

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE  
PLANNING & ZONING BOARD  
HELD TUESDAY, AUGUST 18, 2009; 7:30 P.M.  
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the Public Hearing of the Planning and Zoning Board at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**Members Present:** Mark Bender, Frank Goodrich, Kim Rose, Jeanne Cervin, Kevin Liddy, Susan Shaw, Greg Vetter, Jeanne Cervin, Chair.

**Not Present:** Janet Golden, KathyLynn Patterson, Victor Ferrante

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

**Mme. Chair:** Announced that Item 2 on the agenda, 1770 Boston Post Road, will be postponed.

**C. PUBLIC HEARINGS CLOSE BY 9/22/09; EXP. 11/26/09**

1. **1651 BOSTON POST ROAD (ZONE CDD-5)** Petition of Vanasse Hangen Brustlin, Inc. for a Special Exception and Site Plan Review to construct a bank building on Map 100, Block 805, Parcel 11A, of which Olympia Properties, LLC is the owner.

**Jennifer Porter, Esq., Gibbons, PC, One Pennsylvania Plaza, NY, NY**, representing the Applicant, JP Morgan Chase Bank in connection with its application for Site Plan approval and a Special Exception for the drive-thru component of the proposed bank.

The parcel is located at 1651 Boston Post Road and consists of approximately 2.5 acres. It is located in the CDD-5 zone and in the Coastal Area Management overlay district. The site was formerly occupied by the Dakota Restaurant. Chase seeks to demolish the existing restaurant and parking areas and replace them with a 4,195 SF Chase Bank and associated parking, landscaping and other site amenities.

The Site Plan complies with all applicable area and bulk requirements and is the work product of several meetings with the City Planner and reflects comments and input from various departments and agencies. The proposed development conforms to the Special Exception standards set forth in Sec. 7.3 of the zoning regulations, with the general objectives and design criteria for Site Plan Review as set forth in 7.1.3 of the Zoning Regulations, and the specific queuing requirements for drive-in bank windows, as set forth in sec. 5.1.4.1 of the Zoning Regulations. The proposed use is in harmony with the appropriate and orderly

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development of the CDD-5 zoning district and will not be detrimental to the orderly development of adjacent properties. It will be situated across from the Milford MarketPlace, which includes a Peoples United Bank, which has a similar site layout with two drive-thru lanes and one bypass lane.

**Shannon Rutherford, Sr. Project Manager, Vanasse Hangen Brustlin, Inc., 54 Tuttle Place, Middletown, CT 06457.** Met with Mr. Sulkis on many occasions and modified the layout and some design elements and have put forth a plan that is esthetically pleasing and will function very well. Met with Inland Wetlands in June and received approval at their meeting in June. There were minor conditions of approval that related to the long-term maintenance of the site, i.e, dealing with catch basins and general maintenance of the wetlands at the rear of the site.

Worked with the Traffic Commission to arrive at the traffic circulation and pattern and received their approval at their meeting of August 10<sup>th</sup>. Worked with the Fire Department on the 28-foot drive aisles that will accommodate the Fire Department apparatus that is needed in emergency situations. Received approval from the Sewer Commission. Westcott and Mapes, the engineering consultant provided an engineering review, their comments have been addressed and final sign off by Engineering and Public Works has been received.

The Tree Commission reviewed the proposal and offered recommendations to which the bank has no objection.

**Nathan Kirschner, Project Engineer, Vanasse Hangen Brustlin, Inc.** Reviewed the Site Plan via a display. Milford MarketPlace is directly across the street. The proposed site plan utilizes the existing signal, which currently serves the Milford MarketPlace. West of the property is Smile's Amusement Center; to the east is Milford Lanes Bowling Alley; directly south is the Indian River and wetlands.

Proposed plan is to demolish the Dakota Restaurant and construct the approximate 42,000 SF Chase Bank. The site layout is intended to remain consistent with the adjacent parcels with regard to parking and the location of the building. The single site access was relocated to be aligned and have ease of access for vehicular traffic and to allow use for pedestrian traffic onto the property. There is also proposed cross-parcel access easements to both adjacent properties to allow access to those parcels, should they be redeveloped.

There is an architectural lighting design that was selected and the lighting plan complies with Sec. 5.2 of the Exterior Lighting Regulations, specifically with regard to light trespass. The .5-foot candles at the property lines was maintained.

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The site design was also intended to minimize disturbance to the wetlands. There is an existing drainage swale that is paved and exits into the wetlands and to limit disturbance to the wetlands and the wetland buffer, it was determined the swale would be maintained and the proposed biofiltration swale drains directly to that.

**Vahid Karimi, PE, Director of Traffing Engineering, Vanesee Hangen Brustlin, Inc.** A detailed traffic impact and access study report for the project was prepared, which conforms to the State guidelines and requirements. It also looks at the traffic operation on the existing conditions and future conditions. The documents have been submitted to the State for their review. As part of the project traffic control improvements have been devised at the site driveway.

VHB had designed the driveway and the traffic light at the Milford MarketPlace to ensure that in the future should there be a driveway across the street, that the driveway could be accommodated in a reasonable fashion. Wanted to make sure they would not have to go back and redo the traffic light and be disruptive to the general public traveling in that area. What is on the site plan is what has been done and recommended: Adding a left turn pocket across from an existing left turn lane that is out there so that the motorists can go into and out of the Chase Bank driveway on the protected signal face. Also proposing a driveway that is going to be directly opposite Milford MarketPlace that will move the traffic in the same phase.

The operations are at an acceptable level of service. Want to make sure that queuing is accommodated and any backup within reasonable distance. All the documentation is contained in the traffic report that was submitted to the City and the CT DOT.

A final design plan for the traffic light is in review for final approval by the CT DOT. Expect approval within the next week or two.

**Guy Toto, RA, Toto + Vujinovic Architects, 32 Union Square East, New York, NY.** Spoke about the main design elements:

1. Projecting monumental tower which picks up some of the elements from the Peoples Bank across the street, Ethan Allen and some of the elements into the Milford MarketPlace Shopping Center. The projecting tower is the location for Chase Bank's 24-hour walk-up ATM.
2. At the rear of the building the bank has an additional drive-up ATM and drive-up teller.

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3. Some of the materials used are: Wire cut red brick; rough face stone and smooth face stone. The windows are clear aluminum with one inch low "E" glass.
4. Layout: A projecting tower entry with the ATM. Inside there are 5 teller stations and some general offices. The drive-up teller is in the rear with a night drop for merchants. There is an additional drive up ATM lane on the outside.

**Mme. Chair:** Asked Staff for comments.

**Mr. Sulkis:** The Application is fairly straight forward. The Board has some discretion involving the Architectural Standards section 5.16 of the Regulations.

**Mr. Goodrich:** Asked for clarification on the three lanes shown in the site plan for drive-thru with cars queued.

**Mr. Kirschner:** The third lane of vehicles is to show there is a full bypass available. There is a drive-up window and a drive-up ATM. The zoning regulations ask for 10-vehicle queues for both those lanes. The additional lane of vehicles is to show the full bypass capabilities of that circulation pattern.

**Mr. Vetter:** Asked about street access and to explain the reasoning behind the traffic flow within the parking lot. There appears to be an odd entry.

**Mr. Kirschner:** Noted on the site plan where Mr. Vetter was referring. When the traffic study was conducted the peak traffic volumes required a queue of three vehicles. In order to accommodate that without blocking this drive aisle, they needed to pull it back to allow when there is a red light, for three vehicles to queue at the location (where he indicated) and still allow traffic from Route 1 to enter the site and make the proper traffic circulation pattern.

**Mr. Vetter:** Asked if the concern is vehicles queuing on the way out, not being backed up onto the street, but queuing within the parking lot?

**Mr. Kirschner:** Yes, the full circulation around the back of the property as well as the extended queue length (indicated) allows all vehicles entering the site to have acceptable means of entering the property without queuing back onto Route 1. Also, any queue onto Route 1 would be an issue with the DOT.

**Mr. Bender:** Is there one lane each for access ingress and egress? Asked why there would not be two lanes out in case someone was coming out. Asked if there would be an issue because of queuing.

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**Mr. Kirschner:** Asked if Mr. Bender was asking why there was no lane dedicated to a right or left turn at the signal.

**Mr. Karimi:** The capacity of the exit lane was reviewed. The amount of traffic that would be exiting in the peak hour was not necessitating an additional lane to provide a right and a left turn lane. There had been some concern about the queuing on site blocking the driveway and vehicles coming into the site, not being able to get to the parking area. They looked at the capacity with the amount of traffic that is exiting but did not think there is a need for a two-lane exit onto Route 1. The phasing for the driveway and the driveway to Milford MarketPlace goes under the same phase and it can accommodate and operate an acceptable level of service.

**Mr. Liddy:** Will there be left turn signals from both the bank and Milford MarketPlace?

**Mr. Kirimi:** Yes. The way the driveway is designed, the center line of Chase Bank's driveway will be directly aligned with the center line of the Milford MarketPlace. The Milford MarketPlace driveway has two exit lanes, so the center lines are all completely aligned and is designed properly.

**Mr. Liddy:** Asked if the building was LEEDS certified in any manner.

**Mr. Toto:** The building will use design elements for energy efficiency, but the bank has not chosen to officially go for LEEDS certification.

**Mr. Bender:** Asked if landscaping was the only means of separating the Smile's Amusement property from Chase bank.

**Mr. Kirschner:** Landscaping only is proposed. Asked about the proposed easement..

**Mr. Sulkis:** The easement is being shown on the map in the event there is ever future development on the other site. Connecting the two sites in the near future is not anticipated.

**Mme. Chair:** Asked about the sidewalks, existing and/or proposed.

**Mr. Kirschner:** There is an existing sidewalk and bus stop adjacent to Route 1. As part of closing off the existing site access, they will be tearing up and replacing the sidewalk there. In addition, the sidewalk from that point forward and into the site will all be new.

**Mr. Sulkis:** Clarified that VHB were the traffic consultants who worked on the Milford MarketPlace project. They were not the developers.

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**Mme. Chair:** Asked Staff about City Department approvals.

It was determined that the departmental approvals were obtained.

**Mr. Bender:** Asked about signage and board approval for wall signs.

**Ms. Rutherford:** Explained how the zoning regulations were worded if additional wall signs were proposed, which did not apply to this project.

**Mr. Vetter:** Asked about the traffic study.

**Mr. Kirschner:** The traffic study was submitted for the engineering review and were not submitted to the Board. They can be provided.

**Mme. Chair:** Asked if there was anyone to speak in favor of the application.

**Diane Vassar, 17 Devol Street.** Stated she was glad to see the property would be reused. Would like to learn more about the green materials that they will be using.

**Mme. Chair:** Asked if there was anyone to speak in opposition.

Thanked the Applicant for being so comprehensive and succinct.

Declared the public hearing closed.

This application will be discussed at the next Board meeting on September 1<sup>st</sup>. Three Board members are not present but should be able to view tonight's presentation.

2. **1770 BOSTON POST ROAD (CDD-5)** Petition of Richard Michaud, for Special Permit and Site Plan Review approval for indoor recreational use of the property located on Map 109, Block 804, Parcel 17, of which M & K Post Road Associates is the owner. **(POSTPONED)**

**D. NEW BUSINESS**

3. **120 & 128 BRIDGEPORT AVENUE** - Approval of Easement and Site Plan Map for 120 and 128 Bridgeport Avenue in accordance with the conditions stipulated in the Planning and Zoning Board's 8-24 Approval on March 19, 2009.

**Brian Lema, Esq., Bercham, Moses & Devlin, 75 Broad Street,** appearing on behalf of Dan Bagley and Christina D'Archangelo. They are owners of the real property located at 120 Bridgeport Avenue and they are the tenants at the property adjacent at 128 Bridgeport, where Al Dente Restaurant is located.

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On March 19, 2009, this Board gave 8-24 approval of the City's acquisition of 120 Bridgeport Avenue for use as a public parking lot. There were some conditions of that approval, one of which is to resubmit to the Board the site plan, which is before the Board tonight. Prior meetings have been held with the planning office to arrive at the present site plan.

The site depicts the existing conditions and shows the new easement area that is being granted to the City in order for the City to access the new proposed City parking lot. It also depicts the 19 spaces which will exist on the lot, even after the easement area is granted to the City. Additionally, July 24<sup>th</sup> meeting the Board approved the lease of five spaces in the new City parking lot for use by the restaurant. Between the 19 shown on the site plan and the five spaces being leased by the City, there is a total of 24 spaces proposed for use in conjunction with the operation of the restaurant. The Board of Aldermen approved the lease. This is the final step in the process.

**Mr. Vetter:** Asked if 24 is the correct number of parking spaces.

**Mr. Sulkis:** Reviewed the circumstances under which this matter had to come back for subsequent approval by the Board. The City has now met the conditions set by the Board for the City to use five off site parking spaces, which is allowed in the CDD-2 zone, by entering into a lease for those five spaces.

**Mr. Vetter:** Asked about seeing the plans for the actual construction of the parking lot, as the Board sees for other applications. Asked about signage and if there would be no restrictions on these parking spots and no signs indicating the parking spaces are for Al Dente's Restaurant, does there have to be documentation on this?

**Mr. Sulkis:** That information is found on the lease agreement between the City and the property owner. This will be a municipal parking lot and the City is not before the Board for anything to do with the parking lot other than to say they have been granted the right to park five cars there in exchange for the easement going through their property.

**Mr. Bender:** Asked if all five conditions of the letter of March 19<sup>th</sup> to the Mayor have been met.

**Mr. Sulkis:** Responded yes.

**Ms. Rose:** Stated that because the five parking spaces are not marked and they are City spaces, potentially, the people working at the restaurant could park their cars for the time the restaurant is open. So they would be using those spots anyway.

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**Mr. Sulkis:** Anyone can use those spaces. The restaurant has the right to use five of them.

**Mr. Liddy:** Made a motion to approve the easement and site plan for 120 and 128 Bridgeport in accordance with the conditions stipulated in the Planning and Zoning Board's 8-24 approval on March 19, 2009.

**Mr. Goodrich:** Second.

All members voted in favor. The motion passed unanimously.

4. **801 NAUGATUCK AVENUE – 2 LOT SUBDIVISION** Request by Warren Field, Jr. for bond reduction in the amount of \$11,197.00, leaving a bond balance of \$2,233.00, in accordance with the memo received by Bruce Kolwicz, Director of Public Works dated July 31, 2009.

**Mr. Sulkis:** Read the memo from Bruce Kolwicz. He referenced the attached memo from the Engineering Department which listed the outstanding items and the calculations as to the bond return.

**Mr. Vetter:** Made a motion to reduce the bond in the amount of \$11,197 to a balance of \$2,233.00, with the understanding that the Board is relying solely on the reports of the Engineering and Public Works Departments.

**Mr. Goodrich:** Second.

All members voted in favor. The motion passed unanimously.

**E. PUBLIC HEARING CLOSED 8/4/09; exp. 10/30/09**

5. **1183 ORONOQUE ROAD (ZONE HDD)** Petition of Grillo Organic, Inc. for an Amendment to a Special Permit and Site Plan Review for recycling operations for leaves and grass clippings, including without limitation, for composting, volume reduction, resizing, recycling, repackaging or reuse on Map 50, Block 935, Parcels 1 and 1B, of which Blackite Corporation is the owner.

**Ms. Shaw:** I move to deny without prejudice the petition of Grillo Organic, Inc. for an Amendment to a Special Permit and Site Plan Review to construct a recycling operation for leaves and grass clippings, including without limitation, for composting, volume reduction, resizing, recycling, repackaging or reuse facility at 1183 Oronoque Road consistent with the plans received on July 14, 2009 based on the following:



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1. The applicant's request must be revised as follows: An Amendment to a Special Permit and Site Plan Review to expand an approved Leaf Composting use and to include Grass Clipping composting with accessory stone product and landscaping material sales. The revised application shall be for activities that are not prohibited.
2. A Special Exception application is required for the accessory wood mulch production and accessory soils processing which has not been submitted.
3. The application is deficient and lacks, at minimum, clarification/submittal of the following items:
  - a. The Survey information shows areas used outside of the property line for drainage, materials storage, etc. In the absence of legal easement documentation, the Board can only approve requests contained on the subject site.
  - b. Removal of any encroachment of activities onto neighboring properties and the City's property.
  - c. A Coastal Site Plan Review application is required and has not been submitted.
  - d. Information about increased traffic and truck volume has not been provided to demonstrate that a traffic study is not required.
  - e. A proposed truck travel route has not been identified to adequately demonstrate that the proposed use will not have adverse neighborhood impacts.
  - f. The Fire Department expressed concern regarding possible fire hazard for the site's prior approval. Additional fire suppression systems do not appear to have been provided to address the increase in site area.
  - g. Status of any pending State Department of Environmental Protection permits needed for the proposed activities/expansion.

**Mr. Vetter:** Second.

Asked for clarification of "denial without prejudice".

**Mme. Chair:** Stated this helps the applicant tremendously. If the Board was to deny the application outright there would be a six-month waiting period before the application could come through again. By denying without prejudice, they can resubmit the application the next day, if they like.

**Mr. Vetter:** Questioned if the items listed on the motion would be the items that have to be resolved and then brought back to the Board before they could consider the re-application.

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**Mme. Chair:** Stated that was correct. There would have to be a whole new application because the current application was not adequate and requires a Special Exception.

**Mr. Bender:** Asked if the applicant met the stated items, would they be in good shape.

**Mr. Sulkis:** It would depend on the information they present. However, they will have presented the information to be presented to the Board so that they could make an informed decision. At that point, because it will be a conforming application it could be properly vetted to other City and State agencies.

**Mr. Goodrich:** The regulations call for a CAM, but for the increased volume they have to go back to DEP and that also requires a CAM. Is that redundant?

**Ms. Harrigan:** Clarified that a CAM is required because they are not an exempt activity within a Coastal Management Zone. When they present the CAM application to Planning and Zoning it goes out to the State DEP as it does to other City departments.

**Mr. Goodrich:** Stated there is no legal documentation showing New Meadow Road has been abandoned. Stump processing was never adequately discussed. Thinks this is a viable business. They have State DEP approval for leaf and grass composting. It is his opinion that because it was previously approved by the Planning and Zoning Board it should be grandfathered in.

**Mme. Chair:** They can continue with the leaf composting activity, which has been approved.

**Ms. Harrigan:** Stated she had gone back to the minutes and it was clear the request was just for a leaf compost facility and in terms of the permit that was issued, there was nothing else; no grass clippings or anything else. If they are revising their activities, their permit must be revised.

**Mr. Sulkis:** Commented when the applicant comes back for a new application they cannot come back with a new application that includes items that are prohibited.

**Mr. Vetter:** Asked for clarification as to whether there are unpermitted activities taking place now.

**Mme. Chair:** The applicant has been trying to work with the Planning and Zoning to work with the issues, but the only permission they have is for leaf composting.

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**Mr. Vetter:** Asked for clarification as to whether they could obtain permitting to do grass clippings and composting. These would not be prohibited activities.

**Mr. Sulkis:** Once the application is submitted, it will determine if the uses are permitted or prohibited. Two items that were submitted for that will have to be worked on is the wood processing and the stump grinding and soils activities that take place on the property.

When they present the Board with more precise information for the next application, the Board will be better able to determine whether or not some of the activities that they are doing now can remain or not.

**Ms. Rose:** Asked if there had been any disciplinary action towards the property owners because they have been conducting business without the proper permits.

**Mr. Sulkis:** Yes there has. An order was issued by Mr. Crabtree in 2007.

**Mr. Goodrich:** Stated he would abstain from voting on this issue.

Six members voted in favor of denial without prejudice. Mr. Goodrich abstained from voting.

**Mme. Chair:** The motion passes. Said she hoped the Board would see the applicant return with a thorough application, which the Board will carefully review.

**F. PROPOSED REGULATION CHANGES**

The public hearing for the regulation changes will be held on October 6<sup>th</sup>.

Proposed signage regulations will be presented to the Board prior to the October 6<sup>th</sup> meeting.

**Ms. Rose:** Stated she strongly objected to the clothing bins popping up all over.

**Mme. Chair:** This was mentioned previously and they are multiplying all over. Asked if anything could be done about them.

**Mr. Sulkis:** Issues could be ordered to have them removed, but the properties they are on are most, if not all, vacant. This could be pursued.

**G. LIAISON REPORTS – None**

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**H. APPROVAL OF MINUTES – (8/4/09)**

**Mr. Bender:** Made a motion to approve the minutes.

**Ms. Shaw:** Second.

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

**I. CHAIR'S REPORT**

The Connecticut Conference of Municipalities will be holding their convention on October 8<sup>th</sup>. Workshops are scheduled, including land use issues. \$50 registration. Will take place at the Hartford Convention Center.

**J. STAFF REPORT - None**

Mr. Bender: Made a motion to adjourn.

Mr. Vetter: Second.

All members voted in favor of adjourning the meeting at 8:30 p.m.

The next meeting will be held on September 1<sup>st</sup>.

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Phyllis Leggett, Board Clerk