

**MINUTES OF THE PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, FEBRUARY 20, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

CHAIRMAN LUDTKE: Called the Milford Planning and Zoning Board for February 20, 2007 to order at 7:35 p.m.

A. ROLL CALL

Members Present: Scott Willey, Anthony Giannattasio, Jeanne Cervin, Kevin Liddy, Jack Jansen, Frank Goodrich, Pat Champney, Nanci Seltzer, John Ludtke, Chairman.

Not Present: Mark Lofthouse

Staff: David B. Sulkis, City Planner, Peter Crabtree, Phyllis Leggett, Board Clerk.

A. 8-24 APPROVALS

1. **8-24 APPROVAL** Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval of drainage easement relocation to the City of Milford from Connecticut Light & Power Co. at the East Devon Substation at Shelland Street.

Mayor Richetelli: Not aware of the presentation of this matter for 8-24 Approval.

Mr. Sulkis: This is for a storm drainage easement. There are many easements that will be presented for this property. Information on this matter was sent to the board members.

The Mayor requested the matter be brought up at the next meeting.

2. **8-24 APPROVAL** Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval to amend the City of Milford's Capital Improvement Plan for 2006-2011.

Mayor Richetelli: According to Connecticut General Statutes, the Mayor prepares a five-year Capital Improvement Plan for the City. The City is working under last year's CIP from 2006-11, or fiscal years 07-11. Asking to add two items to the current Capital Improvement Plan to include two new items. 1) Parsons Auditorium stage handicapped accessible ramp and 2) The Senior Center divider or replacement wall in the main dining room and the multi-purpose room.

Plan to apply to the State of Connecticut under the LoCip Grant Program for 100% reimbursement for both these items. City of Milford has received 450,000 +/- in the past. \$350,000 of these funds has been used for road improvement. In order to be eligible for LoCip funding, these projects have to be included in the local Capital Improvement Plan. The Mayor described the two projects he proposed for funding.

Ms. Seltzer: What are the chances the City will get this funding.

Mayor Richetelli: No guarantees. The representative in Hartford believes the City will get the grant, but the process has to start here.

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Ms. Seltzer: Does the cost include the architect's costs?

Mayor Richetelli: No, but that is being done by the on-call services within the Engineering Department.

Ms. Seltzer: If we don't get the money, where would we get the funding?

Mayor Richetelli: That would have to be discussed with the Board of Aldermen. Could be taken out of one of the City's "reserve" accounts.

Ms. Cervin: Mayor sounds optimistic. Make a motion to approve the Mayor's request to amend the Capital Improvement Plan for 2006-2011.

Mr. Jansen: Second.

Mr. Liddy: Is the ramp going on the outside or the inside of the building?

Mayor Richetelli: Going on the inside of the building. Looked at a lift as a possibility instead a ramp. The lift would require a lot more maintenance. Would be an intrusion on the stage area itself. Some of the people in the disabled community felt the lift would be an attention draw when in use. By using the ramp in the back of the stage, the person using the ramp would be able to enter the building near the back of the stage and access the stage via the ramp in the back of the stage, not visible from the audience. Closed off by the back curtain.

Mr. Jansen: Total for both projects is \$60,000. Two very important projects. Money well spent.

Mayor Richetelli: Thank you.

All members voted in favor. Motion carried unanimously.

3. **8-24 APPROVAL** Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval for a) Request to purchase the property known as the Cadley Estate located on Old Field Lane (72 Old Field Lane) and Gulf Pond; b) Request to use open space funds for the purchase and c) To approve the sale of lots 3, 4 and 5 to Westwood Ranches, LLC.

Mayor Richetelli: Described the Cadley property. A high priority piece of property as open space by the Open Space Advisory Committee. Gave the history of the property. Upon Mr. John Cadley's passing, the family went before the Planning & Zoning Board and other land associated city agencies to discuss the subdivision of the land. They were granted a six-lot subdivision. This gave the City the benchmark as to how much the City or developer(s) would be paying for the land in the future.

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The Mayor stated the view of Gulf Pond and Gulf Beach (as depicted in the photographs distributed), make this beautiful piece of property ideal for open space. The mayor spoke of his formula for evaluating whether a parcel is fitting for open space. This property meets the unofficial criteria on all fronts. The City was bidding against developers who offered money for the property and developers who advised the family what the land was worth.

The biggest piece of property (Lot #6) is not for sale. The City's plan would be to purchase and keep Lots 1 and 2, plus the open space that the City would have received from the subdivision. Will purchase an historic covenant and deed for the farmhouse on Lot 3. City will purchase Lots 3, 4 and 5 and sell it to the highest bidder, who was Westwood Ranches, LLC. The intent is to do a simultaneous purchase and sale of Lots 3, 4 and 5, with an historic restriction on the farmhouse located on Lot 3. Any additions to the house would have historic restrictions, such as other properties that have been purchased in the past, i.e. Downs House, the Stowe Farm and Treat House at Milford Academy. City cost is \$885,000. The City has the money in open space accounts. Two of these accounts are under the control of the Planning & Zoning Board and permission from the Board is required in order to use these funds. The Mayor asked for three separate motions: 1) for the purchase of the Cadley property; 2) the sale of the property to a developer; 3) authorization to use the funds in the Open Space accounts.

Mr. Goodrich: Made the three motions for approval as the Mayor requested.

Mr. Liddy: Second.

Mayor Richetelli: Gave the amounts of money in the P & Z Open Space accounts. P&Z Open Space fund - \$153,023.16 and Parks Recreation/Subdivision Fund (Golf course) \$138,332. Stated Westwood Ranches LLC would be paying \$1,000,000 for three lots.

Mr. Liddy: Asked if the barn on the property would be retained and if it was to be taken down, would pieces of it be available to the public.

Mayor Richetelli: Could not find historic value in the barns. Property would be owned by Westwood. Do not know what they will do with the barns.

Mr. Liddy: Asked questions concerning how the open space would be used.

Mayor Richetelli: Too soon to know, but would prefer to leave it open.

Five single-family homes could be built on the property with Lot 6 being retained by the family.

Ms. Cervin: Commended this accomplishment by all the people involved, which has been in the works for some time and will be a real asset to the City. Will the open space area be left to the discretion of the Open Space Committee, or by whom, if access to

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this property would be made to the public?

Lettie Malone, Chair of the Mayor's Open Space Advisory Committee. Discussions centered around keeping the area rather pristine, perhaps with a path down to the water for passive recreation or school children studying pond life.

Ms. Cervin: Will this purchase deplete the Open Space funds?

Mayor Richetelli: Yes, but stated there has been reimbursement from the State for previous sales that will be reimbursed back to the City. The Downs house will be sold and the money paid will be going back to the fund (\$360,000).

Ms. Cervin: Asked how this purchase would affect sidewalks in that area on Gulf Street.

Mayor Richetelli: That funding is still there as sidewalks are funded by the Sidewalk Funding Account.

Mr. Goodrich: Asked if sidewalks would be put in at these building lots for safety purposes.

Mayor Richetelli: No plans at present. Houses are very near the street. In the future it would be nice to extend the sidewalks around the entire Gulf Street area, but it would be a large and expensive undertaking.

Mr. Jansen: Asked for clarification of the lots owned by the City on the map that was presented to the Board.

Mayor Richetelli: 00360588-1, 375882A, and a question as to ownership of 23337021A. It is listed as an LLC but we believe it is incorrect. In the process of determining who actually owns it.

Mr. Jansen: Once the plan is completed will be a 3-lot subdivision. Will this be subject to subdivision regulations?

Mayor: We will be receiving 10% on Lot 375882F as open space as part of this plan. Buying 2D, 2E and getting 2F as open space.

Chairman Ludtke: Move to approve the purchase of the Cadley Estate as submitted.

Approve the purchase of the Cadley Estate as submitted - All members voted in favor.

Chairman Ludtke: Moved to approve the sale of Lots 3, 4 and 5 to Westwood Ranches, as submitted:

Approve Sale to Westwood Ranches – All members voted in favor.

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Chairman Ludtke: Move to approve the request to use open space funds as submitted. Approve the use of open space funds - All members voted in favor.

4. **8-24 APPROVAL** Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval for extension of the lease agreement between the City of Milford and NextMedia Outdoor for advertising privileges located on Bridgeport Avenue and New Haven Avenue.

(Mayor submitted revised 8-24 Request. The lease is a new lease, not an extension of the lease, as previously submitted)

Mayor Richetelli: Gave the history of the lease with the billboard company who previously owned the billboard. The location of the billboard is across the street from the Sundae House on New Haven and across the street from the Knights of Columbus Hall on Bridgeport Avenue. The City owns the property on which the billboards are located. The City looked into their lease of the billboards in order to renegotiate the terms of the leases. The billboard company has changed hands three times since the terms of the lease ran out in 1998. NextMedia is the current owner. They own the equipment for the billboards. It would be difficult for another agency to bid on the billboards. The only choices would be to do away with the billboards or take advantage of a lucrative agreement for the City with NextMedia. Declared the City needs the revenue that these billboards provide. The City got a sign on bonus or \$150,000 in addition to increased monthly revenue for the billboards. Described the lease agreement terms as noted in the Revised Request CGS 8-24 memo dated February 20, 2007. The Mayor asked for approval so the City Attorney can meet with NextMedia to work out the fine details of the leases.

Ms. Seltzer: Questioned an aspect of the lease that called for "illumination". Asked to qualify "illumination" and in what manner the billboards are illuminated. This should be spelled out specifically in the agreement.

Mr. Ludtke to Mr. Jansen: Would this qualify as an electronic sign?

Mr. Jansen: Anything new would have to come before the Board, correct?

Mayor Richetelli: Anything new would have to come before the Board for approval.

Mr. Jansen: Other than the fact that the City got a \$150,000 signing bonus, would say don't do it for \$20,000 per year. Believe the billboards are an eyesore.

Mayor Richetelli: The billboard company would spiff up the billboards any way the Board would request. They understand the equipment needs work.

Mr. Ludtke: Upward illumination is not allowed under the zoning requirements. It should be specified that illuminated be downward.

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Ms. Cervin: Detests billboards. Will not vote for approval on this. Not worth sacrificing esthetics for the money involved, even with the signing bonus. The lease period of 25-years is a long time. The City is trying its best to improve the esthetics and appearance of everything from trees on the Post Road to streetscape for buildings. Billboards are disgusting.

Mr. Goodrich: Sounds like they are going to put in electronic billboards. Make sure the agreement makes clear that there will be no electronic billboards.

Mr. Liddy: Cited an article that appeared in the New Haven Register about the billboards now having LED lights that are super bright, i.e. I-95 billboards. Do not think such lighting is allowed in our regulations but it should be stipulated that Multimedia has no plans for these types of billboards.

Ms. Cervin: Regulations do not allow electronic lighting. A 25-year lease is a long time and a lot can happen in that period of time. Regulations can change. Areas around the signs can change. Peoples' esthetic values can change. If we look to the future, we should not keep these signs.

Mr. Jansen: If our board does not approve the lease, will the signs be removed?

Mayor Richetelli: Don't have an answer for that question. If they do not have a lease they could continue an at-will lease unless they were ordered to take them down.

Mr. Jansen: Who would make that decision?

Mayor: Would ask the advice of the City Attorney.

Mr. Jansen: Would like to get that advice before taking a vote.

Mr. Ludtke: Is time of the essence?

Mayor Richetelli: Was looking forward to receiving the money as soon as possible.

Mr. Ludtke: Spoke with John Barrett who owns a billboard company. He said there are some extraordinary State uber laws, which do have the opportunity to quash what the City can do. Do not know if this is something that could come into play but agree this is something the City Attorney should look at. The Board would be more comfortable knowing the ramifications of a no vote versus an approval. Would be prudent to wait.

Ms. Cervin: There may be other ways to get this money to pay electric bills i.e. conservation of energy.

Mayor Richetelli: We are making efforts in this area to conserve energy and save money. Working with municipalities on this through the Connecticut Conference of Municipalities.

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Mr. Jansen: Made a motion to table Item Number 4 for CGS 8-24 approval.

Ms. Cervin: Second.

Mr. Sulkis: Stated under the 8-24 process, if the board turns something down when it goes before the Board of Aldermen they would need a two-thirds vote to approve it instead of a standard vote.

All members voted in favor of tabling Item 4.

Mayor asked for clarification on what is to be asked of the City Attorney.

Mr. Jansen: What will happen to the billboards if the Planning and Zoning Board and the Board of Aldermen deny the lease and what the limitations are in allowing electronic billboards and lighting.

C. PUBLIC HEARINGS

1. **73 GREEN MEADOW ROAD (ZONE R-18)** Petition of Thomas and Roseanne Gauthier for a Special Permit to construct an accessory apartment on Map 108, Block 836, Parcel 125, of which Thomas and Roseanne Gauthier are the owners.

Thomas Gauthier, 73 Green Meadow Road, Milford stated he is petitioning for approval of constructing an accessory apartment for his parents. He understands the stipulations of the agreement.

Mr. Goodrich: Stated everything appeared to be in order from the plans presented.

Mr. Crabtree: The plans speak for themselves. The deck will be shared by the principal occupants

Mr. Jansen: Any plans to cover the deck? If the deck gets enclosed it becomes part of the square footage of the apartment.

Ms. Cervin: Motion to approve the Special Permit request for an accessory apartment on 73 Green Meadow Road.

Mr. Goodrich: Second.

All members voted in favor.

Mr. Sulkis: Reminded the Chair this was a public hearing and the public should be invited to speak.

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Mr. Ludtke: Apologized and asked if there was anyone to speak in favor of this application? Hearing none, asked if there was anyone to speak against? Hearing none, the public hearing was closed.

2. **55 OLD GATE LANE (ZONE LI)** Petition of Congregation Sinai, Inc. for a Special Exception to allow a place of assembly in a light industrial zone on Map 67, Block 810, Parcel 1B, of which Old Gate Realty 2, LLC is the owner.

Thomas Lynch, Esq. 63 Cherry Street, Milford. Representing Temple Sinai, Inc. Seeking a Special Exception for a place of assembly and a place of worship in a light industrial zone. The Congregation is relocating from its present location in West Haven to Milford. Gave a history of Congregation Sinai and its 75 year presence on Washington Street in West Haven, which building was sold. Noted that many worshipers live in Milford and chose to relocate to Milford. The congregation has approximately 100 members. Congregation has a lease back agreement with the new owner until April of this year.

This site is currently the home of ReMax and the dental office of Dr. Quintner. The second floor of the building is vacant containing 1800-1900 SF total. Mr. Lynch described the details of how the rented area would be used by the Congregation via the site plan displayed. Mr. Lynch described the improvements that were made to the infrastructure of Old Gate Lane and how parking is shared with 125 Old Gate Lane with over 200 spaces available. 27 spaces would be required based on the schedule of use by the Congregation. The Congregation's use would complement the use of the building by the other tenants and not interfere with their business hours.

Mr. Jansen: Not sure where the building is.

Mr. Lynch: Described it as the new building where the gas bubble and ball field were.

Mr. Liddy to Staff: Questioned if the building's sanitary facilities could handle the number of people in the congregation.

Mr. Sulkis: Yes.

Ms. Cervin: There are 100 members with seating for 84. If the membership grows, where would they sit?

Mr. Lynch: Stated rarely would everyone be in attendance at one time as services as staggered three times a week.

Mr. Willey: Since this is a house of worship, how would it be taxed?

Mr. Sulkis: Houses of worship are not taxed. The personal property of the Congregation would not be taxed, but the building would continue to be taxed.

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Ms. Seltzer: Only time there is a significant turnout of attendance is during High Holy Days.

Mr. Liddy: Are kitchens allowed?

Mr. Sulkis: Kitchens are allowed.

Mr. Lynch: There would be no cooking on site. If there is any food served it would be brought in or catered.

Mr. Ludtke: Explained the public's right to speak at a public hearing. Asked if any member of the public wished to speak in favor of the application.

Rebecca Olshansky, Co-President Congregation Sinai, 39 Dart Hill Road, Milford. Described her history and association with the City of Milford for twenty-five years, as well as her residency in Milford for fifteen years. Spoke of her enthusiasm that Congregation Sinai would be relocating to Milford.

Mr. Ludtke: Asked if there was anyone else to speak in favor? Asked if anyone wished to speak against the application? Hearing none, the public hearing was closed.

Ms. Seltzer: Made a motion to approve the Application for a Special Exception for Congregation Sinai to establish a place of assembly at 55 Old Gate Lane.

Mr. Giannattasio: Second.

Mr. Jansen: This is very straightforward. It is for the use of an existing space. No problem voting on this tonight.

All members voted in favor. Motion carried unanimously.

3. **566 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Claris Construction, Inc. for an Amendment to a Special Permit to expand the Key Hyundai Dealership on Map 25, Block 385, Parcels 11 and 12, of which LJ2, LLC is the owner.

Gerald Weiner, Esq., 350 Fairfield Avenue, Bridgeport representing the owner LJ2, LLC and the tenant of the property, Key Hyundai of Milford. Requesting an amendment to a Special Permit that was approved approximately eleven years ago. Application is to expand the existing building by approximately 6,000 SF, with an addition of approximately 10,000 to provide for six new service bays, an expansion of the waiting area and a drop-off for cars in the morning. The tenant has been a good neighbor in Milford. Need to expand the facility at this time. The project will provide ten new jobs and esthetically improve the entire look of the property.

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Edward Leavy, P.E., Claris Construction, 10 Shelby Drive, Shelton, CT. The addition involves approximately 10,000 SF, now 6,000 SF building. Actual footprint increases by approximately 7,000 SF. The change in elevation is approximately 3.5 feet across the entire site. There will be a decrease in water runoff due to landscape improvement. The plan exceeds the parking requirements.

Phil Clark, Architect, Claris Construction. Showed two renderings of the final design of the structure. Adding six new service bays, increased customer service area and adding a drop off area for customers. There is an existing parts mezzanine. Façade is standard Hyundai design, blue and gray. Parking meets all the requirements. Drive thru with overhead door in the center of the building. Existing building is very tired. This upgrade is very necessary and will work with the existing surroundings.

Mr. Jansen: Do not see any pictures of ground signs.

Mr. Clark: No additional ground signs, just the existing pylon sign.

Mr. Crabtree: There is a ground sign. They were advised about the banners and they were removed.

Ms. Seltzer: The sign should state the numeric address as stated in the regulations.

Mr. Liddy: Does the Hyundai sign exceed the size allowed by the regulations?

Mr. Crabtree: In CDD-3, signs 15% of the wall are allowed.

Mr. Liddy: Are there examples of the split face block that is going to be used?

Mr. Clark: Do not have a sample. Common face block has a smooth design and will be used in the rear of the building. Split face block is more decorative and will be used on the sides of the building, which will be seen by the public.

Ms. Seltzer: Who will use the parking lot behind the tennis courts?

Mr. Leavy: That area will be used for storage and is not included in the parking area.

Mr. Weiner: The applicant will comply with all aspects of the City's regulations pertaining to signs.

Ms. Cervin: The landscaping will be a nice improvement along Bridgeport Avenue. Asked that the Tree Commission's comments be adhered to.

Mr. Leavy: They have been noted.

Mr. Jansen: Asked for a description of the building material to be used on the front of the building.

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Mr. Clark: The gray is an exterior stucco and the blue is a metal panel.

Mr. Ludtke: Asked if the public would like to look at the drawings. Asked if anyone would like to speak in favor of the application. Asked if anyone would like to speak against the application.

Ms. Seltzer: Asked for the design of the sign proposed to be presented at the next meeting

Mr. Sulkis: Suggested the public hearing remain open to receive a signage plan for all signs for the entire property, with all measurements, and address where applicable.

Mr. Ludtke: The public hearing will remain open to receive said materials.

4. **51-53 ROSES MILL ROAD (ZONE SCD)** Petition of TF Roses Mill, LLC for a Change of Zone from CDD-5 to SCD (Shopping Center District) on Map 90, Block 812, Parcel 44, of which TF Roses Mill, LLC is the owner.

John Cerruzzi, Ceruzzi Holdings LLC, with Ray Sanford of TPA Design presenting two applications. Request to change the zone at 51 and 53 Roses Mill Road known as the Milford Crossing Shopping Center, now partially opened. The front portion of that site along Roses Mill Road is an approximate 1.5 acre piece of property (shown on the map displayed), that is zoned CDD-5. Requesting to change that zone to comply with the rest of Milford Crossing in the Shopping Center District (SCD). There is a building on this site of approximately 17,454 SF. The CDD-5 zone allows for retail use, however, a retail store containing at least 20,000 SF of floor area is the minimum allowed in that use. On that size property it is impossible to build such a building. That is the reason for the request of zone change.

All necessary filings with regard to the zone change have been complied with.

Mr. Goodrich: Is that site going to be merged with the larger site or will it be an individual site?

Mr. Cerruzzi: There is a water course located between this site and the majority of the shopping center. Due to that natural separation we will be proposing a driveway that will connect the properties. On the map it is one property, even though it does not physically connect because of the water course.

Mr. Jansen: According to the Statement of Use, the shopping center will be reduced in size. A large building will be taken down and two smaller buildings will be in its place. The building that was Rob's Deli is now part of the shopping center. In effect, the property has been merged.

Mr. Cerruzzi: Correct.

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Mr. Jansen: Where the second building on the other side of the driveway will go,

Mr. Ludtke: Asked if members of the public would like a recess to view the site plans. Speakers in favor of the application. Speakers in opposition to the application. Hearing none, the public hearing was closed.

4. 1365 **BOSTON POST ROAD** (ZONE CDD-5) Petition of Ceruzzi Holdings, LLC for an Amendment to a Special Permit to demolish one building and construct two buildings on Map 89 and 90, Block 812, Parcels 42, 42B, 44, 45 and 46, of which Trailer Development LLC and TF Roses Mill, LLC is the owner.

John Cerruzzi, representing Cerruzzi Holdings LLC, with Ray Sanford of TPA Design

Showed the overall plans of the shopping center with the two new buildings exhibited on it. Propose to demolish the existing 17,454 SF building that exists today and construct some site work to raise its grade and level it off and construct a new building of approximately 4,363 SF in its place. Also propose to construct a new building of 3,234 SF on the opposite side of the driveway. The property is essentially brush and woods and is a good collector for trash that blows off the Taco Bell located across the road from Roses Mill Road.

At one point the site plan showed this area as a snow storage area. A large portion of the property in the rear has been reallocated for snow storage. The current plans show this change. This application has gone through the Inland Wetlands commission. They are aware of the change in snow storage areas.

Do not have tenants for the buildings as present, therefore, no specifics as to elevations, signage, etc. Will be back with these details when tenants come on to the site. Tenants will not sign on until site plan modifications have been approved. City department approvals have been received and comments and recommendations have been addressed.

Ray Sanford, PE, TPA Design, Willow Street, New Haven. Compliance with City departments comments and recommendations have been incorporated. Public Works' recommendations were discussed with Westcott and Mapes and will be addressed.

Ms. Cervin: Asked if the Tree Commission's comments were taken into consideration.

Ms. Sanford: Yes, that matter was addressed and the trees were changed accordingly.

Mr. Jansen: Has the site plan been changed in any manner other than what has been described and requested?

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Mr. Sanford: The site plan has not been changed in any fashion or form other than addressing the review comments of the various departments.

Mr. Jansen: Chain link gates on both ends of the public access road to be used a nature trail. What is the status of that?

Mr. Sanford: Described the nature trail, the construction of it, and the changes and modifications that were made with the approval of Mary Rose Palumbo, Chairman of the Inland-Wetlands Commission.

Mr. Liddy: Questioned the sidewalks along the property.

Mr. Sanford: Outlined where the sidewalks were.

Mr. Willey: What type of tenants do you foresee for those buildings?

Mr. Cerruzzi: A restaurant and/or a freestanding building such as a bank.

Mr. Ludtke: Asked if there were any members of the public to speak in favor of the application. Any members of the public to speak against the application? There being none, the public hearing was closed.

A short recess was taken.

Mr. Ludtke: Continuing the public hearing on 1365 Boston Post Road. Anyone to speak in favor of the application? Anyone to speak in opposition? Public Hearing was closed.

5. **975 & 989 BOSTON POST ROAD (ZONE CDD-1)** Petition of Blakeman Construction, LLC for a Special Permit to construct a pharmacy at 989 Boston Post Road (building exceeds 10,000 ft. with drive-thru). Petition for Site Plan Review to construct a bank at 975 Boston Post Road. Petition for a Special Exception to allow drive-up/drive-thru window at aforementioned bank. All construction to be located on Parcel 60, Block 825, Assessor's Map 77, of which Blakeman Construction is the owner.

Mr. Ludtke: Applicant received a report this date from Mr. Sulkis and asked if the hearing could be opened and then continued to the next meeting, in order to give the applicant time to bring the information necessary.

Mr. Liddy: Will we be looking at a new site plan?

Mr. Sulkis: That is up to the applicant and his attorney.

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Christopher Smith, Esq., Shipman & Goodwin, Hartford, CT, on behalf of Blakeman Construction, LLC, the owner/applicant, hopeful to reconfigure one of the buildings and reduce the size of the other to accommodate Mr. Sulkis' comments received on arrival this evening. Do not anticipate a major modification to the site plan. Would not want to substantially change the plan.

Mr. Jansen: Made a motion to continue the public hearing until the board receives additional information.

Ms. Seltzer: Second.

Mr. Smith: Understanding that the public hearing is continued to the next meeting date of March 7th?

Mr. Ludtke: Yes.

6. **EXISTING SETBACK LINES TEXT REGULATION CHANGE** Proposal by the City of Milford to change the text of Article IV, Section 4.1.8 to eliminate allowing buildings to be closer than the minimum required zoning set back.

Mr. Crabtree: Gave the background of the uniform setback requirement in the zoning regulations. Apparently this got changed and it said you could also be line if the houses were closer than the minimum setback. Upon making this discovery the regulation did not make any sense. The proposal is to take out reference to have a uniform setback lesser than the minimum specified table. This comes down to the omission of two words.

Mr. Seltzer: How will this affect the application that precipitated this text regulation change?

Mr. Crabtree: The application was taken out before the change, so it did not apply.

Mr. Liddy: What would happen with the next application if this was not changed?

Mr. Crabtree: Anyone could come in and say we don't need to comply with that chart because all the houses are closer to the street, so who needs the chart? They could pick and choose which one they want to take. It should not work that way.

Mr. Ludtke: Anyone to speak in favor of this change of wording?

Lily Flannigan, 44 Prospect Street, Milford. Asked for Section 4.1.8 to be read to her as it would now be.

Mr. Sulkis: This is a public hearing and it is not the place for the Board to give testimony. Purpose of the public hearing is for comment on this application, should she like to provide the Board with her insight.

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Mrs. Flannigan: Asked how she could get the exact wording. Asked if she could see Mr. Sulkis in his office the next day.

Mr. Sulkis: Of course, the information is on file. The file is available in the office and has been so since it was advertised.

Mrs. Flannigan: Thank you.

Mr. Ludtke: Gave Mrs. Flannigan a copy of the text regulation change and said she could make comments after she read it.

Mrs. Flannigan read the copy of the text regulation change and had no further comments.

Mr. Ludtke: Asked if there was anyone to speak in favor or against the proposed text change. There being none, the public hearing was closed.

Mr. Jansen: Made a motion to change the wording of Section 4.1.8 Existing Setback Lines, to eliminate allowing buildings to be closer than the minimum required zoning setback.

Mr. Goodrich: Second.

All members voted in favor. Motion carried unanimously.

D. OLD BUSINESS

1201 BOSTON POST ROAD (ZONE SCD) Petition of John Knuff, Esq. for an Amendment to a Site Plan Review for an expansion of a previously approved waiver for parking on Maps 78, 79 and 80, Parcels 40A/A, 32, 40C and 13A, of which the Connecticut Post Limited Partnership is the owner.

Mr. Sulkis: Nothing new to report. Put in a call to the applicant's attorney. Have not received a response.

E. NEW BUSINESS

485 ANDERSON AVENUE (HUNTERS RUN) SUBDIVISION – Request of Tom Collucci for the return of surety bond, less 10% maintenance, for adequate completion of the five-lot subdivision known as Hunters Run, in accordance with the approval of Bruce Kolwicz, Director of Public Works.

Mr. Jansen: Made a motion to approve the return of the surety bond as requested.

This is a nice development. The street is finished. No reason to hold the bond.

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Mr. Goodrich: Second.

All members voted in favor. Carried unanimously.

F. LIAISON REPORTS

Ms. Seltzer: Walnut Beach Association: President of the Association announced that the realtor from ReMax will be coming to speak about the construction of the site over at Walnut Beach on the second Monday in March.

Devon Revitalization Association: They got their big quotes for Phase III, which will run along Bridgeport Avenue from Karema to Camden Street.

Mr. Liddy: Went to first meeting of the Police Commission. 999 Milford Point Road was brought up. Mr. Liddy discussed the situation at that address.

Mr. Jansen: Two meetings coming up: March 22, CT Federation of Planning & Zoning Agencies dinner. Discussion will include alternatives to affordable housing 8-30g. Cost will be \$36 per person.

CT Planning Association is presenting a seminar on Saturday, March 17, 2007 on Connecticut land use law. The cost is \$40 per person. The Planning & Zoning budget will pay for those who would like to attend.

G. APPROVAL OF MINUTES - (2/6/07)

Mr. Liddy: Motion to approve.

Ms. Seltzer: Second.

All members voted in favor. Motion carried unanimously.

H. CHAIRMAN'S REPORT

Mr. Ludtke: Discussed an article presented to all members concerning Ex Parte Communciations and what it represents. Basically, no application that comes before the board should be discussed with any outside parties, i.e. the press.

I. STAFF REPORT

Mr. Sulkis: New file system is in place. The staff is getting adjusted to it.

Also, at the next meeting new regulation changes will be proposed to the board.

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Mr. Goodrich: Motion to adjourn.

Approved unanimously.

The meeting adjourned at 10:20 p.m.

Phyllis Leggett, Board Clerk