

**MINUTES FOR THE REGULAR MEETING
OF THE PLANNING & ZONING BOARD
HELD TUESDAY, MARCH 1, 2011; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the March 1, 2011 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender, Gregory Vetter, Vice Chair; Janet Golden, KathyLynn Patterson, Victor Ferrante, Kevin Liddy, Susan Shaw, Chair.

Not Present: Robert Dickman, George Gasper

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

C. PUBLIC HEARING CLOSED 1/18/11; Expires 4/5/11

1. **2007 BRIDGEPORT AVENUE (ZONE CDD-3)** – Petition of Sammer Karout for a Special Exception and Site Plan Review to allow the establishment of a hookah lounge to be located on Map 43, Block 543, Parcel 25, of which Jaser Enterprise LLC is the owner.

Mme. Chair: The Board has tonight received a copy of the document prepared by the City Planner. It has the definition of Section 7.3 Special Exceptions, as well as clarification over the parking requirements, as well as a draft motion that includes all the options open to the Board. Just as a reminder, on a Special Exception, it does require a 2/3 vote. I am going to ask City Planner, Mr. Sulkis, to go over the material that he has provided.

Mr. Sulkis: Reviewed and explained the information he distributed to the Board: The Special Exception Regulation Section 7.3, to remind the Board of the criteria for Special Exceptions. The parking requirement that the Board had requested at the last meeting, broken down as to the different uses that are there. If the Board moves forward with approving the application, the recommended parking waiver would be 90 parking spaces. There are 36 parking spaces currently on the site. The applicant and property owner are working with the DOT to secure a lease for 20 parking spaces, which would give that property a total of 56 available parking spaces. The application, when combined with all the other uses that are on that site require 146 parking spaces. The difference between the 146 parking spaces and the 56 parking spaces, would be a waiver of 90 parking spaces.

There are three choices for the motion: Approval with conditions; Deny Without Prejudice; or Denial.

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The site plan that was submitted earlier showed a dance floor. The Board would have to rule on whether or not the approval would include dancing. He reviewed the other conditions that were listed on the motion that was submitted.

Mr. Vetter: Asked about the spaces in the rear.

Mr. Sulkis: Not counting them. They are not on the property and cannot be counted as official parking spaces.

Mr. Vetter: Asked about the businesses that close earlier.

Mr. Sulkis: Indicated where that calculation was indicated with an asterisk on the parking requirement sheet he had provided.

Mr. Vetter: Asked about the business hours of the Olive Tree Deli.

Mr. Sulkis: Currently they say they close at 8:00 pm, but if the lounge is open and the deli may be the source of food for the lounge, it would be realistic to think those hours might change.

Mr. Liddy: They are short parking spaces. If the Hookah Lounge is successful there may be lines to get in and the need for additional parking may come about. They may want valet parking, which could present another problem.

Mr. Vetter: His personal experience with this property is that it is not a congested area. He does not see this as an overused parking lot, especially at night.

Mr. Mead: The 20 parking spots that need to be leased from the State are being used now. Is anyone leasing the parking spaces from the State?

Mr. Sulkis: No. The lease is supposed to be between the property owner and the State.

Mr. Liddy: Stated it should be the landlord who secures the State's lease to park in that designated area.

Mr. Sulkis: The property owner is attempting to get the lease from the State.

Mme. Chair: Looking at the current use of parking in that center. If another restaurant opens which is allowable, it may have a more intense use. They are under spaced now for the businesses that they have. Her concern is that any of those businesses could change and be more intensive and the parking would become difficult. There is not enough parking according to the calculations for the businesses that are currently there.

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Mr. Bender: The Board should be careful about what it speculates. A lot of time leases, such as Dorsey's Pub, have an agreement that no other restaurant can go in there. Pop's has that in their strip mall. Without all the information, the Board should not look at what could or could not happen. By assuming things it might slant the Board's vote and not pertain to what the Board is looking at.

Mme. Chair: Stated the definition of a Special Exception would promote the public health, safety, welfare, morals, order comfort, convenience, appearance, prosperity of general welfare. It gives the Board great latitude as to the use. When she looks at it she questions does the use increase or improve that. Questioned is this the best use. No convinced, given the parking and other uses that are currently there, or some future businesses that may want to be there that would be allowed.

Mr. Liddy: Referred to the "morals" aspect of the Special Exception regulation and noted when the restaurant "Hooters" came to Milford, the morals police came out in full force against the application claiming it would be a black eye for the town; children would be corrupted, etc. The common sense of the Board prevailed and a Special Exception was granted for the restaurant. It has proven to be a very good corporate citizen. There has been fundraising for local charities and there has never been a problem with the staff or with the patrons. He said the morals aspect stated in the regulation was not appropriate for this type of application.

Mme. Chair: Noted she was referring to the wording of the regulation and not to the specific application.

Mr. Liddy: Made a motion to approve 2007 Bridgeport Avenue, the petition of Sammer Karout for a Special Exception and Site Plan Review to allow the establishment of a hookah lounge to be located on Map 43, Block 543, Parcel 25, of which Jaser Enterprise LLC is the owner, with the conditions stated in the Draft Motion Options dated 3/1/11 submitted by David Sulkis, City Planner.

Mrs. Golden: Second.

Mr. Ferrante: Mr. Ferrante questioned the approval of the dance floor and what the ramifications of such approval would be.

Mr. Sulkis: The motion that Mr. Liddy read said the Board shall allow the dance floor.

Mr. Ferrante: Since the maximum number of people allowed would be 40, it would not seem that the allowance of the dance floor would affect the number of people allowed.

A vote was taken: Six members present voted in favor of the motion to approve. Mr. Bender and Ms. Shaw opposed. The motion failed.

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Mr. Sulkis: If there are only six affirmative votes according to the regulations, because it is a Special Exception, the regulations specifically call out a two-thirds, in this case it is a seven member vote of the entire board. With only six votes, the motion would fail.

Mme. Chair: The motion fails.

Mr. Liddy: Questioned if it was 2/3 of the people present or 2/3 of the Board?

Mme. Chair: Two-thirds of the Board. She noted it was in the first line in the definition...She read as follows, "The Planning and Zoning Board shall hear and decide, approval shall require a two-thirds vote of the entire Board."

Mr. Vetter: Point of Order. Said there was an issue. The Board took a motion and voted on it without this being clear. It was not made clear that a 2/3 vote of the entire board was required.

Mme. Chair: Seven votes were needed no matter what.

Mr. Vetter: The applicant is being penalized because the full board is not present.

Mme. Chair: Stated she has made it clear this is a two-thirds vote and does not want the applicant to think that it was never made clear. For the record, It is the responsibility of the chair to make sure that it is clear that it requires a two-thirds vote.

D. NEW BUSINESS

2. REQUEST TO PURCHASE CITY PROPERTY – WAY STREET

Request by Greg Field and Warren Field, Jr., to purchase vacant land on Map 25, Block 217, Parcels 7 & 8 and Map 25, Block 218, Parcels 12 & 13, in Zone R-12.5, of which the City of Milford is the owner.

Mme. Chair: The Board is hearing this because the notice was not posted properly on the agenda. It is the same information that the Board heard at the last meeting.

Mr. Vetter: Moved to approve the request by Greg Field and Warren Field, Jr., to purchase vacant land on Map 25, Block 217, Parcels 7 & 8 and Map 25, Block 218, Parcels 12 & 13, in Zone R-12.5, of which the City of Milford is the owner.

Mr. Liddy: Second.

Mr. Ferrante: Reiterated his question at the last hearing on this procedure in that the request to purchase City owned land comes to the Planning and Zoning

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Board first. Even though it is sent to the City agencies, the Planning and Zoning Board is the standard bearer. Not sure they have enough information to decide to sell land that may or may not be valuable to the City in the future. Asked to have this procedure looked into.

Mme. Chair: Said she had a conversation with Mr. Sulkis and it was to be taken under the Chair's report asking for a procedure based on the comments that the Board had last time.

A vote was taken: Six members voted in favor of the motion. Mrs. Patterson opposed the motion. Mrs. Golden abstained.

3. **135 NEW HAVEN AVENUE (ZONE MCDD)** Petition of Robert Stanton to construct a family room addition and an apartment over an existing garage on Map 55, Block 502, Parcel 12, of which Marta and Robert Stanton are the owners.

Robert Stanton, 135 New Haven Avenue. He and his wife are applying for an apartment over an existing garage. It is an existing space. Adding two dormers to the back side of the building and the deck and to also connect the two buildings together with a more permanent structure. There is a structure that is actually a covered deck. Looking to add a more permanent structure that will be used as a family room and a small two story addition on the side of the house would have a bathroom downstairs off the family room and the upstairs area would be used for a larger bathroom for the existing bathroom.

Mr. Liddy: Asked if the apartment would constitute a two-family home and was this allowed?

Mr. Sulkis: This is allowed in the MCDD. It is a similar situation to the approved application on 135 Gulf Street that the Board approved recently.

Mr. Vetter: Moved to approve the application.

Mr. Mead: Second.

All members voted in favor.

4. **957 WEST RIVER STREET** - Request by Warren Field, Jr. for a one-year extension of a 3-lot subdivision approval granted by the Planning and Zoning Board on June 10, 2010.

Mr. Sulkis: This is administrative in nature. He has asked for an extension of time to file the mylar for the subdivision that had been approved by the Board on June 10, 2010.

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Mr. Liddy: Moved to approve the request for a one-year extension to file the mylar for the previously approved subdivision.

Mr. Vetter: Second.

All members voted in favor.

E. TABLED ITEM FROM 2/15/2011 MEETING

5. REQUEST TO PURCHASE CITY PROPERTY – HARRIET AVENUE

Request by Joanne Haydusky to purchase vacant land located on Map 25, Block 216, Lot 20, Zone R-12.5, of which the City of Milford is the owner.

Joanne Haydusky, 413 Meadowside Road. Has a small backyard. Would like to add this parcel to her property for use as a garden. Submitted a photograph of the property in question.

Mr. Sulkis: Repeated the role that the Board plays in the requests to purchase City property. It is only a recommendation that there is no objection to selling this portion of City owned property. He explained the procedure that the City will follow before these properties are sold.

Mrs. Golden: Has seen this property and understands why the applicant would want to buy that piece of property.

Mr. Bender: Questioned why the applicant thought she was the only person who could benefit from owning this property.

Ms. Haydusky: This property is attached to her back yard and someone would have to cut through her back yard to get to any other property. Behind the property there are only trees and a swamp area.

Mme. Chair: The City has the right to sell the property and people have the right to ask to buy it. The applicant is asking for the right to buy it. The Board is only allowing the property to be sold but is not determining who it is being sold to.

Mr. Sulkis: Agreed. These are only requests of the City. The City is under no obligation to grant the requests. It ultimately comes down to the Mayor's office and Board of Aldermen on how to handle these properties. Her further explained the process of purchasing City property.

Mr. Mead: Knows this property well. Harriet Street is a paper street. The street coming into it is Way Street where the Fields want to develop. The only way

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Harriet Street would be developed is if the Fields continued to acquire more lots. Where the applicant lives there is no access off Meadowside Road.

Mr. Vetter: Motion to approve.

Mrs. Golden: Second.

All members voted in favor.

F. OLD BUSINESS

6. **23 BAYSHORE DRIVE (ZONE R-5)** - Petition of Quality Craft Builders, LLC for Revised Site Plan Review approval to construct stairs to an unfinished attic area, on Map 29, Block 565, Parcel 2, of which Kristen Arisian is the owner.

Mrs. Golden, Mrs. Patterson and Mr. Liddy recused themselves from participating.

Mme. Chair: There are only five members tonight. There is not a quorum. Due to the time frame, the Board is required to make a decision by March 10th.

Tom Lynch: Offered to grant an extension until the next meeting.

The three members who recused themselves re-entered the meeting at 8:16 pm.

G. PROPOSED TEXT REGULATION CHANGES

At the last meeting asked Ms. Harrigan to put together information on fences on the Housatonic.

H. PLAN OF CONSERVATION AND DEVELOPMENT

Asked Ms. Harrigan for an update and a time line has been distributed to the Board.

Mr. Sulkis: Went to a meeting of Milford Progress. They hired a consultant, who may be the consultant they used previously, Alan Platus. Might ask Mr. Platus to be the consultant for the new POCD. Would help with the shoreline and density.

Mr. Bender: It appears the Board is behind in the time line of the projection.

Mr. Sulkis: Disagreed and stated meetings, maps and other areas have taken place.

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Mr. Vetter: Thought the Board should consider what it needs before a consultant is hired. Question is how the book will be organized and how the sections will be determined. Right now the way it is structured,

Mr. Sulkis: The guidelines direct the format. There will be special meetings. Can be a general meeting with workshops or charrettes within that meeting.

I. LIAISON REPORTS - None

J. APPROVAL OF MINUTES – (2/15/11)

Mr. Vetter: Approved.

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

Mr. Liddy: Second.

All in favor.

K. CHAIR’S REPORT - None

L. STAFF REPORT

Mr. Sulkis met with the Mayor’s OpenSpace Task Force on farming.

He noted his new office location.

Mr. Liddy: Motion to adjourn.

Mrs. Golden: Second.

All members voted in adjourn the meeting at 8:30 p.m.

Phyllis Leggett, Board Clerk

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