

**MINUTES FOR THE MEETING OF THE  
PLANNING & ZONING BOARD  
HELD TUESDAY, FEBRUARY 2, 2010; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the February 2, 2010 meeting of the Planning and Zoning Board at 7:30 p.m.

The Chair announced and welcomed Boy Scouts Troop 1 from the Plymouth Mens Club, who were attending tonight's meeting. She asked Assistant Patrol Leader, Andrew Jones, to lead the Pledge of Allegiance.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** Edward Mead, Mark Bender, KathyLynn Patterson, Kevin Liddy, Kim Rose, Janet Golden, Gregory Vetter, Susan Shaw, Chair.

**Not Present:** Robert Dickman, Victor Ferrante

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

**C. PUBLIC HEARING CLOSED 1/19/10; exp. 3/25/10**

1. **255-257 NAUGATUCK AVENUE (ZONE CDD-2)** Petition of Titanium Properties for approval to re-subdivide and construct two duplex homes on Map 15, Block 244, Parcel 8, of which Titanium Properties is the owner.

**Mme. Chair:** This application is to re-subdivide two building lots and obtain site plan approval in order to build two duplex homes. The applicant is asking Board approval to provide a fence rather than the required 10-foot buffer.

**Mrs. Golden:** Has looked at this application very closely. When looking at it when people are living there it does not go into land use. So from a land use perspective she had to look at it as to "does it work". Finds that the driveway is too narrow and small for four families. The setback does not meet the regulations as it is not a 10-foot setback. Parking spaces as shown intrude on the driveway. It is not reasonable because not everyone drives a mini-coupe. Looking at the way it is presented with those cars, in a perfect situation everybody would park like that. When people are out driving or when pulling into a parking lot, people do not always park so perfectly. Then to come in with the application and show how a car needs to maneuver itself in order to leave the driveway, finds it problematic.

In a big snow storm, where will the snow go? In Connecticut we can get hit with big snowstorms. Does not see where they will put the extra snow. Looking at this plan it is beyond repair and she cannot approve it as presented.

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**Mr. Bender:** Has a couple of sections that he does not believe the plan adheres to:

CDD-2 Sec. 3.17.4 (4) Buffer Strip should be in accordance with Article V, Sec. 5.14.

Sec. 5.14.2 (2) says it should be planted in a growing condition according to accepted practices. In looking at the buffer strip, there is no area to do that; (4) says all landscaping adjacent to a parking area shall be properly protected from damages by vehicles by some kind of barrier. There is no room for that.

Sec. 5.1 Parking Regulations – 5.1.7 Size of Space - Does not appear to meet the required 9' x 18' measurement.

Sec. 5.1.10.1 – Parking Spaces and Aisles: looking at a 90 degree layout, it should be an 18-foot space by a 24-foot aisle clearance. It looks to be about 15-feet clearance.

Sec. 5.1.10.6 – Vehicles located against fences and walls require buffer strips. A suitable bumper strip should be provided to prevent damage to that buffer strip. That does not seem to be there.

For the above reasons he would not be able to approve the application.

**Ms. Rose:** Looks at this property every day as it is almost across the street from where she lives. Although she would welcome this type of a project there, as opposed to what she is looking at now, for the reasons cited by Mrs. Golden and Mr. Bender, would agree she could not support the project as presented. However, looking at the other homes in the area on that strip between this piece of property and the D'Amato property that is now [not] under construction, most of those houses are set back off the street. Therefore, she would be willing to look at an application that came through if the homes were put towards the back of the lot with parking in the front.

**Mr. Vetter:** Added that the rear buffer and the fact that it is abutting against a residential area, in cases where the Board has the discretion to use the fence as part of that buffer, keeping that buffer strip as a planted buffer as Mr. Bender had read in the regulations, he thinks is very important.

The City's Plan of Conservation and Development looks for certain characteristics on the buildings as well, and some modulation in the front. It would be nicer not to look at a building from the ground 30-feet up as a frontage for the building. This plan took some effort to put a little bit of cut on the third floor, but that modulation is something that was sought after in the Plan of Conservation and Development and an eye should be kept towards that.

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**Mr. Liddy:** Mr. Codespoti has done some beautiful buildings. However, the Board has heard the complaints about the shoreline and having huge buildings on very small lots stretches the limits of what can be improved. It looks like the same situation is now moving inland, where developers would like to put huge buildings on postage stamp size lots. The Board will be hearing complaints about those types of properties in the future if this property was to be approved.

**Mrs. Patterson:** Agrees with Mr. Liddy. The theme of the City of Milford that there is not enough space for our houses to be on; they are putting actually too much in a small spot. The sidewalks have to be changed by narrowing them to accommodate trees. This is a residential area and it is also a walking area to the school. All this has to be kept in mind.

**Mme. Chair:** Added she liked the design of the building. Felt when reading about the CDD-2 it is in keeping with the district and that it is a good project. Ms. Rose has offered a suggestion that might be taken into consideration.

**Mr. Mead:** Maybe the applicant can come back with one building instead of two. In that way the parking could be alleviated and on the right side where Manilla Avenue is, it can be decided whether to keep the sidewalk the same width or make it narrower for a green space. So maybe if we get one in they can set it back and have the parking on the side of Manilla Avenue.

**Ms. Rose to Mr. Sulkis:** Is this legally a two-lot parcel?

**Mr. Sulkis:** The applicant is proposing to subdivide the existing single parcel into two parcels. Each of those separate parcels would have a two-family home. Four units on two parcels, if the subdivision should be approved.

**Mr. Vetter:** Moved to deny the application of Titanium Properties for 255-257 Naugatuck Avenue.

**Ms. Rose:** Second.

**Mr. Liddy:** Would amend the motion to include, "Without Prejudice", so that the applicant can come back sooner than the six months and maybe they will have a better plan, as Mr. Mead suggested.

**Mme. Chair to Staff:** Asked for clarification on denying the application outright and denying the application without prejudice.

**Mr. Sulkis:** The applicant could come back with a different application, if it is a different building; on a single lot versus two lots; if it's a different number of units. If

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they come back with basically the same buildings on the same lots and they have moved the building one way or the other, it is more or less the same application. Without prejudice they could come back and do that but if the Board denies it outright, then they would have to wait six months and come back with something that is very similar. Or, without prejudice if they come back with something that is very different, it would be okay.

The Board has given the applicant some guidance tonight as to what it is looking for. In terms of the setbacks, the setback from Naugatuck Avenue is conforming to what is in the regulations. The regulations do call for it to be either ten feet or in line with the other units that are on the block. If the Board is telling the applicant it would like the house to be pushed farther back at the end of the lot, then that would not be in compliance with the regulations.

**Mme. Chair:** Asked for further clarification: With the new regulations, one of those lots would not be conforming, should the applicant resubmit.

**Mr. Sulkis:** Correct. When the application was originally submitted, the lot that is below 4,000 was acceptable. The Board has since changed that regulation and the new regulation would apply should the project come back as a subdivision; in which case each lot would have to be at least 4,000 SF.

**Mr. Bender to Mr. Sulkis:** Straight denial at this time would kill this project and allow them to come back at any time with a new project on that property, but with the new rules that are in effect.

**Mr. Sulkis:** They could come back with something else that cannot be a two-unit, two-unit on two pieces of property. Under the regulations, when you get into multi-family housing, right now you can come in with up to a two-family house if you have the right amount of land. If they were to come in with an application for a three-unit building on that one property, that would be a Special Exception under the regulations.

**Mr. Bender:** Without prejudice would allow them to come back with some modifications or changes to what they had, but under the old rules. They would still -  
- No? Once it is denied without prejudice they would have to go to the new rules? They can make changes to it and still come back?

**Mr. Sulkis:** That is correct.

**Mr. Bender:** Minor changes.

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**Mr. Vetter:** Seconded the amendment to add “without prejudice” to the previous motion.

Stated to his understanding the only thing the Board is doing is allowing the applicant to come back quicker than six months by giving them “Denial Without Prejudice”.

**Mr. Bender:** They can come back sooner than six months with a change to this plan, or bring a whole new plan back tomorrow. This gives them the option to modify this plan and try again.

**Ms. Rose:** So the tandem parking regulations that have now been changed would be in effect if they come back with a new plan?

**Mr. Sulkis:** Correct.

**Mrs. Patterson:** Clarified: If the Board goes without prejudice, they come back before the six months but they have to go in effect with all the new rules?

**Mr. Sulkis:** Correct.

**Mr. Liddy:** Basically this is trying to get the applicant to come back to the Board sooner so they can continue the development in Milford and their hands are not tied with a potentially great project on a small piece of land.

**Mr. Bender:** But with a true denial, the applicant can come back tomorrow, but with a different project. So, the only thing that “without prejudice” allows, is to come back sooner if they want to maintain the same project, but with modifications.

**Mr. Sulkis:** Correct.

A vote was taken on the amendment to add “without prejudice” to the previous motion.

Seven members voted in favor of the amendment. Mr. Bender voted against the amendment to the motion. The motion passed.

**Mme. Chair:** There is an amended motion and a second. Further discussion? A vote was taken.

All members voted in favor. The motion to Deny Without Prejudice was passed.

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**D. PROPOSED REGULATION CHANGES**

**Mme. Chair:** Some housekeeping to do on Off-Street Parking Requirements, a portion of which has already been voted upon.

**Mr. Sulkis:** Explained that three items of Section 5.1.4 Minimum Off-Street Parking Requirements had previously been overlooked for passage as a result of the many discussions that took place on other aspects of that regulation that were presented for change. These changes are not newly added and are not controversial. They were not called out specifically when the Board was voting on the other items in the section.

**Mme. Chair:** These changes have already been discussed.

**Mrs. Patterson:** Made a motion to accept the Minimum Off-Street Requirements as published:

**(3) Multiple Family Dwellings**

- |                                     |   |
|-------------------------------------|---|
| <b>(a)</b> Efficiency bedroom units | <b>2</b> space minimum per dwelling unit  |
| <b>(b)</b> One bedroom unit         | <b>2</b> spaces minimum per dwelling unit |
| <b>(c)</b> Two bedroom units        | <b>3</b> spaces minimum per dwelling unit |
| <b>(d)</b> Three bedroom units      | <b>3</b> spaces minimum per dwelling unit |

**(4) Housing for elderly** **1** space per dwelling unit

- |   |   |
|---|---|
| <b>(6)</b> Places of assembly, including but not<br>Limited to churches, auditoriums, theaters<br>and stadiums; | <b>1</b> space for each 4 fixed to<br>seats or equivalent gross<br>floor area. <b>(50 sf/space)</b> |
|---|---|

**Mrs. Golden:** Second.

All members voted in favor.

**Mr. Sulkis:** Effective date will be February 28, 2010.

**Mrs. Harrigan:** Passed along recommendations to the Board of Aldermen for fee increases in November. This was based upon mandated increases by the State to increase their portion of the revenue. Two things need to be followed up:

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1) Accessory apartments, which were never listed on the fee schedule as a line item. These applications were previously brought before the Planning and Zoning Board as a Special Permit and Site Plan Review, but through a regulation change, the accessory apartment applications are now processed administratively.

Requesting to increase the City's portion of that fee from \$75 to \$100. The total charge, including the State fee is \$160.00.

2) The sign permit needs to be modified. It had been approved for a minimum of \$110.00, but the amount per 10 SF of signage was neglected to be revised and it was previously \$1.00 per 10 SF, so there would have to be 1,000 SF in order for the minimum to be obtained.

Therefore, the fee is being increased to \$10 per 10 SF of signage. That only applies if someone comes in with over 100 SF of signage.

Requesting that the Board make this recommendation to the Board of Aldermen and a resolution will be prepared for them.

**Mr. Liddy:** Asked if the price was \$10 per 100 SF or 10 SF?

**Ms. Harrigan:** Explained it is \$10 per 10 SF, with a 100 SF sign as the minimum. Anything over that size will trigger a calculation where additional fees will be collected.

**Mr. Vetter:** Asked for further clarification of the calculation.

**Ms. Harrigan:** The minimum fee is \$110.00, so if someone comes in with a sign that is 20 SF, they pay \$110; of which \$60 goes directly to the State of Connecticut.

**Mr. Vetter:** Moved to accept the fee increase revisions as presented by Staff.

**Ms. Rose:** Second.

All members voted in favor of approving the fee revisions to be presented to the Board of Aldermen for adoption.

**Mr. Liddy:** Asked if the previous fee increases that the Board approved were in effect and were they included in the Mayor's budget.

**Mr. Sulkis:** The new fees are in effect and the budget presented by the Planning and Zoning Department to the Mayor incorporated these fee increases as potential revenue.

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**E. LIAISON REPORTS**

**Mme. Chair:** Economic Development Commission has a new Chair, Cyrus Settineri. He announced a website that can be visited to find out more about Milford. Restoration of the Milford Diner was also discussed at the Economic Development Commission.

Reported at last night's Board of Aldermen meeting, the Mayor spoke about the zoning enforcement officer, saying that hire would be done in July, which would be the beginning of the new fiscal year. Linda Stock was the zoning enforcement officer until she was elected as City Clerk in November. Believes that Ms. Harrigan has or may be called on to attend to zoning enforcement.

**F. APPROVAL OF MINUTES – (1/19/10)**

**Mr. Bender:** Motion to approve.

**Mr. Vetter:** Second.

All members voted in favor of approving the minutes as recorded.

**G. CHAIR'S REPORT - None**

**H. STAFF REPORT**

**Mr. Sulkis:** There will be no zoning enforcement officer. It is not budgeted until July 1<sup>st</sup>, so whether or not there will be someone starting on July 1<sup>st</sup> or it could be August or September, will not be known. A decision has been made to use those monies elsewhere in the new land use department and not for the zoning enforcement officer.

**Mr. Vetter:** What has been the impact of the number of complaints that the office gets? Are there complaints from citizens that we are not able to respond to?

**Mr. Sulkis:** Yes.

**Mr. Vetter:** Asked if Mr. Sulkis could quantify them and speak to the severity.

**Mr. Sulkis:** Stated he had not gone through the pile. Mrs. Harrigan has a better knowledge of that as they are piling up in her office.



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Asked the Board to keep in mind that the first priority is to issue permits in the morning, which is something that the zoning enforcement officer does. That takes up half of each day. In the afternoons there is Planning Board business to do. On the rare occasion Mrs. Harrigan has to go out and inspect something, it is usually something related to the Board or the issuing of the permits in the morning. So, right now the lowest priority are zoning complaints and zoning enforcement.

A zoning enforcement officer is a full time job. Assistant City Planner is a full time job. One person cannot do two persons' full time jobs. Stated Ms. Harrigan might be able to give an idea of the number of complaints that have been received.

**Mrs. Harrigan:** Responded she did not have the exact figure. Stated she knew that the zoning enforcement actions that are being made a priority right now are those such as; illegal units. Last week the Fire Department came in and said there was an unsafe living condition and they had to issue orders on this. Obviously in that type of circumstance she works with the Fire Department and Health Department to get the orders out.

Cannot get to the other complaints because the zoning enforcement officer is also the liaison to the Zoning Board of Appeals. So, part of the responsibilities are to get the applications ready for that hearing which is only held once a month. There is a process involved in people applying for variances and that takes up a significant portion of the month's activities as well. Mrs. Stock has not been the zoning enforcement officer since the second week of November. Since that time if it has been something where another department has indicated that she has to act on this with urgency, then she has tried to do that. Other complaints, i.e. chickens, she does not have the time to investigate.

**Mr. Bender:** Asked if someone had called in about chickens.

**Mrs. Harrigan:** Stated she had two complaints waiting about chickens.

**Mme. Chair:** Stated they had received the quarterly reports and asked if there was a quantitative way that these complaints can be looked at and possibly resolved.

**Mr. Sulkis:** Yes, it can be quantified. They just have to find the time to do it.

**Mr. Vetter:** The point of his question was: Clearly customer service is an important part of the office and it has always been a great service institution. The permitting in the morning is very important, but so is the responsiveness to citizens that have complaints and concerns. The reason he brought this up is if the budgeting process and the decisions on staffing have impacted their ability to do certain tasks, if the Board can modify the things that it requests or the things

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that are being processed within the office to help, i.e. putting the new regulations on hold, or are there other steps that the Board should be taking to free up time. A drastic maneuver such as freezing up new applications as a response to the lack of staff to perform their normal daily tasks with respect to the office might be considered.

[Mr. Bender left the meeting at 8:04 pm]

**Mr. Liddy:** Has the new Permitting and Land Use director been informed of the back log of all these issues? Is he trying to rectify this situation?

**Mr. Sulkis:** We are in this situation because the money for the zoning enforcement officer was removed from Planning and Zoning. He believes this was an action by the new land use director, or the Mayor. Stated in his discussions with Mr. Novak he was told how this was going to impact the department. Sure he [Mr. Novak] is aware of the issue.

**Ms. Rose:** In addition to all the duties that were just discussed, it is also the Department's duty to issue zoning compliances. Is that holding up the process because building compliance comes before the Certificate of Occupancy with the Building Department. Would think that this would muck up that situation as well.

**Mrs. Harrigan:** The other thing that has not been mentioned tonight is even just responsiveness to people who call with questions. Stated she has to return 15-20 phone calls a day; some of which are not five minute phone call returns. Some require extensive research to be able to answer a question. This is all to facilitate development within the City of Milford. People who want to do additions; people who want to tear down and rebuild; people who are interested in coastal properties. There are only so many ways to be able to satisfy the needs of the Department in terms of the functions that are required both of the assistant city planner position and of the zoning enforcement position.

There has always been an unwritten rule that they always return phone calls within 24-hours. So, which one of those things do you answer to and which ones do you not answer to.

Bottom line is there is only one of her and two positions with a full work load of responsibilities and she is only able to achieve so much. Just wanted to let the Board know.

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**Ms. Rose:** Stated she was appalled as this was the first she was hearing of the money being taken out of the planning and zoning budget. There are five months to go with no ZEO. That is ludicrous. Suggested the Board draft a letter to the Mayor and/or Mr. Novak expressing its dismay over this situation and ask that the money be restored back to the Planning and Zoning department's line item so that it can go on to continue to hire a zoning enforcement officer. She works in the Building Department of Bridgeport and there are four ZEOs in Bridgeport and they are busy.

**Mr. Vetter:** Would like the letter to go to the Aldermen as well. They should be aware of this.

**Mr. Sulkis:** Stated with the new changes that have occurred, he does not do the hiring any more. If the Board is asking for money to be restored, it should also ask that the position be filled as well, because that is out of his [Sulkis] hands.

**Mrs. Golden:** Asked if Mr. Novak could play zoning enforcement officer, too?

**Mme. Chair:** Asked for consent from the Board to write this letter. Pointed out that she has not heard back from the letter written two weeks ago to Mr. Novak asking if he would join the Board, in part, to answer some of the questions they have regarding the ZEO, which is part of the purview of the Board. In that way she would not have to hear about it at another meeting.

The budget hearings are beginning. February 10<sup>th</sup> the Finance Committee meets on the DPLU.

**Mr. Vetter to Staff:** There is some use of consultants in the City. He thinks this is mostly in the Building Department in terms of engineers, etc. Asked if the Planning and Zoning office uses consultants in any way.

**Mr. Sulkis:** The only time consultants have been utilized has been when the Plan of Conservation and Development was updated, which is every ten years. If the question is: Are consultants used to do zoning enforcement? The answer is no and the reason is that zoning enforcement officers have to be available to go to court and have to see through their adjudication of whatever is going on from beginning to end.

**Mr. Vetter:** Sometimes he sees the same names on presentations for an application and their comments representing the City in an engineering vein.

**Mr. Sulkis:** The City does not have a City Engineer. It has been without a City Engineer for several years, so the practice has been that the City farms out the engineering reviews to either Westcott and Mapes or Codespoti & Associates. That is done so the City does not have to have a full-time city engineer.

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**Mr. Vetter:** That would fall under the jurisdiction of the land use director?

**Mr. Sulkis:** No. The Engineering Department is a division of Public Works.

**Mr. Vetter:** Said he brought this up because separation of duties and all these things come into play when you watch the same group of people reviewing things and approving them. They may not be theirs, but there seems to be a little too much of the same people involved in what are very important City tasks. Stated this may not be in his purview, but he is concerned.

**Mr. Liddy:** As a point of clarification, he believed they have the ability to hire outside consultants if there is a certain expertise that is required that is not available to the Board.

**Mr. Sulkis:** This has not been done in many years. Does not know if this still exists as he is not in control of the department's budget anymore. He always tries to put it in the budget just in case, but he does not know now with the DPLU.

**Mr. Liddy:** Said he thought the Board charged the applicant the cost of the consulting fees if an outside consultant is used.

**Mr. Sulkis:** Stated he would have to refer to the regulations on this. This might be related to subdivisions, but this has not been enforced since he has been here.

**Ms. Rose:** Asked what happened to Mr. Sulkis' budget that he had prepared and submitted.

**Mr. Sulkis:** He met with the Mayor to present his department's budget in the fall before the DPLU existed. He met preliminarily with the Mayor to review his budget. Up to now the procedure had been to take the budget to the Board of Finance, after the Mayor's review, and defend it there and then take it to the Board of Aldermen and defend it to them. With the creation of the DPLU, the budget that was brought to the Mayor was the budget he had put together. The budget that is going to the Board of Finance is a combined budget of the Planning and Zoning division, the Building division and the Inland Wetland division of the DPLU.

**Ms. Rose:** Asked how this combined division budget would affect his office financially.

**Mr. Sulkis:** Too early to tell. Used to be he budgeted for something and as administrator of the office he controlled the money and could use it accordingly. He

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is not the office administrator anymore and does not control the money, as he has been told. The new director can move the money around and spend it any way he wants. If he had designated money for a certain expense, the director can designate it to another division, if he so chooses.

**Mr. Vetter:** Motion to adjourn.

**Ms. Rose:** Second.

The meeting adjourned at 8:05. The next meeting is scheduled for February 16, 2010.

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Phyllis Leggett, Board Clerk