

**MINUTES FOR THREE (3) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JULY 17, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the July 17, 2012 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Ward Willis, Jeanne Cervin, Ben Gettinger, John Grant, Edward Mead, (Vice Chair); Dan Rindos, Michael Casey, Joseph DellaMonica, Tom Nichol, Mark Bender, Chair.

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

- C. 1. CGS 8-24 APPROVAL** - To allow the Milford Transit Authority to place a bus shelter on City owned property adjacent to 580 Bridgeport Avenue via a license agreement between the City and Milford Transit.

Henry Jadach, Executive Director of Milford Transit District. Looking for Board approval to go before the Board of Aldermen to enter into a license agreement with the City to put a slab down at the driveway of 580 Bridgeport Avenue. He distributed material to the Board which was date stamped into the record. The original plan for the slab has been changed over the years and the slab will have to be pushed back and will partially be on City property. The pad is 7.5 feet by 14 feet. There is an existing sidewalk which will be extended. The traffic control, which has been inoperable, has been revamped by the State of Connecticut. There is also a cross walk and a handicapped accessible sidewalk portion will be put at the end of the crosswalk. Approvals needed from the City departments as well as the Regional Water Authority have been obtained. When the project is complete DOT will give its approval as well.

Mr. Sulkis: Had no comments to add.

Mr. Mead: Made a motion to approve the CGS 8-24 request to allow Milford Transit District to obtain a license agreement with the City of Milford to place a bus shelter on City-owned property adjacent to 580 Bridgeport Avenue.

Mr. Casey: Seconded.

Mr. Mead: Amended his motion to include the conditions put forth by Sergeant Sharoh, Traffic Division, Milford Police Department.

Mr. Casey: Seconded the amendment to the motion. He noted this bus shelter was very much needed in this area and he is glad there will be a shelter for people to stand in to catch the bus.

All members voted in favor of approval.

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D. NEW BUSINESS

2. **25 LAJOIE LANE (ZONE R-30)** – Petition of John Paul Kim for Site Plan Review approval to build a chicken coop and raise chickens on Map 52, Block 939, Parcel 11, of which John Paul Kim is the owner.

John Paul Kim, 25 Lajoie Lane. Proposal is to have chickens in his backyard; house them in a chicken coop and chicken run. The coop measurements are 6' x 6' with an adjoining chicken run which measures 4' x 8'. The plans are to store food for the chickens in an enclosed container in an existing shed. The chicken manure will be properly disposed of.

Ms. Harrigan: This property is over two acres in size, but part of the property is Lily Pond. She and the Inland Wetlands officer conducted a site inspection of the property and Inland Wetlands gave an administrative sign off given the accessory nature of the structures. Health Department stated the conditions of food enclosure and manure management in its response.

The chickens are already on the property. The purpose of raising the chickens is primarily for eggs; not for slaughter or commercial use. Would like to keep 8-13 chickens depending on whether they are male or female. The allowed limit will be 20 chickens, of which one can be a rooster. There will be an annual site inspection of the property to make sure the chickens are being kept in accordance with the poultry regulations.

Ms. Cervin: Made the motion to approve the petition of John Paul Kim for Site Plan Review approval to build a chicken coop and raise chickens on Map 52, Block 939, Parcel 11, of which John Paul Kim is the owner. A total of 20 chickens, to include one rooster will be allowed. There will be a site visit to the property to assure compliance, one year from date of approval

Mr. Willis: Second.

All members voted in favor.

E. PUBLIC HEARINGS CLOSE BY 8/21/2012; expire 10/25/2012

3. **36-38 BROAD STREET (ZONE MCDD)** – Petition of Raymond A. Macaluso, for Special Permit and Coastal Area Management Site Plan Review approval to establish a restaurant with outside seating on Map 54, Block 402, Parcel 16, of which Milford Broad Street, LLC is the owner.

George Adams, Esq., Harlow, Adams and Friedman, PC, One New Haven Avenue, representing the property owner. Brian Atherton and Russell Barton, two principals of the property are present. Also present are: John Wicko, Architect; Ray Paier, Chief Engineer, Westcott and Mapes; Ray Macaluso, owner of Westcott and Mapes and Paul

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Coniglio and Cody Lee, the owners of Colony Grill. Colony Grill was established in Stamford in 1935, and is the tenant subject to obtaining zoning approvals.

The property is located in the Milford Center Design Development District and in the commercial core subdistrict. There are three applications coming before the Board. With regard to the Coastal Area Management Report, John Gaucher of the State DEEP had not expressed concern over the project. Mr. Adams explained why a Special Permit was necessary for the outside dining use. The zoning regulations concerning live music in the outdoor dining area and the allowed volume of recorded music will be strictly adhered to.

The only noncompliance is for parking for which the Board may waive or find adequate according to Section 3.21.3.5 of the zoning regulations. The tenant is confident that according to the projections of the restaurant that the parking will be adequate.

Ray Paier, Chief Engineer, Westcott and Mapes, 142 Temple Street, New Haven.. Presented a color site plan showing the proposed refurbished structure that will replace the former Harrison's Hardware store. All City Departments have given their approval. The Police Department had recommendations regarding signage and handicapped parking spaces which will be complied with. The City Engineer's conditions will also be complied with. The Tree Commission was very pleased to see the landscaping and trees that will be added to the site.

All building and lot requirements are compliant with the zoning regulations. The total lot area is 22,329 SF. He compared the old Harrison's floor area with the proposed new floor area: Old = 11,760 SF (with rear storage structures). Overall new floor area (excluding patio and outside features) = 10,743 SF. The floor area ratio is in compliance. The building footprint is 4,829 SF first floor. Rear patio is 1,970 SF, Rooftop deck area is 747 SF. Adding 840 SF green space via landscaping to the rear of the property, westerly and southerly sides and to some degree the northern side.

Dumpster pad and enclosure with fencing, lock and landscaping. External 1000 gallon grease trap for food compliance. Lighting matches the downtown lighting style. On the western side will be additional lighting along the driveway. Roof leaders will be intercepted by internal piping connected into a drainage piping system and then into the drainage system in the parking lot. The lighting matches the lighting on the Green and downtown area with the north Yorkshire pole. There will be additional lighting for the driveway.

There will be municipal parking located around the facility. Parking within the property boundaries will be 20 spaces allotted, but will also be for public use. There are 134 spaces in the municipal lot located behind the building beyond the property boundaries. Based on this type of restaurant that attracts families with 3-4 members per seating party, the parking requirement would be significantly less than what zoning would dictate.

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Mr. Paier presented an overlay to the site display which depicted the MCDD zone and all the public parking spaces downtown and around this restaurant area, which calculates to approximately 1,320 spaces. These also include the Fowler Field parking area, library area, West Main Street, West River Street and the parking lot behind Parsons.

A comparison was made via the overlay to depict parking at the mall and walking to the destination and parking at a municipal parking space and walking to the restaurant.

John Wicko, Project Architect, 50 Broad Street, Milford, whose office is just across the driveway from the Harrison's building.

Mr. Wicko, via a site display reviewed the sheets that show the existing building and the proposed improvements for the restaurant use. A-1 shows the front 75 foot portion which is the bar and the dining room. The center section is renovated to house the kitchen and lavatory facilities and storage rooms. The rear area feeds out to the outdoor dining and bar, which is open air with a roof portion over the bar section. The basement area and its use was described. A-2 shows the second floor of the building, depicting a double height dining room space. The second floor with existing offices will remain with some improvements. Indoor seating is 137 SF; outdoor seasonal seating is 91 SF; basement square footage is 2,938 SF. First floor is 4,677; second floor is 2,848 SF; outdoor area totals 2,716 SF.

It is now public that Colony Grill is the tenant. It has been determined through discussion and preliminary schematics, that the roof deck is not necessary for their business plan and will be eliminated. The roof deck square footage of 747 will not be used. This will also require less parking and should meet the parking of the current existing Harrison's site in terms of building size. Also anticipating less use in the basement. In terms of the parking numbers just discussed, it appears that the trend will be to use less space so that the ultimate parking worked out with the City Planner will be for a less intense use.

There will be some reconstruction necessary for the building. The Colony Grill will be brought to the front of the building and improvements to the glass for energy code. The condition of the Harrison's building is in disrepair and will have to be changed to comply with building codes and environmental changes. The outdoor sheds and structures will be removed to allow for landscaping. The building will be reconstructed in a way that represents the same footprint and volumetric spaces. The exterior materials were described; landscaping of all varieties will be used. There will be a fire wall or party wall. Windows and openings will be enclosed and siding will be put over the entire façade of the building. The right side will have more windows that will make the space more light filled and add some character to a rather blight building, with the exception of a mural which there might be some questions about as the plans progress. Construction details were described to add to the charm of the building and restaurant.

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The reason for the Special Exception [sic] for the outdoor eating area was described. The landscaping and dumpster enclosure was described, which will be in keeping with each other.

Mr. Adams: Harrison's has been vacant for a long time. Very fortunate to have such a tenant for this property in view of the economy. John has done a beautiful job with the building.

Mr. Sulkis: The presentation was accurate. Disappointed they are removing the roof deck. That was a neat feature but will lessen the parking requirement. There is no difference in the space they are proposing vs. what is there now. It is a question of the change of use, which is a common situation in the MCDD. He confirmed that the regulations allow the Board to find for parking adequacy. The tenants have acknowledged their awareness of the noise control aspect of the regulations. He has no concerns about this application.

Chairman Bender: Questioned handicapped patrons leaving the restaurant through the driveway where cars would be entering. Could that lead to an unsafe condition?

Mr. Wicko: Explained how the handicapped egress will work.

Mr. Rindos: Asked about deliveries and where they would take place and how traffic would be affected.

Mr. Wicko: Explained how and where the deliveries would take place.

Ms. Cervin: Asked why the rooftop deck was eliminated.

Mr. Wicko: Explained the plan was presented generically, adding as many features as they could for potential approval. Now that there is a tenant, Colony Grill does not feel their type of business and clientele would need the roof deck for their type of restaurant and clientele.

Chairman Bender: Although the building is referred to as Harrison's, the signage will be Colony Grill.

Mr. Wicko: Yes, but Harrison's can be incorporated somewhere within the building. The owners are receptive to ideas and suggestions from neighbors. They are excited about the period feel, reminiscent of their older Stamford location. He noted there is a mural painted that they will try to incorporate into the restaurant in some manner.

Mr. Mead: Asked about traffic and parking at the side where the driveway construction will take place and will there be enough area for other traffic to come through and to pull out of parking.

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Mr. Wicko: Met with the Director of Public Works, the property owners and other people who would be involved and there is a plan as to how this will be accomplished without negatively affecting the surrounding tenants or area.

Ms. Cervin: Questioned the left side of the building that will be left without character. Asked if thought was given to giving that side character?

Mr. Wicko: Did the best they could. It will not look worse than it does now.

Mr. DellaMonica: Noted the mural was painted for the Harrison's side wall and was done by the joint efforts of the three Milford High Schools in 1978 as an art project. Asked if the owners might consider commissioning the present high schools to do a similar project for the new tenant.

Mr. Adams: Mr. Consiglio said he would consider it but they have not gotten that far in the planning as yet.

(There was a recess from 8:40 p.m. to 8:53 p.m. to give the public an opportunity to look at the plans)

Chairman Bender: Explained the public hearing procedure for those people in the audience who wished to speak.

The Chair asked if anyone wished to speak in favor of the application.

Peter Spalthoff, 26 Broad Street. Has lived and worked in on Broad Street in Milford for the past 17 years. No parking problem in downtown Milford. Need better signage in Milford to say where the parking really is. 13 restaurants within a 3 minute walk. This will be a great restaurant and wonderful for the community. So happy the Harrison's building will be put to good use.

Joe Hebert, 14-16 Broad Street. Delighted to have this building transformed into a new business. The site has not only been an eyestore for so many years but a disappointment to have such a building languish vacant for so long. Knowing there are investors who are coming in to make such a change increases all the property values as well as the look and feel of downtown. Only concern about an additional restaurant would be not to have a situation such as exists on Daniel Street with overflowing crowds. Believes this will not be the case with the new restaurant.

Richard Platt, 132 Platt Lane. Has mixed feelings about this project. Loves the old Harrison's store and wanted it to be picked up and restored as a hardware store. Facing reality, if not a hardware store, a restaurant will be the best use. Urged the Board's approval of the project.

David Fernandez, 15-23 River Street. He is the owner of Bistro Basque Restaurant.

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Assuming all will go well if the tenants go through with what they say. He does not see a competition between Bistro Basque and Colony Grill. Hopes the tenants will do as they have described. Milford does not need another drinking place in downtown. He believes this plan is oversized for the town in terms of the town's capacity.

Chairman Bender: Asked if Mr. Fernandez was against the application.

Mr. Fernandez: Stated he is not against it. He noted in the winter on Tuesday nights this is a big restaurant. A 2000 SF patio to turn into another adult nightclub is not what the town would like to see happen. If it will be developed as it has been presented then it will be great. Everyone hopes for the best. He believes he has done that for the town.

He hopes for the best but feels you have to prepare for the worst, given the logic of the economy and of the business in general. Not speaking of the applicants in particular. He believes there are limits of developing the town to a certain direction. Wished the applicants good luck.

Joseph Agro, 55 Brewster Road. Present with his brother Louis as co-owners of buildings on River Street and properties in Milford. Two years ago he spoke openly against the property owners who wanted to put a bank on the property. This application is what the downtown businesses had envisioned and hoped for in downtown Milford. It was worth the wait. Today he welcomes this business to the community from the downtown business community and the surrounding neighbors. There are some issues that exist with some properties downtown but he believes the history of the applicants' restaurants will serve them well in Milford.

Chairman Bender: Asked if there was anyone opposed to the application? (No response).

Mr. Mead: Asked if there were any parking spaces attached to the building at this time.

Mr. Paier: No parking is attached to the building. All part of the municipal parking lot.

Chairman Bender: Closed the public hearing. Asked if the Board would like to discuss the application now.

Mr. Rindos: Everything about this application is positive. It was a great presentation. This will create more jobs and more activity downtown. The Board should move on it and vote yes.

Chairman Bender: Agreed.

Mr. Rindos: Made a motion to approve the petition of Raymond A. Macaluso, for Special Permit and Coastal Area Management Site Plan Review approval to establish a

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restaurant with outside seating on Map 54, Block 402, Parcel 16, of which Milford Broad Street, LLC is the owner. The Board has agreed to find adequacy of parking for the application.

Mr. Mead: Second.

Ms. Cervin: Recommended a mural of trees be painted on the wall of the left side of the building to spruce it up in some way.

Mr. DellaMonica: Offered to contact some of the people who were involved in the original art project.

All members voted in favor of approval.

4. **115 MELBA STREET (ZONE R-5)** - Petition of Thomas B. Lynch, Esq. for Special Permit and Coastal Area Management Site Plan Review approval to construct a Single Family Residence within 25 feet of the high tide line on Map 29, Block 587, Parcel 42, of which Anthony and Mary Louise Vitelli are the owners.

Thomas Lynch, Esq. 63 Cherry Street, Milford. Stated he has known his client for over 35 years. Anthony is Athletic Director at Foran High School. Also present with Mike Donegan the contractor who will build this new house. The home has been owned by Anthony Vitelli and his sister Mary Louise Vitelli since 2002. Hurricane Irene wiped the house out. The house has been demolished. They went before the ZBA to seek the first stage of administrative approvals necessary to rebuild on the property. There was more than 50% damage to the house. The structure was nonconforming, built in 1916. Variances were received to allow for the construction of the house. An old subdivision map dated from 1910 showed the high tide line closer to the residence than the current high tide line. With erosion over the years the high tide line has receded into Long Island Sound, but based on the deed boundary that was set on the subdivision map, a variance was required of the rear yard setback from 20 feet to four feet, which was granted by the Zoning Board of Appeals.

A Special Permit is required because this property is within 25 feet of the high tide line. A site plan for Coastal Area Management is also required.

Site plans prepared by Codespoti & Associates were displayed. The demolished house was 1600 SF, the proposed house is 1900 SF. It conforms with all the height requirements. The footprint of the building is the same except it was moved approximately 10 feet back from the Sound. The concrete patio and sea wall are shown on the plans but are still in a state of disrepair. Part of the construction will consist of repairing the patio by putting down a new concrete coverage. The only work that will be done on the sea wall is the top part of it.

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The impervious surface will be increased. There will be a gravel area between the house and the concrete patio. The plans also show the temporary silt fence; the fencing around the rear of the property. The garage had no damage and will stay as is. The water runoff and drainage was explained according to the plans and the CAM report.

The floor plans and elevations prepared by Manny Silva were displayed and explained. The front porch will contain the two air conditioning condenser units. The porch will also contain a lift platform to lift a person to the second floor without climbing the stairs from the elevated area below. There will be a crawl space that will be compliant with the CAM regulations. The house will be built on piers and there will be no garage underneath.

An attic plan had been prepared and submitted to Ms. Harrigan for her review. A copy of the plan was distributed to the Board and date stamped into the record.

Mr. Lynch: There is going to be an attic. No deck off the rear. The house has a crawl space and does not have storage. There is no intention for the attic to ever be used for anything other than storage. This was discussed with Ms. Harrigan. Applicant is amenable to having as a condition of approval the execution of an agreement to be recorded on the land records to run with the title to be signed by Emmeline Harrigan and the Vitellis to the effect that the third floor could never be used for living space.

Ms. Harrigan: This property is designed to address future flood maps. The attic is coming before the new Board members because this house would be considered a three story structure. A crawl space is only exempt as a story if it is less than four feet in height. This crawl space is 6.5 feet in height, so it counts as this house's first story. The first finished floor of the structure is the second story. The bedroom level is the third story and then comes the attic. An attic is specifically defined in the zoning regulations. It has to meet certain characteristics. It cannot be accessed by stairs. The portion that is above six feet in height is limited to ten feet in width for only 50% of the length of the building. Because of the lot constraints and the general height of the structure, the property owner has asked to utilize the attic with full stair access and in a size that is larger than what is allowed by the definitions, that she can approve as a staff person. The regulations say that the Board can approve something other than what the definition provides. That is what the applicant is asking of the Board tonight.

It was also noted the Director of Public Works comments were received and he agrees with the comments of the City Engineer.

Ms. Harrigan asked that the Board make a condition of approval that staff work on the detail of the patio because it is not on file as yet. Because of the high velocity wave zone it may be required to be designed in a certain way.

Mr. Lynch: Noted that John Gaucher of the DEEP had no comments about this application.

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Mr. Nichol: Asked if the chair lift was an uninterrupted power supply that would let the lift go up and down in the event of a power outage.

Mike Donegan, 123 Beachland Area. The chair lift will be a ground fault setup. It will not be purely hydraulic.

Chairman Bender: Asked if there was a mechanical way to get out of the lift in the event someone was in it if power was lost.

Mr. Donegan: Stated he did not have the actual specifications on the chair lift at this time.

Mr. Grant: All chair lifts have a default switch on them where the chair automatically goes down if the power goes out. Also, the house being in a flood zone when the State approves the lift there will be some requirements for water tight connections.

Mr. Rindos: Asked the reason for the windows in the attic area. Looks like another story.

Mr. Lynch: That is why he addressed the situation and did not ignore it. He also had offered the fact that this situation had come up in a more contentious situation and the resolution was the homeowner signing a legal document that gets filed on the land records. He offered that as a condition from the start. The window is more to have light up there and for aesthetics.

Mr. Rindos: Said he was looking more toward future applications that come forward with similar situations of attic space. It looks like another floor.

Mr. Lynch: The house is only 1900 SF. It is designed to provide a reasonably adequate area for storage because the crawl space cannot be utilized and the rest of the house is living space.

Mr. Donegan: There most likely will be duct work in the attic which would further prohibit using that as a livable space.

Mr. Rindos: Asked if the applicant would consider removing the windows.

Ms. Harrigan: There are no regulations prohibiting windows at an attic level. She has no problem with it.

Ms. Cervin: The allowed height is maxed out. Any way to make the house lower which would decrease the attic from the inside?

Mr. Donegan: Explained why this could not be done due to the framing and engineering of the house.

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Chairman Bender: Asked if anyone was in favor of the application? (No response)
Anyone opposed to the application? (No response)

The Public Hearing was closed.

Mr. DellaMonica: Made a motion to approve the petition of Thomas B. Lynch, Esq. for Special Permit and Coastal Area Management Site Plan Review approval to construct a Single Family Residence within 25 feet of the high tide line on Map 29, Block 587, Parcel 42, of which Anthony and Mary Louise Vitelli are the owners.

Mr. Casey: Second.

Ms. Harrigan: Noted the conditions of approval to be requesting additional detail for the patio and approval of the attic as demonstrated on the plans.

Mr. DellaMonica: Amended his motion to include obtaining the detail for the patio and approval of the attic as demonstrated on the plans.

Ms. Cervin: Also that the attic agreement be drawn up and entered into the land records.

Mr. Willis: Second.

Chairman Bender: Asked if an enforcement issue was being created.

Ms. Harrigan: Should the property owners wish to sell at some point, they have to make it right as far as it not being occupyable space. It has been found that the appraisers and title searchers investigating the property will stop a mortgage if things are not as they are stated on the property files and land records.

Mr. Mead: Inquired with the new FEMA regulations coming out and people having to raise their homes, will there be the same problem coming through with the third floor? Will this become standard?

Ms. Harrigan: Every lot will be different. It will be lot by lot dependent.

All members voted in favor of approval.

5. **475 NEW HAVEN AVENUE (ZONE CDD-4)** – Petition of Anthony Giordano & Associates for Special Permit, Coastal Area Management Site Plan Review and Site Plan Review approval to construct a restaurant with outside roof deck seating Map 56, Block 506, Parcel 2, of which MCM Realty is the owner.

Ms. Cervin: Asked why this item was placed on the agenda when it is incomplete.

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Chairman Bender: As it was explained to him, the applicant asked to be put on the agenda.

Mr. Sulkis: An applicant can ask to be put on the agenda even if the application is incomplete. The Board has to ultimately certify the application as being complete. That is in the regulations. He cited Section 7.1.1.2 of the zoning regulations which states this.

Attorney Win Smith, representing the applicant stated it was his client's position that the application is complete with the waivers and conditions that will be requested tonight.

Mr. Willis: Asked why an incomplete application would be brought to the board tonight.

Chairman Bender: The situation is the back and forth between Staff and the applicant as to what is in and what is not. He thinks that Staff has been instructed if an applicant wants his application on the agenda, then it can go forward. If the Board feels it is not there, then it can be denied by the Board. That is the risk the applicant is taking to have it on the agenda with items missing and it comes before the Board.

Mr. Sulkis: Typically if an application is complete on the Staff level, he is supposed to certify it. In this case he cannot because as Staff he believes it is incomplete. Since the applicant demanded to be on the agenda it is ultimately up to the Board.

Mr. Smith: The difficulties the City Planner wanted to see addressed in the plans were not because of some late breaking emails and correspondence that were received from the DEEP. They have the DEEP's reference that their comments are minor and can be dealt with conditions post application. He has a copy of this, which was happening this afternoon.

Mr. Willis to the Chair: So it is up to your discretion then. The City Planner says it is incomplete so you overrode what the City Planner ----

Chairman Bender: No. How did you hear that? That was not said, nor was it stated, so don't put something into the record that I did something that hasn't happened.

What it says is an application can be before the Board if it is not complete and when we get this application, which we have in front of us now, we can determine not to see it ...

Mr. Willis: My apologies for that.

Chairman Bender: What Mr. Smith is saying is there was an email within the past few days, that the Chairman saw from Mr. Gaucher, who has been on vacation, that in his opinion, there are some minor issues and to let him know if the Board decides to go forward or deny it.

Mr. Smith: Stated he has a copy that says exactly that.

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Ms. Cervin: Asked if the Board had the appropriate report from the City Engineer?

Mr. Smith: Yes.

Chairman Bender: The Board will go forward with the understanding the applicant is at risk.

Mr. Smith: Stated he understood.

Win Smith, Dey Smith Steel at 9 Depot Street, Milford, representing the applicant. This is an application for 475 New Haven Avenue. This is another example of a successful Milford business doing well and coming before the City's zoning office and the Board to comply with the regulations and rules necessary so that they can expand in their own owned building.

The location is on New Haven Avenue. It is approximately one quarter of a mile from the existing Michael Anthony's Pizza where Old Gate Lane comes into New Haven Avenue.

Via a site plan display, Drawing No. 1 shows a smaller, 2,269 SF building with a seasonal deck on top of approximately 543 SF. Drawing No. 2 shows the landscaping with a rain garden requested by the DEEP. There are trees and islands that extend into the parking area. Drawing No. 5 shows the drainage specifications, also in conjunction with the State's request. Four parking spaces are shown on the parcel known as 479 New Haven Avenue. These four spaces will be leased from the property next door to acquire the 29 necessary parking spaces. Those parking spaces are created by way of grass pavers. They are semi permeable pavers in which approximately 70% of the rain water flows through the pavers. They are designed so there will not be water runoff onto 475 New Haven Avenue.

Drawing No. 6 shows the design of the restaurant, which is in the Tuscan mode. It will be pretty and a good addition to Milford.

Drawing No. 8 shows the floor plan and the interior of the building. The center portion of the building is a take-out. The left side is a sit down restaurant at which there are eight tables and 20 seats. The right side there is a bar area with eight seats.

That was a quick overview of the plans. He asked that one of the owners make some comments to the Board.

Michael Ferrara, Owner, Michael Anthony's Pizza, New Haven Avenue, Milford. He has run his business as a take out restaurant for 22 years. He has survived the good times and bad there. He is moving a short distance down the street. With the Board's blessing he hopes to be in business for another 25 years. He is not asking for much.

Mr. Smith: The application has received the necessary approvals from Police, Public Works, Engineering, the Tree Commission. On Drawing No. 1 there are several waivers

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that are requested. Of most importance to the Board and Staff is the parking. By their calculations the parking required is actually 27.76 spaces. There are 25 on the site. There are four leased spaces on the contiguous parcel. In the City Planner's memo dated June 13th, indicated there are 41 parking spaces necessary by his calculations. One of the reasons for the Special Permit for this application is the deck on the top is a seasonal deck. It is not enclosed or heated. Asking for the Board to deem this to be a seasonal structure that would not be included in the parking calculation. At 543 SF, it would mean there are eight fewer parking spaces necessary at the 75 foot ratio. Within the building itself there is a portion that is take out versus sit down. The take out area needs one space for 250 SF where the restaurant needs one space for 75 feet. Taking these factors into consideration, the calculation for parking comes out to 27.76 spaces that are needed and the application has provided 29 spaces.

Mr. Smith is aware that the City Planner was concerned about some of these things. There have been some discussions on this. He believes the City Planner disagrees with the ability to say that the building has take out in one portion and therefore has one calculation for parking as to that and sit down in the other portion and therefore has a different parking calculation for that. There is a difference between the two gentlemen as to what the regulations say and how they should be interpreted. Having that kind of dual use analysis for the parking formula is not prohibited by the regulations. Therefore, if it is not prohibited, the applicant can move forward and do it. He believes Staff is going to say that is an incorrect reading. Minimally, that would make the regulations ambiguous. Ambiguities in regulations should be construed in favor of the applicant. Maximally, that makes it vague, which makes it invalid. He referred to and read from Sec. 5.1.8, Multiple Uses. Not asking for anything different from what the regulations provide.

Also in the City Planner's Memorandum of June 13th, he points out that the four leased spaces although contiguous to the property, have to be on a parcel that is owned by the applicant. He refers to Section 5.1.9 of the regulations that support that. He referred to that portion of the regulations that states in cases where there is insufficient parking and parking is off site, such parking spaces shall be in the same ownership as the use to which they are accessory. In this case the owner of the property is the lessee of the spaces. They in the same ownership in which the use is. It is his position that the applicant has provided for sufficient parking, albeit not on the same parcel. The off-site parking has been part of discussions with staff from the beginning of the application. It has become an issue at the end of the application. Asked that the Board support his interpretation of the regulation and those waivers.

With regard to the landscaping in Drawing No. 2, asking the Board to deem this an alternate submission. The regulations call for an alternate plan that can be submitted when there is the minimum landscaping coverage for the internal islands' landscaping. The drawing shows the islands have the 2.9% landscaping. The regulations request 10%. Asking the Board to look at the plan as a whole and note that although the islands are at 2.9% with the exterior of the landscaping at 15.4%, the total lot landscaping is 18.3%, as opposed to the 10% required for the interior islands. Would ask the Board to consider their

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waiver in that light. The buffer requests are shown and are straightforward. The drainage which is considered problematic by the City Planner, is due to a recent change by DEEP. That is the email that was received at approximately 4:00 today. The DEEP lists several conditions, which they note as minor and could be considered conditional upon Board approval of the application.

Regarding the drainage calculations that go with that, there are preliminary calculations that are part of what the City Planner called out as not being part of the site plan that the Board had. He suggested to the Board that along with the drainage issues that the drainage calculations be a condition of approval. The City Planner was concerned that the four spaces on 479 New Haven Avenue created drainage back onto 475 New Haven Avenue. It was his position that factor created a nonconformity. The applicant does not feel that is accurate. As was stated before, the pavers are 70% permeable; Rick Raymond the Project Manager designed the four spaces so that there would not be any drainage onto 475 New Haven Avenue. If there was an event storm with winds that might cause water flows to go from 479 to 475, it would be deminimis. He stated that the rule that is being referred to here is that these kinds of projects cannot create water drainage flows onto contiguous parcels is not applicable to this project and application. This is not a project where 475 New Haven Avenue, Michael Anthony's Pizza is creating a water flow that goes onto a neighbor's property. The case is that their application is creating a water flow back onto their own property; which water flow and drainage program pursuant to the email that has been signed off on by DEEP. He does not see that as a violation of the spirit or the letter of that regulation and rule. If the Board were to see it that way he would request a waiver or a condition that the approval of the City Engineer with respect to those drainage calculations be worked out after tonight's discussion.

Mr. Smith's presentation was concluded.

Mr. Sulkis: Noted his report done on June 13, 2012. He stands by his report. He went through the list in his memorandum: The calculations for parking are 41 parking spaces. How they were calculated is consistent with how parking spaces are calculated for every restaurant in every other use in the City of Milford. All the sit down restaurants, if they have a take out area, the primary use of the restaurant is it is a restaurant. It just happens to have some take out. One area of the restaurant is not broken out from another area in the restaurant for parking purposes. Department stores are not viewed by breaking out the office space versus the retail floor space. The Board and Staff have been consistent in interpreting the regulations that way and correctly so, since there have been regulations. When the argument is made that there should be two different standards on the first floor, he disagrees. The regulations require that the outdoor parking be parked. The applicant says no. The regulations say yes.

The waiver of parking off site: The CDD-4 zone does not give the Board any other parking waiver options as found in some other zones. The application that was heard earlier tonight that took place in the MCDD, different zone different allowable regulations for waiving parking. Section 5.19 provides for off-site parking under certain circumstances, but

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it states that under Section 5.19 parking off site is only allowed if the parking area is within the same ownership as the existing property. Mr. Smith quoted from this regulation but he did not finish reading what Section 5.19 states. Among the requirements above and beyond that property being within the same ownership as property of the application, it also talks about an encumbrance to be put on the land records that it is a designated off street parking area and that encumbrance is never removed from the land records until alternate parking that meets the regulations is found. So having a short-term lease on the neighboring property does not meet that requirement and it is a lease on property next door. It is a lease for use, not for ownership.

Mr. Smith provided the Board with copies of the flurry of emails received today. Mr. Sulkis also submitted to the Board tonight his response to Mr. Gaucher's email. One of the fundamental problems is that this application is missing information that has been requested by DEEP. DEEP is saying it is diminimus, but there are emails going back as far as a field meeting he had with the applicant's representatives and the DEEP back in April. So these issues are not new issues and they have still not been addressed.

Resuming the list of concerns, the plans before the Board are missing the final grading. That is a requirement of site plan approval. When someone comes before this Board there is the beginning grading and elevations and the final grading and elevations. That is not part of this plan. That in and of itself makes this application incomplete and that has not changed.

New information received tonight is that there are some drainage calculations. There are not full drainage calculations, but at least we have something something. This would have to be reviewed by the City Engineer. The plans have demonstrated runoff on their own property. You can have the pavers. There is no finished grading, only spot elevations. On the sheets that were submitted to the office, which he is not sure if they are part of the packet, it shows a change in the spot elevation on the neighboring property which indicate that water on 479 will be entering 475. Under the City rules for runoff, all properties and under good practices for rain and runoff, all runoff has to be contained on the property. This is how neighbor disputes are avoided. This is how property damage is prevented from occurring by containing all the runoff on the property.

Those are the main issues. The DEEP has not said ok. He asked the DEEP to say it is ok. They said they still need to see information. When they are satisfied they will say it is ok. The Board still does not have the requirements to fully understand and see what is going to happen on this site. Those final grading plans are important and they are required.

When this report was done the front landscape buffer area was short. It did not meet the regulations. He has not measured it since the rain garden has been proposed. He assumes the setback is the same and that it is still short. Item 3, landscaping of the parking areas, Mr. Smith is offering an alternative, which an applicant may do. Usually when there is an alternative it is moving one thing to another area, but the aggregate amount is similar to what is required. This application does not come close to meeting any

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of the landscaping requirements. Ten percent of the parking area needs to be landscaped. It is 2.9%. The alternative plan does not meet the requirements of Section 5.14.6.2 since the perimeter landscaping does not either equal or exceed the landscaping requirements in terms of both area and number of plantings. The regulations are clear on that. All the landscape areas and buffers require waivers. The landscaping between the building and the parking areas all need waivers.

His report ends that the applicant should either reduce the size of the building and rectify the outstanding issues with the DEEP to bring the application into site plan and CAM compliance. That is his recommendation.

Chairman Bender: John Gaucher did write that they are relatively minor and could be easily addressed. He was asking if the Board were to approve it, could it be approved as a condition. Asked if Mr. Sulkis disagreed.

Mr. Sulkis: This is not the first time that the DEEP has commented that this could be easily addressed. This is not the first go-round with the applicant going to the DEEP and with the response being these things could be easily addressed. The fact is they have not been addressed. The nature of sites when they are adequately sized and adequately laid out you can get a domino effect. Here it is not known what the actual grading is; what the actual drainage is. It is very nice to say they can be made conditions of approval. The application does not even meet the Board's requirements to even be before the Board tonight because that key element is missing. Based on the fact that he knows the applicant has been diligently working with the DEEP since April, these issues are still outstanding. He is concerned because the end result may be a different site or a different lay out.

Mr. Smith asked if he could respond. Chairman Bender agreed to a brief reply.

Mr. Smith: In the parking regulations the seasonal nature of the deck is something that is considered in the City of Milford and they are asking for that consideration. The split usage is allowed by the regulations and there is no prohibition on that. Asking for the waiver to go to the calculations as they have asked with the difference of opinion. They have offered an alternative plan on the landscaping realizing that the islands come up short at 2.9%. On the CAM and drainage, by its language, the DEEP suggests that they are both minor and can be conditioned. On the grading drawing it can be seen that the property is essentially flat. It varies only a couple of feet from front to back. It is not a steep grade and there will be major excavations going on. It is not that kind of project or application.

Mr. Sulkis: When Mr. Smith was talking about the parking interpretation, under Section 5.18, he stated there are multiple uses and facilities. He is saying the use of take out is different from the use of the rest of the restaurant. This is an eating place under the regulations. It is a restaurant under the regulations. That is not what the intent of the regulations are. That is not how the regulations have ever been applied. A mixed use or multiple use facility are different uses. You can have a restaurant in a shopping center.

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You can have a retail use in a shopping center. Those are different uses. But a restaurant is a restaurant.

Chairman Bender: If final grading is so simple and it has been asked for multiple times, what is stopping the applicant from providing the final grading report?

Rick Raymond, Project Manager, Anthony Giordano Engineering, West Haven. The site varies from front to back a few feet. Has been working with John Gaucher and DEEP on a series of grading plans. The way it has been established, the latest plan is everything slopes towards the middle. There are high and low spots. Elevations are not changing, i.e. 10 to 12. What has been submitted is a final grading plan. That is how the excavator would grade the site off those spot grades. There are high points and low points. It changes 4", 6". You cannot do a series of contours on this particular site.

Chairman Bender: Asked if it is Mr. Raymond's position that he has provided one.

Mr. Raymond: Yes.

Chairman Bender: If that is the case, why does DEEP feel he has not provided the final drainage information to them.

Mr. Raymond: The six comments received from John Gaucher that Mr. Sulkis says have been failed to answer, received on July 16th at 1:18, are based on his new grading and drainage plan. These are not comments from two months ago. These are brand new comments based on a brand new drawing. They have not been lingering around for months. Does not know why Mr. Sulkis is saying that.

Mr. Raymond asked to go over Mr. Sulkis' responses to John Gaucher's.

1. Missing the final grading – They have a final grading plan.
2. The plans are missing drainage calculations – They just revised and got an approved drainage plan from John Gaucher the other day. Did some temporary calculations. The final calculations will be supplied to the City Engineer.
3. The plans demonstrate runoff on its own property – The four spaces that they have will not drain onto 475. It is designed to stay on 479 New Haven Avenue. They have had the agreement with the Land Trust, the property owner, to take the rain water and drain it into the tidal wetlands. All the water is going into the tidal wetlands which DEEP wanted, as part of their original comments. The grading and drainage plan was designed to DEEP's comments. Have been working with them for months. Does not understand why this project is being held up because of these issues.

Chairman Bender: It is being held up because the Staff is the Board's resource. The Board gets information from the Staff ...

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Mr. Raymond: Said he understands. Also looking for five landscaping waivers on a tiny site and hopes the Board will consider this.

Mr. Sulkis: Added it is not just him, but the City Engineer as well. In conversations he had with him as late as today, there has been no grading plan and no drainage plan.

Mr. Smith: With regard to the City Engineer, he believes that could be conditional upon approval and have both engineers work out those final calculations.

Ms. Cervin: Stated she has never seen an application presented in this manner in all the years she has been on the Board. She asked if it has been considered to create the main parking lot as a permeable area?

Mr. Raymond: No. It was discussed with John Gaucher but did not make sense. He mentioned pervious concrete in the many discussions they had, but it would be too hard to maintain and that area has a high water table. To try to infiltrate all the water into the ground would cause a problem.

Ms. Cervin: John Gaucher recommended in an earlier memo to use more pervious surfaces for portions of the parking areas. This is in a memo dated June 12, 2012.

Mr. Smith: As of July 16th his final comments were made. Whatever transpired earlier were addressed and worked through to where they are today.

Chairman Bender: Due to the opposing issues the Board will have a difficult time reviewing this application.

Mr. Mead: With a seasonal deck that will take eight parking spots, would they consider eliminating that from the application to relieve some of the parking problems?

Mr. Smith: Believes for the summer months overlooking Gulf Pond, it is a feature they would prefer to keep. If that is what the Board would request to accept the application, it could be considered but hope it will not be asked.

Ms. Cervin: Noted the applicant is in an extremely environmentally vulnerable area with runoff going into the waters that go into the Sound. She is surprised that [he] said the waters should go into the Sound without any preliminary drainage for that runoff.

Asked if there would be provisions for a snow shelf.

Mr. Smith: Not acquainted with a snow shelf. Received departmental approvals and no one asked for one. Does not know what that would entail. With regard to the drainage in an environmentally sensitive area, the DEEP gave their functional signoff on that with what they consider appropriate for post-application conditions. They have done substantial work with the DEEP and given them substantial plans which they have now effectively signed off

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on. He does not think it is fair to characterize it as something that has been done without any thought or any effort to work with the regulatory authorities.

Ms. Cervin: It is very common to see snow shelves on site plans and the Board commonly asks that question because it impacts the environment in terms of runoff and parking spaces. Also interested in the lighting. Asked if there would be standing light poles. Asked if that was in the plan.

Mr. Raymond: There are two light poles; one near the entrance and one near the back parking lot. There are also some lights mounted to the building.

Ms. Cervin: Asked if there was a plan that showed the design of the lights. Were they the free standing posts?

Mr. Raymond: Yes. That has been reviewed by the Town Planner. The details are on the lighting plan.

Mr. Smith explained the lighting plan was reviewed by the City departments and staff. There were some initial changes that were requested and those have been made. Mr. Sulkis agreed that the earlier issue was resolved. Mr. Smith explained that this process has been going on for almost a year and there have been changes and modifications to be in agreement. It has not always been battle axes the entire time.

Chairman Bender: Feels he needs clarity on the DEEP. The hearing should be left open to hear from John Gaucher on this issue.

Ms. Cervin: Added the final approval by the City Engineer on the drainage and other issues would be necessary.

Chairman Bender: Agreed.

Mr. Sulkis: Said he did not know what else could be asked of the DEP. Until new information is presented to the DEP, for him to react to. He has reacted to what he has. One item that was not mentioned was the grading plan. The City Engineer says that they are not there. In his opinion he thought the grading plan from his perspective could be submitted after the application is approved if it is approved. The regulations require it ahead of time.

Chairman Bender: The applicant thinks they have already given a grading plan.

Mr. Sulkis: He and the City Engineer say no they have not.

Mr. Smith: The City Engineer's sign off is in here and he would agree with the City Planner that the DEEP has already given its input on this and functional consent, if the Board adopts their six points as conditions. That is their recommendation.

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Mr. Raymond: Stated he would be willing to meet with the City Engineer to see what grading lines he would like to see on the plan. The site has a 3% slope and has highs and lows. It is very hard to put a contour on things that are changing at 4-6" intervals.

Chairman Bender: They may seem minor but there seems to be a bunch of "stuff" that needs to be cleaned up, whether they are minor or not. He thinks the least amount of conditions and waivers, the better the application will be.

Mr. Willis: Agreed with the Chair. He needs more information.

Chairman Bender: The Public Hearing will be left open to clean up all the DEEP items, so if they are minor they will be closed out. Get the City Engineer to sign off on----

Mr. Sulkis: The City Engineer has not signed off on anything. What he said in his memo is that there are items that he requires done. He wants a hydrology study done. That is a very expensive and time consuming study. He realizes that this may or may not be approved...

Mr. Smith: Interjected that was not what the City Engineer said. He said if certain things happen a hydrology study may be required. Those things have not happened. That is a misrepresentation of what the City Engineer said.

Mr. Sulkis: Quoted from the City Engineer's report: "I have received the following maps and offer the following recommendations as conditions of approval. All comments will need to be addressed prior to issuance of permits." He has a laundry list of things. "Please provide a hydrology drainage report". The report was dated July 10, 2012.

Mr. Smith had no record of the memo.

Mr. Sulkis: This is hot off the press based on the applicant's latest drawings submitted to Staff and DEP.

Chairman Bender: Asked if that document had been provided to the applicant.

Mr. Sulkis: It is part of the record.

A discussion ensued concerning the applicant meeting several times with the City Engineer. The process of how the applicant receives communications from other departments or communications that may be entered into the file was discussed by the Chair and Mr. Sulkis.

The Chair asked that the applicant receive the memo from the City Engineer dated July 10, 2012. The public hearing will be left open to address that issue as well.

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Chairman Bender: The Public Hearing will be left open to receive additional information on this application.

F. PUBLIC HEARING CLOSED 7/3/2012; expires 9/6/2012

6. PROPOSED TEXT AMENDMENT - ARTICLE III Direct Use Regulations

Section 3.19 Corridor Design Development District – 4

New Haven Avenue Design Corridor District: CDD-4

Ms. Cervin: Thought both sides were heavy handed in what they were presented to the Board. She is voting no for the regulation change. Definitely thinks this was not spot zoning. Spot regulation perhaps if there was such a thing. It is an extremely bad precedent for the Board to set. She did not think the things that they were showing as comparable were comparable to what was being requested. Her main concern was that the Board would be doing itself a disservice to set this kind of precedent. She also spoke to the Plan of Conservation and Development. She thinks it supports this denial. She referred to page 92 and she quoted from the second and third paragraphs which she thinks support the denial of this request. She noted that Roberts' is a reputable business and they provide a good service to many people in the City. She hopes that if their request is denied that it will not impact their level of business and what they have been doing. It was unfortunate they had not been informed of the zone change, but that is not the Board's problem to deal with.

Mr. Grant: Agrees with Ms. Cervin. To approve this change in the language that would change the regulation to solve a violation would not be the correct thing to do. In looking at the area and the businesses and the homes that are in that area, he would suggest that that particular area of Buckingham Avenue Extension be looked at for possible rezoning. He is somewhat torn because the businesses are okay on that street. It is off the main highway, and that area is okay for it, but he would not want to see a precedent set to change the language to cover violations.

Mr. Rindos: Agrees. He is thinking of Hurricane Irene and the many homes that have been over 55% destroyed that now have to conform to new regulations and codes which has caused many hardships, but they have to do it. That zone was set up for all the reasons that were stated. There was no mistake made as it was presented. On the other hand there was a very vocal public outcry against the zone change. Spot zoning is an issue too which bothers him. He will probably vote against it.

Chairman Bender: Agrees. This was a difficult one. The Board listened to a lot of information and was given more information than they could listen to. It is a business that is used extensively by the City as well as so many other people who think so highly of it. He has a problem with allowing the 24-hour towing in that area. It is a hodge podge street but there are houses that are small businesses and vice versa. There are also condos in the area. The POCD encourages other things there. He does not think there was an error

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when they changed that zone. They were trying to minimize car dealerships and those types of uses, similar to Old Gate Lane.

Mr. Casey: The neighbors have a right to expect the regulations to be continued and maintained. He agrees with the comments that it sets a bad precedent to just change it based on the unique circumstances.

Ms. Cervin: Made a motion for denial of the proposed Text Amendment - Article III Direct Use 3.19 Corridor Design Development District – 4 New Haven Avenue Design Corridor District: CDD-4.

Mr. Grant: Second.

All members voted in favor of denial.

G. PROPOSED ZONING REGULATIONS

Sec. 3.1.4.2 Building Height in Residential Zones

Sec. 2.5.5 Lot Access and Rear Lots

Sec. 9.2.3 Prohibited Variances

Nothing new to report.

H. LIAISON REPORTS -

I. APPROVAL OF MINUTES – (7/3/2012)

Ms. Cervin: Had a question with regard to a statement made by Chairman Bender on Page 187 under the heading Plan of Conservation and Development. In the first paragraph it was stated he said, “The POCD does **not** cover the entire city of Milford”.

Chairman Bender: Noted he had asked that sentence be corrected.

The Board Clerk noted she had not made that correction.

The July 3, 2012 minutes are corrected to read on Page 187: “**Chairman Bender:** The POCD **does** cover the entire City of Milford.

Ms. Cervin: Made a motion to approve the minutes of July 3, 2012 with the noted correction.

Mr. Grant: Seconded.

All members voted in favor.

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[Mr. Nichol indicated he had intended to inform the Board of the following under Liaison Reports, and would like to do so now]

Mr. Nichol: Stated he had received a call from a constituent with regard to addressing the Planning and Zoning Board in general, not on any specific topic. He does not know what this person has in mind to speak about, although he knows it is not in regard to the POCD.

Chairman Bender: This would be similar to the manner in which the Board of Aldermen has an open mic for the public to speak at the beginning of their meetings. He does not know how this fits into planning and zoning. Public hearings are specific to an application. If they want to come to the public hearings on the POCD, that would be an opportunity to make comments.

Ms. Cervin: Noted they should call staff if they have issues.

Mr. Sulkis: Noted the Chair and the Board have a specific job to do. Unlike the Board of Aldermen, which is the legislative body of the City that has public open mic opportunities, that is not the role of this board. The public can speak to staff or send correspondence to their board representatives if it is not on a matter that is coming before the Board.

J. CHAIR'S REPORT

The Chair noted he signed a lot line approval for 70 and 75 Stone Manor Drive.

K. STAFF REPORT

Mr. Sulkis: August 21st and September 4th Public Hearings on Plan of Conservation and Development will be held. He is considering holding another public hearing on August 28th, which is a Tuesday, but not a regular meeting night. May not have the meeting on September 4th. That will be two weekly consecutive meetings; one of which would not be constrained by the hour and a half before the regular meeting.

Ms. Cervin: Glad that Emmeline handed out the history of what has been done with the POCD so far. She thinks the Board may not have completely understood how much work the previous board had done and taken hold of things and gone forward with it. It is possible to see what the different board members have done and what the staff have done. Believes there was something done on Eisenhower Park but did not see it on the list.

Mr. Sulkis: The meeting he had with Mr. Platt and Mr. Chaucer is missing from the list.

Ms. Cervin: Community Gardens, Duck Pond issues?

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Ms. Harrigan: These are probably under the heading of Open Space Advisory Committee.

There was no specific meeting with any party on Eisenhower Park. After speaking with students and community members, it was determined that people felt very strongly that the Eisenhower Park Plan should be something that is mentioned that needs to be followed through on. People were disappointed that there was a lot of money spent on developing that plan and then it was just dropped like a hot potato. People feel the Plan is valid and has a long of strength so it will be mentioned in the POCD.

Chairman Bender: Commented there were at least 39-40 meetings on that list and there were some missing. He will make a point of saying this at the public hearings.

Ms. Cervin: Glad to see the added public hearings. She has received a lot of calls requesting this. She is concerned about the deadline that the Staff has to deal with. It does not make sense to have that kind of deadline if the City does not have it with the State. If the Board has to go into 2013 it can be done legally. Let's not get too tied up in this in-house deadline.

Chairman Bender: Stated he has no problem with a deadline but it does have to be right. It cannot be open ended and go on forever. He has no problem with deadline but he also knows the overriding thing is to have it right and that is more important than a date. The Board wants it done as quickly as possible and it has to be right. So those will be balanced and make sure it happens.

Mr. Sulkis: The Staff should be able to meet its deadline for getting the Board the draft, which will be in early August. Once the draft is received the Board can review it. It will evolve based on input from other public meetings that will probably take place after the Board receives the draft and it is released to the public. Staff is also waiting for some information that is coming in. Staff does not have any of the Downtown planning information. That is a separate study that was done by Mr. Plattus and it is not complete yet. Hopefully, Staff will have the Executive Summary and have it in hand before the Board is given the draft so it can be incorporated in there. There is a chance they may not. There is nothing he can do about that. When they get the information it will be given to the Board.

Ms. Cervin: Made a motion to adjourn.

Mr. Casey: Second.

Meeting adjourned at 10:56 p.m.

Phyllis Leggett, Board Clerk

**MINUTES FOR THREE (3) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, JULY 17, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**