

**MINUTES FOR TWO (2) PUBLIC HEARINGS  
OF THE PLANNING AND ZONING BOARD  
HELD WEDNESDAY, APRIL 16, 2014 AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Acting Chairman Edward Mead called to order the April 16, 2014 meeting of the Planning and Zoning Board at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

**MEMBERS PRESENT:** Terrence Copeland, Michael Dolan, John Grant, Edward Mead, (Acting Chairman); Carl Moore, Tom Nichol, Tom Panzella, Jim Quish, Jeanne Cervin (8:23 PM)

**NOT PRESENT:** Ben Gettinger, Chairman

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

Acting Chairman Mead made an announcement that the application for 1556 New Haven Avenue would not be heard tonight, and is postponed to the next Planning and Zoning meeting scheduled for May 6, 2014.

**C. EXECUTIVE SESSION**

1. **Millwood Properties, LLC v. Milford P&Z, 141-159, 146 Merwin Avenue**  
Discuss pending litigation.

The Planning and Zoning Board, as well as Debra S. Kelly, Assistant City Attorney and David Sulkis, City Planner, went into Executive Session at 7:38 returned at 8:19 p.m.

Acting Chairman Mead stated the Board was now out of Executive Session.

**Motion:** Mr. Moore made the motion to approve the settlement of Milwood Properties, LLC v. Milford Planning & Zoning, 141-159 Merwin Avenue, as discussed in Executive Session, with the following conditions:

1. Placement of no fewer than twelve (12) cement planters between the parking lot and residential units measuring approximately:
  - 18" – 24" high; 24" wide and 6' long
  - Each planter shall weigh at least 1,000 pounds, such that there is no greater than four feet of spacing between planters.

The Affordable Housing Plan shall comply with Connecticut General Statutes Section 8-30g and all supporting regulations to the satisfaction of the City of Milford, Department of Community Development.

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**Second:** John Grant seconded the motion.

**Discussion:** None.

**Vote:** Eight members present voted in favor of approving the settlement.

**D. 8-24 APPROVAL – Donation of the James R. Mattioli Playground**

2. Approval requested by the Where Angels Play Foundation under Section 8-24 to accept the donation of the James R. Mattioli Playground at 150 Gulf Street, Milford.

**Paul Piscitelli, Director of Recreation, City of Milford:** Stated that the Where Angels Play Foundation is in the process of building 26 playgrounds throughout the Tri-State area to honor the 26 victims of the Newtown shootings. Milford was fortunate enough to receive the 17<sup>th</sup> playground, which was approved by the Parks, Beach and Recreation Commission and was opened on March 22, 2014.

**Motion:** John Grant made a motion to approve the CGS 8-24 request for the acceptance of the playground donated by the Where Angels Play Foundation.

**Second:** Tom Panzella seconded the motion.

**Discussion:** None.

**Vote:** All members voted in favor of approval.

**Motion:** Approved.

**E. NEW BUSINESS**

3. **73 BEACH AVENUE (ZONE R-7.5)** – Petition of Wayne Garrick, for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 71, Block 755, Parcel 4, of which Dr. Stanley Einbinder is the owner.

**Wayne Garrick, Architect, 291 Whitney Avenue, New Haven, CT.** A correction was noted on drawing SP-2, which noted the finished floor elevation was 14. It has been corrected to elevation 15.2, which was corrected on Sheet SP-3.

The house was a victim of both storms and has recently been demolished. It was in litigation but the matter has been resolved.

The new residence complies with all the zoning regulations with regard to setbacks, height, crawl space height, as well as impervious surface. The new residence will require minimal grading at elevation 10. The house is in two flood zones. There is a line between the VE 14 zone. The deck is in the VE 14 zone, but the house itself is in an AE 12 zone. The entire house will be constructed in accordance with the VE 14 standards.

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The house will be on piers which will allow flood waters to pass underneath it, therefore increasing the pervious surface in order for it to manage the storm water than what was formerly there, which was a house with a crawl space. Due to the size of the new house, the impervious surface has been increased by approximately 6%, but that is well below what is permitted. 60% is permitted, but the house will be at 37.5%. A rain garden is proposed for storm water control.

**Ms. Harrigan:** Had no comments.

**Motion:** Mr. Nichol.

**Second:** Ms. Cervin.

**Discussion:** None.

**Vote:** All members voted in favor.

**Motion:** Approved.

4. **667 BRIDGEPORT AVENUE (ZONE CDD-3)** – Petition of Sanford Realty, LLC for Site Plan Review approval for expansion of a car dealership to add to the vehicle display area on Map 25, Block 207, Parcel 41, of which Sanford Realty, LLC is the owner.

**Raymond Macaluso, Owner, Westcott and Mapes, Inc., 142 Temple Street, New Haven.** The site address is 667 Bridgeport Avenue and is the former Armellino's Restaurant which has been demolished. The total area of the property is approximately .56 +/- acres. The abutting property to the west is the Chevrolet of Milford automobile dealership identified as 665 Bridgeport Avenue, and is approximately 2.55 +/- acres. The purpose of this project is to expand the automobile parking lot inventory and display area from 655 to include the area on 667 Bridgeport Avenue. Temporary approval for this application was given by the Board on January 7, 2014.

Tonight's application is for the full plans for that project. The project includes an efficient reconfiguration of the parking area in the northeast portion of the site with added parking onto 667 Bridgeport Avenue. The combined properties, (including the restaurant), contain a 247 spaces. Under the proposed conditions, a total of 310 spaces will be provided. The project will result in a reduced traffic impact on Bridgeport Avenue because the Bridgeport Avenue entrance has been closed. The existing driveway on Meadows End Road will be closed, and will be used for emergency access only. The added buffers and vegetated areas under the proposed project result in an overall increase of approximately 1900 SF. This will reduce the storm water runoff and the existing storm drainage patterns are not going to change.

The proposed lighting complies with the City of Milford regulations. There is a change in the lighting plan because the owner is moving to LED lights which will allow a 73% reduction in energy costs. (The new plans were distributed to the Board members.)

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The photometrics are the same as the plan submitted previously, but the new plans show the lights as being LED.

Approval from the City departments have been received, with the exception of the Tree Commission which was just received. The report indicates the 665 property is not in compliance from its previous site plan approval. A few trees were damaged during the storm over the last couple of years. The owner removed them and the Tree Commission recommends putting them back. The owner is willing to do this.

Mr. Macaluso requested a 60-day period in order to get 665 Bridgeport Avenue back in compliance. The Tree Commission also had concerns on the trees at the 667 Bridgeport Avenue. They want additional trees and of a different species than what had been proposed. He will meet with the owner and the Tree Commission in a week to resolve the two issues.

Mr. Macaluso requested conditional approval of the application based on the applicant and the Tree Commission coming to an agreement on the Tree Commission's comments. If that is not accomplished in sixty days, the City Planner can impose a Cease and Desist order on the subject property.

**Mr. Sulkis:** Had nothing to add, other than he had reviewed the new photometric plan which matched the previous plan provided.

The questions posed by the Commission members were responded to by Mr. Macaluso with regard to color cast by lighting; fence bordering the residential properties, access by trucks; emergency access only via Meadows End Road.

**Motion:** Ms. Cervin made the motion for approval subject to the Applicant complying with the Tree Commission's comments on 665 and 667 Bridgeport Avenue within 60 days. If that is not accomplished the City Planner will impose a Cease and Desist Order on the property.

**Second:** Mr. Grant

**Discussion:** None.

**Vote:** All members present voted in favor of approval.

**Motion:** Passed

**F. PUBLIC HEARING**

5. **691 EAST BROADWAY (ZONE R-5)** – Petition of Joelvito Villaluz, PE, for Special Permit and Coastal Area Management Site Plan Review approval to construct a single family residence within 25 feet of high tide, on Map 22, Block 424, Parcel 7, of which Victor Ng and Poh Choon Kim are the owners.

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Acting Chair Mead read the instructions for speaking at the public hearing.

**Joelvito Villaluz, PE. Senior Project Engineer, Fuller Engineering and Land Surveying, 525 John Street, Bridgeport CT 06604.** Proposing to elevate the current house; eliminating the decks and constructing a smaller deck on the raised structure, which will be 24' x 10'. The property owner went before the Zoning Board of Appeals with a 14' x 24' deck. The measurements have been reduced for Planning and Zoning application purposes as recommended by Staff.

The purpose of the project is to elevate the house to be above the FEMA flood plain. The structure will be located on Zone VE-13, which is based on the current flood map dated July 18, 2013. The current footprint is 1,773 SF and a 1,430 SF is now being proposed. All downspouts will be connected to a perforated flexible pipe, which will be buried at a minimum of two feet into the ground. The entire structure is unstable and beyond substantial improvement and is being considered a new structure.

The comments made by John Gaucher of the DEEP have been addressed, which included an erosion control barrier fronting the LI Sound, and 2) Incorporating a breakaway slab at the concrete surface of the 22 x 22 garage on the first level.

**Ms. Harrigan:** This project is very close to the high tide line. In terms of construction phasing they will have to be careful in view of weather conditions.

**Ms. Cervin:** Questioned the comment by the Engineering Department concerning the obstruction of the right of way at East Broadway. Asked how that will be addressed.

**Mr. Villaluz:** There is a staging area to the north side of the property. There will also be a chain link fence. There will be no construction material beyond the property.

**Mr. Mead:** Asked if anyone wished to speak in favor of the application? (No response)  
Asked if anyone wished to speak against the application (No response).

Acting Chairman Mead closed the Public Hearing.

**Motion:** Ms. Cervin made a motion for approval with the understanding that the sewer detail will be added prior to the issuance of the permit.

**Second.** Tom Nichol.

**Discussion:** None.

**Vote:** All members present voted in favor of approval.

**Motion:** Approved.

Acting Chairman Ed Mead made another announcement that the hearing on 1556 New Haven Avenue has been postponed to the next meeting date of May 6, 2014.

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6. **1556 NEW HAVEN AVENUE (ZONE R-7.5)** – Petition of Kevin J. Curseaden, Esq. for Special Permit, Coastal Area Management Site Plan Review and Site Plan Review approval for 8 residential units (2 existing), on Map 82, Block 787, Parcel 3, pursuant to Connecticut General Statutes Section 8-30g, of which Bella Properties Milford, LLC is the owner. **(Postponed to May 6, 2014)**

**G. OLD BUSINESS - PUBLIC HEARING CLOSED 4/1/2014**

7. **1770 BOSTON POST ROAD (ZONE CDD-5)** Petition of Richard Michaud for Special Permit and Site Plan Review approval for indoor batting cages on Map 109, Block 804, Parcel 17, of which M & K Post Road Associates is the owner. Remand by Judge Matasavage to reopen the public hearing solely to consider the photometric survey filed on or about October 1, 2009, allow any cross examination of the proponents of the survey, and allow public to present their own expert testimony or comment regarding the photometric plan and directing the Planning and Zoning Board to reconsider its prior decision in light of the photometric plan.

**Acting Chairman Mead:** The Board has read over the information provided to them. He reviewed the zoning regulations with regard to lighting, and in particular light trespass. Section 5.2.3.1 states it is allowable up to .5 foot candles over the property line in the business district area. He had mentioned at the last meeting if the property owner could angle the lights to go into the area to give it some light, it would be safer for walking in that area. It would alleviate the problem that has been brought before the Board.

**Ms. Cervin:** The lighting regulations seem to meet the Board's requirements. The owner had stated at the previous meeting he would do some adjusting if necessary.

**Acting Chair Mead:** Who owns the easement?

**Mr. Sulkis:** The easement is on Mr. Kaoud's property and goes up to the property line which runs next to the building.

**Motion:** Mr. Quish made a motion to let the original Board's decision stand.

**Second:** Ms. Cervin.

**Discussion:** None.

**Vote:** All members voted in favor of approval.

**Motion:** Passed

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**H. LIAISON REPORTS**

**Ms. Cervin:** The Board of Aldermen met last Thursday. Long discussion at the BOA budget meeting concerning the eliminating the Assistant City Planner position. There is still time to speak on behalf of Emmeline Harrigan's position. The decision most likely will be made on May 5<sup>th</sup>.

**Mr. Copeland:** Golf Commission liaison. The Golf Commission had a meeting at the golf course. They approved a \$5,000 expenditure for trees that were damaged and they had to get them de-stumped. This is a profit making operation for the City. The weather has had a great effect on golf outings. Up to March of this year there have been 290 golf outings compared to almost 2,000 two years ago.

**Mr. Mead:** Noted the Police Commission cancelled its meeting.

**I. APPROVAL OF MINUTES – (4/1/2014)**

**Tom Nichol:** Motion to approve.

**John Grant:** Second.

**Discussion:** None.

**Vote:** All members voted in favor of approval of the Minutes.

**J. CHAIR'S REPORT**

**Acting Chairman Mead:** Debra Kelly gave him the "Plaintiff's Motion to Withdrawl Administrative Appeal", Grillo Organic Inc. vs. City of Milford Planning and Zoning Board.

**Mr. Sulkis:** They have to comply with the orders the Board originally gave them.

There will be a Regulation Subcommittee meeting on Tuesday, May 6<sup>th</sup> at 6:30 p.m. Members are: Chairman Gettinger; Vice Chairman Cervin, Jim Quish, John Grant and Carl Moore.

**Acting Chairman Mead:** Asked if anyone attended the Land Use Seminar held on April 5<sup>th</sup>.

**Mr. Moore:** Attended the seminar. Found the classes he attended very informative. He will provide the Board with the link of the presentations that were made. There will be more courses offered this summer.

**K. STAFF REPORT – None.**

**Acting Chair Mead:** Noted he enjoyed filling in for Chairman Gettinger, who had a

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previous engagement and for Ms. Cervin who was arriving late. He enjoyed filling in and it was noted he did an outstanding job.

**Mr. Grant:** Motion to adjourn.

**Mr. Nichol:** Second.

All members voted to adjourn the meeting at 9:08 p.m.

Respectfully submitted,

*Phyllis Leggett*  
Phyllis Leggett, Board Clerk