport Avenue/Boston Post Road entrance. They just hired a contractor to do so. The State of Connecticut has approved that. There will be no access from the Boston Post Road or Meadows End, except for an emergency. The Board had received the temporary plan for 77 parking spaces. There will be a cut through the two properties temporarily. The bids have just been received to take down the building. Have to wait for the weather to improve before doing so. The formal site plan review will be completed and go through the proper channels before coming before the Board for approval.

Mr. Sulkis: The applicant is asking permission to park cars temporarily on a property that was not previously used for that purpose. The proposal to incorporate this property into the auto dealership's main site is in the process of being developed and will come before the board when it is completed.

Mr. Quish: How many cars will be parked?

Mr. Macaluso: Seventy-seven.

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Mr. Mead: Will the driveway be closed on Meadows End during this six month time period?

Mr. Mac: Yes. The demolition contractor will put up a fence. Due to the weather the Post Road access cannot be done, but a construction fence will be placed at both openings.

Mr. Mead: Made a motion to approve 667 Bridgeport Avenue to be used as a temporary parking area for 77 cars for a period of six months.

Mr. Grant: Second.

All members voted in favor of approval.

5. **290 BROADWAY (ZONE R-7.5)** Petition of Scott Farquharson for Coastal Area Management Site Plan Review approval to construct a single-family residence on Map 9, Block 130, Parcel 13, of which Linda and Patrick Mastroianni are the owners.

Scott Farquharson, 69 Central Avenue, Wolcott CT, speaking on behalf of Baybrook Remodelers, the contractors for this project and the owners of the property. The proposal is to construct a single family residence at 290 Broadway. The existing home has been demolished. The house location is in an AE-12 elevation. There has been no change in the grade elevation. The home is being raised to a first floor elevation of 14.83 feet. The new foundation will have a crawl space with floor elevation matching the exterior grade. Flood vents are included. Proper precautions, such as; silt fencing, a six foot chain link fence along the perimeter, tracking pad and removal of debris from the property. Approval has been obtained from the City departments who reviewed the plans.

Ms. Harrigan: Gave the new Board a briefing on Coastal Area Management Site Plan Review applications. There are certain exemptions that are allowed to be approved administratively by staff. Other projects, such as a new single family home within 100 feet of a coastal resource is required to come before the Planning and Zoning Board. She explained mitigation measures that must be taken before construction can begin.

Ms. Cervin: Made a motion to approve the petition of Scott Farquharson on behalf of Mr. and Mrs. Mastroianni to construct a new single family residence at its present location of 290 Broadway.

Mr. Mead: Second.

All members voted in favor of approval.

6. **232 BOSTON POST ROAD (CDD-1)** Petition of Richard Pacelli for Site Plan Review approval for a restaurant fit-out on Map 53, Block 304, Parcels 81, 81A, 81D and 81F, of which TVJL, LLC is the owner.

Richard Paselli, 201 West Main Street, Milford. Distributed a survey (AB-1) of the property in question, different from the one previously sent to the board, which is requesting 11 additional parking spaces for the application. The SK-1 survey originally sent, showed 188 parking spaces that were needed for the building. The square footage for the retail required

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174 spaces and for the warehouse storage 7 more spaces were needed, for a total of 181 parking spaces. The engineers, BL Companies sent the new survey (AB-1) today showing 195 spaces. On the present property 181 parking spaces were needed for what is there right now; leaving 14 extra spaces and the project needs 11 of those spaces for the proposed restaurant.

Mr. Sulkis: The difference in the two surveys they Board now has, are the red notations showing where the extra spaces are that are on site. The extra spaces he is referring to are actually extra capacity. The 181 spaces are for the uses that are there now and 195 spaces have been identified. The change in use for his space is 11 spaces. The original space for the site was computed as retail, which is one space for each 250 SF. The proposed change of use means the parking ratio changes and it is now one space for each 75 SF. For that reason he needs to show that he can either provide the extra parking, or ask the Board for parking relief, through its regulations. In this case it appears he has the parking. Had there be another restaurant use on this site, he would not have to come before the Board for approval.

Mr. Mead: Do the additional spaces count for the 1250 SF or 2500 SF, which is for a possible expansion.

Mr. Paselli: It is for the 1250 SF. Should the property next door be acquired, all the seating will be in one area and there will be parking from that property.

The possibility of expansion and adequate parking for it was discussed. It was determined that the Board would not approve a possible 1250 SF expansion at this time.

Mr. Mead: What are the hours of operation for the deli?

Mr. Paselli: From 5:00 AM to 8:00 or 9:00 PM at this time.

Mr. Mead: So parking would be in effect from morning to night for that use.

Mr. Paselli: Yes.

Mr. Mead: Asked about parking that is indicated in the back of the property.

Mr. Paselli: That parking is no longer in effect and cannot be used in the calculations.

Mr. Mead: Made a motion to approve Richard Piselli's request for a 1,250 SF restaurant fit-out at 232 Boston Post Road.

Mr. Grant: Second.

Mr. Mead: Amended motion that approval is for the 1250 SF fit out for a restaurant.

Mr. Grant: Second.

All members voted in favor.

G. LIAISON REPORTS

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At this time there are no liaisons designated for City departments or commissions. Typically, the Board has had liaisons for the Police Commission and the Board of Aldermen. The Board members can call the Chair or volunteer at the next meeting if they would like to be liaison to another board or commission.

Mr. Mead said he would continue to be the liaison to the Police Commission, which meets the second Monday of each month.

The City of Milford is also represented, typically by the Chair or Vice Chair at the South Central Regional Council of Governments, which meets the third Thursday of each month.

H. APPROVAL OF MINUTES – (12/19/2013)

Mr. Grant: Motion to approve.

Mr. Nichol: Second.

Ms. Cervin, Messrs. Nichol, Grant and Mead voted to approve the Minutes of 12/19/2013.

I. CHAIR'S REPORT

All the members received updated regulations that went into effect 12/27/2013.

The Chair would like to continue the Regulation Subcommittee. If the Board members agree this can be discussed.

J. STAFF REPORT

Mr. Sulkis: Congratulated the new Board members on their election to the best board in the City. It is the most important board because it shapes the future of the City of Milford. With regard to the Regulation Subcommittee, there are regulations that were proposed for change and these can be discussed when a new subcommittee convenes.

Mr. Rindos has resigned from the Board due to health issues. There will be a 10th member to be appointed and sworn in.

Chairman Gettinger: Asked if the new Board members had received the Members Guide Book; Zoning Regulations and Subdivision Regulations, and Plan of Conservation and Development.

He asked Mr. Sulkis to give tutorials on application plans a half hour before meetings, as was done in the past. It was decided to wait until the new member replacing Mr. Rindos is sworn in and attends the meeting.

Mr. Sulkis stated he was available to the new board members for any questions they might have.

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Mr. Grant: Made a motion to adjourn the meeting.

Mr. Dolan: Second.

All members voted to adjourn the meeting at 9:00 p.m. The next meeting will be held on Tuesday, January 21, 2014.

*Phyllis Leggett*_____

Phyllis Leggett, Board Clerk