

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, JULY 20, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the July 20, 2010 Public Hearing of the Planning and Zoning Board at 7:31 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender, KathyLynn Patterson, Robert Dickman, Kevin Liddy, Kim Rose, Janet Golden, Gregory Vetter, Susan Shaw, Chair., Victor Ferrante (7:41)

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

The Chair introduced and welcomed the City's new Zoning Enforcement Officer, Kathy Kuchta.

C. CGS 8-24 APPROVAL

Mme. Chair: Took this opportunity to define the Planning and Zoning Board's role in the Connecticut General Statute 8-24 process. The Board could recommend or not recommend municipal improvements, location, relocation of roadways, acquisition of land for abandonment or sale and some other municipal functions. Upon the Board's approval, the matter is sent to the Board of Aldermen for their determination. If the Board decides against recommendation of an 8-24 item, the matter will still go to the Board of Aldermen and it can pass upon a super majority vote.

1. **980 NEW HAVEN AVENUE** – Request by Mayor James L. Richetelli Jr., under Connecticut General Statutes Section 8-24 for approval for the City of Milford to purchase or acquire land located at 980 New Haven Avenue known as Map 69, Block 711, Parcel 19 and a rear parcel known as Map 69, Block 711, Parcel 20A, consisting of approximately 3.02 +/- acres for the purpose of constructing a new fire station.

Mayor Richetelli: Introduced Fire Chief Louis LaVecchia because the request that is being tonight is for a consolidation plan of stations 5 and 6 into one station for economic and public safety reasons. It was necessary to determine a certain geographic area where this consolidation would be feasible. Through a process of elimination the proposed parcel is the only viable parcel within the chosen geographical area that was suitable for a fire station.

It has been a plan of the City for many years to consolidate some of the fire stations. Some of the fire stations were built more than a century ago when the majority of the population of Milford was along the shoreline. Once the population of Milford changed and grew northerly, it did not make sense geographically to build fire stations along the shoreline.

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Just as consolidation of stations 3 and 4, (3 being in Walnut Beach and station 4 being in Devon), to one consolidated station on Naugatuck Avenue, closing station 5 in Woodmont and station 6 in Point Beach, consolidating them into one new station is being proposed.

Chief LaVecchia: Stated he had provided the Board with four excerpts from different fire department study plans, the oldest dating back to 1969.

The Milford Fire Department is an ISO Class I fire department. He explained that is a private company that rates every fire department in the country. There are 45,000 fire departments in the country and there are approximately 45 Class I fire departments. There are only three in New England. Hartford, Cambridge and Milford are Class I. In the reevaluation a year ago, ISO identified combining these stations as necessary for the City of Milford in order to maintain its Class I status. The reason is there are areas in the Woodmont Road area and Post Road area that are currently not covered by a fire station. By combining these two stations the Woodmont Road and Post Road will be covered along with the existing covered territories.

There are five different models for looking at where a firehouse should be. Looked at all five independent of each other and how they work. Four of the five models put the firehouse at the exact proposed location. The fifth model showed a location a little farther away. However, the Pont Beach and Woodmont areas would no longer be covered.

[Chief LaVecchia showed the area he was describing on an enlarged map]

By bringing the firehouse down to the proposed location, all the current areas that are covered stay covered, plus the additional areas that are not covered become covered.

Several pieces of property were reviewed and through a process of elimination the proposed sight became the most appropriate for this purpose. There is a city-owned parcel on the corner of New Haven Avenue and Settler's Ridge. That site would require about 5-6 feet of fill for the entire area of the firehouse and that site is deeded open space. With those restrictions it did not appear feasible as a good site for a firehouse. By moving the location up the road a bit, it gives the room that is needed; the needed response times and the coverage for the area.

Mayor Richetelli: Noted where the City is in this process. Last February, the Board of Aldermen appropriated \$350,000 for acquisition costs for the property. At a subsequent meeting a Fire Station Consolidation Building Committee, consisting of seven members (2 fire commissioners; 2 aldermen; and three members of the public), was established by the Board of Aldermen. That committee has been meeting regularly for the past 2-3 months.

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They have put out requests for qualifications of architects, interviewed and selected one. When a site is selected the architect will develop in depth plans and the amount that will be needed will be requested from the Board of Aldermen.

The Board of Fire Commissioners has endorsed this plan. First thing is to acquire the land; next to bring the architect on board and then go for the appropriation for funding by the Board of Aldermen.

Ms. Rose: Asked the difference between Class I and Class 2.

Chief LaVecchia: ISO is a private company that sells their ratings to insurance companies and those ratings are used to determine insurance rates. That is only one portion of the insurance rates. A Class I is the highest fire protection and a Class 10 is no fire protection at all. Going from a Class I to a Class 2 is not a drastic difference in insurance costs. It is probably less than 5%.

Mr. Vetter: Asked if there were deficiencies in the current two firehouses that created the need for the new fire station, or is the primary driver the Class 1 to Class 2 coverage.

Mayor Richetelli: The major driving factor is the coverage of the areas and the amount of area that can be covered by consolidating into one station. There will also be shifting in manpower and additional changes for the types of coverage that will enhance public safety. The cost of maintaining two stations which are very old and in need of repair, and are inefficient when it comes to energy consumption factors into the equation, but is not the driving factor.

Chief LaVecchia: Yes there are deficiencies in the current station. The biggest deficiency is space. Both stations were built in 1948. The living quarters are very small. Station 5 has a basement and Station 6 does not. The floor to Station 5 would cost approximately \$200,000 to fix. Both fire stations would need fire code update of approximately \$75,000; new roofs at about \$50,000; residing of Station 5 at \$50,000. There would be repairs necessary but the main issue is the small living quarters.

Mrs. Patterson: Will the response time be faster with the new station vs. the two fire stations that are currently in use?

Chief LaVecchia: Produced maps that showed response times from 0-2 min, 2-4 min, 4-6 min. Mostly the whole area gets covered in under the 4 min. response time. Another map showed the four minute response time to the area that will be covered by the new station. The response times overall to the whole side will improve drastically.

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Proximity to the firehouse (new or old) does not guarantee a faster response. Under OSHA law, if there is a fire, the fire department has to arrive on the scene with four firefighters in order for the firefighters to make an entry unless there is imminent danger of life. In a room and contents fire the firefighters have to wait until the second truck gets there because the engines are three men company, so they have to wait for the second company to arrive in order to attack the fire. By putting both companies in the same house, they will arrive at a fire with sufficient manpower to attack the fire immediately.

Mr. Mead: Asked what type of equipment would be housed in the new firehouse.

Chief LaVecchia: Looking at a single engine and a paramedic rescue truck. That may change at the time of opening the station.

Mr. Liddy: Asked about LEEDs certification of the new building.

Mayor Richetelli: That would be the goal.

Mr. Liddy: What would the two old firehouses be used for?

Mayor Richetelli: No immediate plans as yet. There are many possible uses.

Ms. Shaw: Noted in the excerpts that the Board received, that there was an anticipated City growth, however, in the 2002 Plan of Conservation and Development the City has not grown as much as had been anticipated. Asking this because in the beach areas, especially Point Beach, houses are very close together. There have been two fires in the Laurel Beach area that damaged the houses on either side of them. So with response times and the beach population density, can the public be assured that the response times will be addressed in the coastal areas.

Chief LaVecchia: Stated absolutely. The fire on the east shore has been reviewed. The response times from the new station would be less than 30 seconds difference between the stations that are currently there and the proposed station. One of the models that has been run is the call volumes for the past years.

[Chief LaVecchia showed on a display a map of the call volume]

Ms. Rose: Asked what the current call time was to the other areas that will be increased later on.

Chief LaVecchia: The area that is the most deficient in the City is the Red Bush area. The new firehouse would cover most of that area in a 4 minute response. Seasons affect that area with regard to traffic on the Post Road.

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Mr. Mead: If the firehouse is built, will there be a signal light at Baxter Lane and New Haven Avenue, and if so, how will it be funded?

Mayor Richetelli: Have not gotten that far into the details yet. Any added traffic control measures will be considered by the architect and the traffic engineers. The light that was put in at the corner of Settlers Ridge Road and New Haven Avenue and the one at Mary Ellen Drive in the same area, a majority of the cost was paid for through a State grant. Not sure the State would come through with a similar grant, but would try to get State funding if possible and if it were necessary.

Ms. Rose: Asked if the call volume report included medical responses or just fire responses?

Chief LaVecchia: It was all responses and based on 2009 data.

Ms. Rose: Asked if a majority of the fires are along the shore area.

Chief LaVecchia: Mostly all throughout the city. There are more fires than anyone thinks. Tragically there have been two major fires in the past few months.

Mr. Liddy: Asked if the land had been acquired as yet.

Mayor Richetelli: The City has to have the Planning and Zoning Board's and Board of Aldermen's approval in order to acquire the property. The City has the money to do it, but needs the authority. The property is privately owned. The property owner was contacted over six months ago notifying him of the City's interest in the property. The owner lives out of state. The property owner was not interested in selling the property. The City asked for permission to do an appraisal. The appraisal has come back and is within the price range that was requested. The property owner has been given 30 days to respond to the City under State statutes with regard to responding to the City's offer of purchasing the property at the full appraised value. That clock expires on July 23rd. If the City does not hear from the owner by then, then the City will pursue its rights under State statute to acquire the land.

Mr. Liddy: Would that be under eminent domain? Because this is a public safety issue.

Mayor Richetelli: Yes. This would be for a legitimate municipal purpose.

Mme. Chair: Asked Mr. Sulkis for his comments.

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Mr. Sulkis: Nothing has been submitted other than what he looked at on the assessor's records and aerial surveys. It is as it is described in the report. It had been used commercially in the past. It is a decent sized property. From an aerial photo it is not in good condition.

Mme. Chair: Asked if a traffic study or impact on the roadways or sewers would be investigated as part of the process.

Mayor Richetelli: A fire station is low impact. Aside from traffic controls that are needed for the apparatus to get in and out of the site, there is no traffic going in and out of the property throughout the day. From previous knowledge of the process when Station 8 was converted, this would be a very suitable piece of property.

Mme. Chair: Would there be less equipment going into the combined stations?

Chief LaVecchia: Different types of equipment perhaps, but not less. Currently each station has two bays for trucks; one active and one in reserve.

Ms. Rose: Asked about the cost to purchase the property; what is the cost of building the station and what other costs will be involved for equipment, etc.

Mayor Richetelli: Appraisal was \$335,000 and that was offered to the property owner. The cost of the building will be \$4 million +/- . There should be no added cost for apparatus. The apparatus is part of the rolling stock program which is forecast out for a five year period.

Ms. Rose: Asked how the \$4 million would be funded.

Mayor Richetelli: Through the capital improvement process and ultimately through the bonding process.

Mme. Shaw: Asked for copies of the maps that indicated response times for the Board's review.

[The response time map was circulated among the board members to look at]

The Chair suggested the Board review the material that was supplied and any additional material they might need and vote on a recommendation at the meeting on August 3rd.

Mayor Richetelli: This is a time sensitive matter. If the Board does not vote tonight the matter cannot be brought to the Board of Aldermen until their September meeting.

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Chief LaVecchia: Explained the ISO came to review Milford's current status last year and at that time said the City needed to consolidate the firehouses in order to keep the Class 1. In September they gave a period of six months to make the improvements. Milford discussed with ISO the desire to keep the Class 1 status, and at this point it is necessary to move the process along.

Mr. Bender: Clarified if the Mayor was solely seeking approval from the Board to purchase the property. Asked if the Board would be further involved in the process down the road.

Mayor Richetelli: This would be the last time. The Board of Aldermen would make the remaining decisions as to the land purchase and the ultimate decision as to consolidating the firehouses.

Mr. Dickman: What happens to the project if the property owner responds by July 23rd.

Mayor Richetelli: If the property owner rejects the City's offer of the full appraisal value, the City would look to exercise its rights under state statute to take the property for the fair value of the property, which would be decided by the court.

Mr. Vetter: Asked about the suitability of a piece of city-owned property near the proposed site.

Mayor Richetelli: Reviewed the properties that were within the approved geographic area and why the property Mr. Vetter inquired about was not suitable for this use.

Ms. Rose: Stated she was not comfortable with some of the aspects of this plan. Asked what would happen if the Board did not approve the request and what would be the effect on the fire department.

Chief LaVecchia: The two stations would have to be renovated which at this time do not meet all the OSHA and National Fire Protection Association standards, especially for personnel requirements. This will affect the Wheelers Farms Road station as well. This consolidation is not being done because of the ISO rating. He restated the reasons he believed the consolidation was necessary and why the location chosen is the best suited for this purpose.

Mayor Richetelli: Reminded the Board that its purview was not the money and to do nothing would cost the City much more. Stations 5 and 6 would have to be renovated at a cost of approximately \$1 million. The area of Woodmont Road and Red Bush Lane and some areas north of the Post Road are not being adequately covered. Part of the Capital Improvement Plan has been to build a

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station in the northeast section, near Red Bush Lane and that would cost between \$3-4 million. All this would cost more than consolidating the two stations. Consolidating stations 3 and 4 has proven very successful.

Further stated that eminent domain should be absolutely the last resort in acquiring the property. Milford had been the first city to state it would not exercise its right under eminent domain for economic development purposes. That was the major issue in Kelo vs. New London. This is not a case of economic development. This would be a real municipal public safety use. This would be the city's last consideration.

Chief LaVecchia: Added that additional personnel would have to be hired at a cost of over a million dollars.

Mrs. Patterson: Asked if there would be any neighbors involved if the property were taken under eminent domain.

Mayor Richetelli: No. There would be no neighbors involved in this transaction. The City has only exercised its right under this statute for sewer lines or pump stations and that has been in a very minimal way.

Ms. Rose: Asked with regard to the recent fire in the Laurel Beach area, if the fire station had been left open would the response time have been faster?

Chief LaVecchia: That was one of the largest fires the city has had in a long time. All the fire apparatus was used. If firehouses 5 and 6 were consolidated they would have been able to respond sooner.

Mme. Chair: Said she would have liked to have received additional information and more time to review it. Asked what the board preferred to do.

Mr. Vetter: Made a motion to approve Mayor Richetelli's request under Connecticut General Statutes 8-24 for approval for the City of Milford to purchase or acquire land located at 980 New Haven Avenue for the purpose of constructing a new fire station.

Mr. Bender: Second.

Ms. Rose: Could not support the motion. Stated her reasons: The Chief stated the response time to the Laurel Beach fire would have been faster had the fire station in the Walnut Beach location had not been closed; not sure the city could afford \$4 million for the project at this time; eminent domain issue.

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Mr. Liddy: Stated it was incumbent upon the board to let the professionals make the decision as to where they think the best fire department would be located and to make the decisions as to how best to meet the required standards. The City has the fire chief in this position to make such decisions. Having a fire department that meets the highest criteria is also important those people who have businesses in the City and the City's economic development.

Mr. Dickman: His concern about eminent domain is offset by the fact the property owner does not live on the property and that eminent domain would be used for public safety and a municipal purpose. Comfortable in approving the request.

Mr. Bender: Stated he believed it was made clear that eminent domain would be used solely as a last resort.

Ms. Rose: Restated she felt pushed into making a decision tonight. Also stated that up until tonight's meeting there was no knowledge that the fire department was falling short on any of their regulations.

Mayor Richetelli: Clarified that the response time of stations 3 (Walnut Beach) and 4 (Devon), would not have been greater if the two fire houses were still functioning separately.

Chief LaVecchia: The companies operate in pairs and not as a single unit. He explained how the combined firehouses are much more efficient than coming out of two different stations.

One of his goals is to put paramedics out into the station to shorten the response times to medical calls in that area, which is a service that they currently do not have.

Today's call volume is all over the city, not only along the shoreline as it had been in the past.

Nine members voted in favor. Mr. Ferrante abstained due to his arriving late to the meeting.

Mr. Ferrante: Asked Chief LaVecchia with regard to the Laurel Beach fire, if he had knowledge as to the distance between the houses and why they caught fire.

Chief LaVecchia: The houses were close to each other. The house to the right, a multi-family house was 30-40 feet away from the central house that caught fire and the one to the left about 20-25 feet. At the fire on the other end of town the house on the right hand side was very close, approximately 20 feet. The significance of the two fires was how much fire was active when the companies

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arrived. These types of fires are unusual today in that the houses were fully engulfed in fire on the first arrival. One because it was old and just a lot of dry lumber, well vented in the middle of the night. It is believed that the other one was fed partly from a gas grill that caused some of the siding to go up.

If the question is: Should the distances between structures be separated, it has a lot to do with the type of construction and the distance and the height.

2. **CAPITAL IMPROVEMENT PLAN 2010-2015** – Request by Mayor James L. Richetelli, Jr., under Connecticut General Statutes Section 8-24, for approval of the proposed Capital Improvement Plan for 2010 – 2015.

Mayor Richetelli: The Capital Improvement Plan is a planning tool that identifies the basic capital needs of the City over the next five years. The cost estimates do not appropriate any dollars or set priorities and decisions as to what actually gets funded and what does not will come later by the Board of Finance and Board of Aldermen. Approximately 80% of the items within the plan deal with infrastructure to the schools, sanitary sewer system, roads and drains. The rest deals with fire and police departments, bridges, recreation, harbor, etc.

Mr. Liddy: Asked why the sidewalk in the Gulf Street area by the overlook is not in the Plan as it had been in the past.

Mayor Richetelli: It has been determined that the City does not own that piece of property. There are deed restrictions that would prevent the City from putting any improvements on that property without a lengthy and costly legal battle.

Ms. Rose: Asked if the construction at the schools would be energy efficient and what programs in the Plan would be implemented this year.

Mayor Richetelli: The architect that the school system has is LEEDS certified and always looking to put the most energy efficient improvements into all city buildings, not just schools. The plans to be implemented this year will come at a later date and will depend on money available. The schools have been on a five phase project for improvements to the two high schools. The major amount of work has been completed through phase 2. Phase 3 is going on now. It has been determined that Phases 4 and 5 probably can wait. Next will be East Shore Middle School. After that there are eight school buildings that need roof repairs.

Mrs. Patterson: Asked about sewer construction in the areas that still do not have them.

Mayor Richetelli: Sewers are in the portion of the Plan called Infill No. 1, which would be the first priority for the next round of funding in February.

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Mr. Liddy: Asked about the implementation of an improved police communications system which is sorely needed.

Mayor Richetelli: That project has been funded and the project is in the design phases. Construction will start early next year.

Mr. Ferrante: Asked the Board's function in this issue.

Mme. Chair: Explained the procedure again.

Mr. Ferrante: Commented he thought it unnecessary to spend funds on replacing septic systems with more expensive sewers and that it would be less costly to subsidize septic systems over a 20 year period.

Mayor Richetelli: Milford is over 90% equipped with sanitary sewers. The Wheelers Farms Road/Wolf Harbor Road to the Orange line is the one area that does not have sewers for the most part. He explained how the placement of the sewer lines worked on the streets and how payment would be made by the property owners if they wish to hook up to the sewer line. Noted the Health Department urges getting away from septic systems.

Ms. Rose: Made a motion to approve the request by Mayor James L. Richetelli, Jr., under Connecticut General Statutes Section 8-24, for approval of the proposed Capital Improvement Plan for 2010 – 2015.

Mrs. Golden: Second.

All members voted in favor of approving the motion. The motion passed unanimously.

[A brief recess was taken from 8:57 to 9:07 p.m.]

D. PUBLIC HEARING CLOSE BY 8/24/10; exp. 9/22/10

- 3a. **401 OLD GATE LANE (ZONE ID)** - Petition of BL Companies on behalf of Gabrielli Truck Sales Ltd for a Zone Line Change on Map 79, Block 810, Parcel 6B (formerly 6C), to allow its entire parcel to be in the Interchange Commercial District (ICD) zone, of which Gabrielli Realty of Milford CT LLC is the owner.

Michael Brandi, Esq., Cohen and Acampora, PC, representing the property owner and applicant, Gabrielli Truck Sales and Gabrielli Realty. Also present: John Schmitz, Andy Graves and John Mancini, Project Engineers and Architect from BL Companies.

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They have been working on this project for many months. Anxious to receive approval and begin construction. This is a major project which should be an economic boon for the City of Milford and create needed jobs in construction and permanent jobs on site.

John Schmitz, Civil Engineer, BL Companies, 355 Research Parkway, Meriden. Currently the parcel of property is bisected by a zone line. One portion of the property is zoned ICD (Interchange Commercial District) and the rear portion of the property is zoned ID (Industrial District). This is shown on sheet ZC-1.

History: The Gabriellis previously purchased Lot 6B from Ford Motor Credit some time ago. Lowe's, south of the property, previously owned a portion of leftover land from Jai-Alai. It was overflow parking for Jai-Alai. When Ceruzzi took control over the Lowe's property this was left in an undeveloped state as a parking lot. In December 2006 Gabrielli purchased that property from Ceruzzi and took the 2.3 acre parcel and consolidated it (with P & Z Board approval) with the main parcel. At the time the zone line was left as is and was never moved. Here tonight to correct that and put the entire property into Zone ICD. The current uses apply to both zones, so there is no issue as to uses or setbacks.

Mr. Sulkis: Agreed with everything Mr. Schmitz stated.

Mr. Bender: Asked about trucking terminal facilities in the ICD zone.

Mr. Sulkis: This is a commercial garage and the uses are allowed in both the ID and ICD zones.

Mr. Liddy: Asked why the applicant chose the ICD zone over the ID zone.

Mr. Sulkis: The ICD zone is more restrictive than the ID zone, but the majority of the property is in the ICD zone

Mme. Chair: Asked if there was anyone to speak in favor of the zone change. (No response) Asked if there was anyone opposed to the zone change. (No response)

The Chair declared the public hearing closed.

- 3b. **401 OLD GATE LANE (ZONE ID/ICD)** – Petition of BL Companies on behalf of Gabrielli Truck Sales Ltd for Special Permit and Site Plan Review approval to construct a 41,131 SF dealership and 21,021 SF 26-bay service building on Map 79, Block 810, Parcel 6B, of which Gabrielli Realty of Milford CT LLC is the owner.

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John Schmitz, BL Companies. The property is approximately 7.5 acres and is bounded to the north by Pilot Travel Center, east by Olympic Steel; south by Lowes and to the west by Secondi Brothers Truck Stop. Access to the parcel is off Old Gate Lane via a driveway.

The applicant is proposing to expand the existing uses on site. Currently the Gabriellis operate a truck service and sales operation. They sell new and used trucks and they service them as well. Looking to expand the use and create a 41,000 SF dealership building and a 21,000 SF service bay, which will contain 26 bays including a wash bay for trucks that come in for service and for those they sell.

There will be a canopy in front of the building for drop off and pick up at the service center. The site is laid out to accommodate the various uses. Parking in this area will be mostly reserved for dealership and for parts. Parking allows for a pass through from the front to the rear. There will be parking spaces scattered throughout the site for new and used truck parking.

Requesting three waivers as part of the application:

1. Section 5.3.5.4 to allow for three canopy signs on the face of the service canopy and to allow 17.8 SF of canopy signs on that canopy.
2. Section 5.14.6.8 to allow for paving and sidewalk against the building where a 5-foot buffer strip is required.
3. Section 5.3.5.1 to allow the existing pylon sign to remain. The sign is approximately 150 SF in size and approximately 30 feet high. It is currently located on the northwest corner of the site near the entrance drive.

Showed on the display the rain and drainage plan. Propose to drain the site to the rear and create a retention pond area in an area that is currently paved with the overflow parking area and discharge that water to an existing storm drain system. There is no storm water treatment on a majority of the site at present. The grades in the area will be approximately what they are today because the site is already developed. Utilities are existing but will be upgraded as necessary. There will be no increase in water runoff as it was designed to maintain the predevelopment flow.

Showed the landscaping plan to show the trees that will be planted throughout the site.

Showed the erosion control plans which comply with the CT Sediment and Erosion Control Guidelines. The lighting plan has been designed to comply with the city requirements for spillover of light.

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Mr. Sulkis: Referred to the Administrative Summary he had compiled and distributed to the Board. The Tree Commission did not recommend planting birch trees due to the environment they would be in. Suggested tree diversity. Sure the applicant will make those changes.

Received a letter from Westcott and Mapes, the on-call engineer for this project, who, after the second round had a few outstanding items to address and should be made a condition of approval.

Mr. Brandi: Will comply with the Tree Commission and will submit revised plans per engineering comments as conditions of approval.

Mr. Liddy: Asked why there was a landscaping waiver around the building. Asked the reason to allow the existing ground sign to remain.

Mr. Sulkis: The current ground sign does not meet today's standards. It is taller and bigger than the current standards allow. The plans show the exact dimensions.

The canopy sign waiver was requested because the sign faces the parking lot rather than the road per the current regulations.

Mr. Schmitz: Responded to Mr. Liddy's question concerning landscaping. The reasons are twofold: The southern portion of the building is basically occupied by roll-up doors for service. The east and west sides of the building also have roll-up doors, therefore landscaping in those areas is not reasonable due to the doors. Along the north and west sides where there are sidewalks, where the waiver would apply, in those areas the feeling is that a five-foot landscape area is not wide and cannot accommodate a large amount of rainfall. Plantings that would go into that area would need a certain amount of water and being against the building, in order to get healthy plants in an area against the foundation, would need an irrigation system. Not proposing irrigation on the site, but if there was landscaping against the building with restrictions with sunlight and rain, would not prefer to put in irrigation and water against the building. That is the thought process behind this waiver.

Mr. Liddy: Asked what kind of trucks would be sold.

Mr. Schmitz: The cab portion for large trucks but could be also be anything larger than a pickup truck, i.e, garbage trucks, snow plows, municipal trucks as well as tow trucks. Mostly sell cabs and box trucks for commercial purposes.

Mr. Vetter: Asked for a color rendering of the building with the sidewalk and plantings.

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[Mr. Schmitz showed the Board the color rendering]

Andrew Graves, Architect and Principal, BL Companies, 355 Research Parkway, Meriden. The building is a combination of block veneer and insulated metal panels. [Showed a sample board which showed the colors and textures of materials] Described the materials and earth colors that would be used in the building which would give it a clean, modern look. The surrounding neighborhood is not the best. Described the solar properties that would be utilized which would be cooler in the summer and retain heat in the winter.

Mr. Liddy: Asked if the building would be LEEDS certified.

Mr. Graves: He is LEEDS certified and although the building will be built to high energy efficient standards, it will not be LEEDS certified due to the high cost involved to the owner.

Mrs. Patterson: Asked about servicing trucks with oil and water going into the ground. Would there be separators?

Mr. Graves: That is required by code so that all the drainage within the building is trapped within the sanitary system and is taken from an oil grease separator before it leaves the site.

Mr. Schmitz: Noted the Sewer Commission had reviewed the plan as well.

Mr. Vetter: Asked if there would be any removal of trees.

Mr. Schmitz: For the most part the existing trees are on the perimeter of the site because it is already developed. There is very little interior landscaping today. Showed the treed areas on a display which will remain.

Mr. Mead: Asked why there was a 1,000 gallon diesel tank inside the building.

Mr. Graves: As part of the operations they test run the vehicles and the trucks do not always come in full so they keep the necessary automotive fluids in inventory for operation of the service bays. That area is contained within a fire rated enclosure according to the requirements of the NAPA. There is also a drain and a sump in case of any spillage.

Mr. Mead: If there would be an oil/water separator in the car wash.

Mr. Graves: Yes. Most of the washing is for detailing and washing of new trucks. On occasion engines and transmissions are cleaned but are captured into a separator.

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Mr. Ferrante: Asked about the storm water retention area.

Mr. Schmitz: Explained the modified rip-rap system of the three areas involved. Size is based on the flow coming out of the pipes in each location. The inside of the pond would have a low maintenance seed grass. There would be no trees or brush in it.

John Mancini, Principal Engineer, BL Companies. This is an industrial use. The concern is in the areas that require landscaping, there are also doors. Suggest as a compromise to put landscaping that is not flush with the ground as it would get abused by people using the facility. This is a work-boots type place. Suggest placing elevated planters around to be put in selected areas along the sidewalk areas.

Mme. Chair: Asked if there was anyone to speak in favor of the application (No response) Asked if there was anyone to speak in opposition to the application. (No response)

The Chair closed the public hearing.

E. PROPOSED REGULATION CHANGES

Section 9.2.3 – Prohibited Variances

(add .4) to read: No application to vary a front, side or rear yard that brings the existing or proposed structure within ten feet or less of any structure on the applicant's or any neighboring or adjacent property shall be allowed.

Mme. Chair: Mr. Sulkis redid some of the verbiage of the proposed regulation change in accordance with the Board's comments at the last meeting.

Mr. Sulkis: Upon review of the wording he suggested striking the word "within", for clarity's sake.

Mr. Ferrante: Suggested getting feedback from the Fire Department regarding appropriate distances in residential areas, in light of their appearance at tonight's meeting. In discussing public health and safety, he wondered if this board and perhaps other boards have been overlooking setback lines.

Also, the zones with the smallest setbacks are five and ten feet on the side. This formula might create five feet setbacks rather than five and ten. He suggested making it fifteen feet, which would give five or ten feet to the next house.

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Mr. Sulkis: Stated he could have a meeting with the fire marshal and discuss what the fire department thinks is best prior to the circulation. The fire department receives proposed regulation changes and they could weigh in on the final language. He can meet with the fire department ahead of time to help craft the language.

Noted with regard to fifteen feet, the current language allows a minimum of five feet as long as there is a side yard setback of five feet on one side and ten feet on the other side. Anything that the Board does should be based on that minimum requirement because the goal of this language is that there be a minimum of ten feet between the structures. The fire department may think that is enough, or maybe not.

By having a minimum of 15 feet instead of 10 feet, that would be changing the base, which is 5 and 10 to something more than the minimum. As discussed at the last meeting there is always the possibility that someone is going to come in, get a variance and where they currently have a 10 foot side yard on one side and a five foot on the other, and for whatever reason they are granted a variance on that ten foot side yard, that makes it smaller, but as long as it is not within 10 feet of the neighbor's house on the other side, it will be good. When that neighbor comes in for a variance and it is on that side of the house, they would be less fortunate because their structure would come within the ten foot setback. Dealing with very narrow lots to begin with. If the goal is to keep the reasonable separation, the Zoning Board of Appeals charge is to grant a variance where there is a hardship. Most variances that come before the ZBA are desires, not hardships. As the Board knows, when these variances are granted over time it is really defacto zone change and stretches of the R-5 zone can be looked at and hardly any of those stretches meet the zoning requirements because there has been variance after variance for the purpose of fulfilling the desires of people to have larger homes. So, anything the Board can do to limit that in a case where a hardship does not really exist, he thinks is a decent cause.

The numbers as the Board is presenting them probably do that without actually creating real hardship. When there are parcels that may be 25-30 feet wide, it starts to get dicey about what kind of structure can be built there. There may be an existing structure. What can occur, if there is a house there now that does not meet the requirements, the Zoning Board of Appeals routinely will grant variances for a new house that is on the same footprint. Chances are good that the house on the new footprint will be significantly taller than the house that was there previously.

Mr. Ferrante: Went over his interpretation of how his proposed 15-foot setback would allow people to go up to five if the other house has the ten. Whatever the Board does now will become a race to file your plans before your neighbor does. He thought the "15" between structures would follow the intent of the original regulations.

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Mr. Sulkis: Did not agree with Mr. Ferrante's 15-foot formula. He stated the actual intent of the regulation is that at a minimum there will be ten feet between two houses because you could have two five foot yards; the smallest yards you could have, the minimum is ten feet and the intent is that the maximum would be twenty feet, because of two ten foot side yards. The reality is there is no consistency. There can be a five foot next to a ten foot which would create the 15 foot setback. But it could also be a five foot abutting a five foot. There might or might not be a ten foot on the other side. There might be two ten foot side yards which would create a twenty foot side yard setback. Stated he would tend to lean toward something more permissive by meeting the minimum standard of what is currently there versus fifteen. Fifteen makes it even more difficult on the property owners.

Mr. Mead: As a former member of the ZBA Board he dealt with these situations quite a bit. He cited an example where a property owner wanted a five and a ten and they wanted a variance on one side. The neighbor did not want the house to be built. At that time he suggested to split the difference. If there is a 5 and 10 foot setback and it is a tear down and rebuild, center the house on the lot, that way there is seven and a half feet on each side and if the next person does it there will be fifteen feet between two houses. So, by centering a house on a lot would alleviate the problem.

Mr. Bender: Asked what the regulation change process would be once the Board achieves the wording they would like.

Mr. Sulkis: The Board decides on the wording. There is no deadline for this. After the wording is established it gets circulated to the regional planning agencies and the State for their comments and to the City departments and legal for their comments. When those comments are received back a public hearing is scheduled. The public hearing is conducted like any other public hearing. Based upon the feedback received for all parties, the Board can make its decision.

Mr. Mead: Asked if a variance is granted for a five yard setback where there is supposed to be ten, the property owner loses their 20% projection into that side yard because they are granted the variance.

Mr. Sulkis: Any variance that is granted is supposed to include any portion of the structure that projects on the side of the house.

Mme. Chair: Read the proposed regulation change noting the word change Mr. Sulkis had made earlier:

(add .4) to read: No application to vary a front, side or rear yard that brings the existing or proposed structure ten feet or less of any structure on the applicant's or any neighboring or adjacent property shall be allowed.

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Mr. Sulkis: Suggested adding back the word “within”. The intent is for the side yard to be within ten feet. If ten feet or less is hit, that is what it is. Mr. Sulkis said it is up to the Board as to how they want this to be.

Mme. Chair: Stated the Board has been in favor of this for a long time and this is a good step.

Mr. Ferrante: Stated Mr. Sulkis should check with the fire marshal before this is finalized.

Mr. Sulkis: Said he had no problem with that. Asked the Board to give him suggestions as to parts of town where they think this regulation is most needed and he could do an analysis of these areas for their current setbacks.

Mr. Liddy: Asked if a review of the ZBA’s decisions regarding variances and set back determinations would be in order.

Mr. Sulkis: The ZBA is doing what they are charged to do. The Board may disagree with what they are doing and how they are doing it, but they are following their rules.

He can obtain a summary. Thought the R-5 zone would be the zone that this change would be tailored to. Will also investigate the GIS databases and see if these areas can be geographically located and where the variances are predominantly located.

Mr. Vetter: Asked if the surveys provided show the neighboring properties.

Mr. Sulkis: A-2 surveys show at the very least within 100 feet of the property line the buildings that are there.

Mr. Dickman: Suggested the following change in the regulation wording to make it read better: Keep the word “within” and omit the words “or less”.

Mme. Chair: Said that did work better.

F. LIAISON REPORTS

Mr. Mead: Inland Wetlands Commission had new business for White Oaks Terrace, which had been previously approved for a 46 unit multi-family housing. The owner came back with the engineer to modify it down to 24 manufactured homes. The owner is D’Amato and Mr. Sulkis believes the matter is in court. White Oaks Terrace is off High Street.

Mr. Sulkis: This is an application that will be coming before the Board.

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G. APPROVAL OF MINUTES – (7/6/10)

Mr. Vetter: Moved to approve the minutes.

Mr. Liddy: Second.

H. CHAIR'S REPORT - None.

I. STAFF REPORT

Mr. Sulkis: The bids were opened for the reconfiguration of the Planning and Zoning and Building Divisions and the Department of Permitting and Land Use to be constructed in the former Conference Room A. The bids ranged from \$113,000 to \$173,000.

Mme. Chair: Stated it was her understanding these costs would be funded with grant money.

Ms. Rose: Asked if there was an update on the land use director.

Mr. Sulkis: There were a bunch of interviews and the field was narrowed down to three people. That is all he knows.

Mr. Vetter: Made a motion to adjourn.

Mrs. Golden: Second.

All members voted in favor of adjournment at 10:10 p.m. The next meeting will be held on August 3, 2010.

Phyllis Leggett, Board Clerk