

**MINUTES FOR THREE (3) PUBLIC HEARINGS
BY THE PLANNING AND ZONING BOARD
HELD TUESDAY, AUGUST 20, 2013; AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

The August 20, 2013 meeting of the Planning and Zoning Board was called to order at 7:30 p.m. by Chairman Mark Bender.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Ward Willis, Ben Gettinger, John Grant, Edward Mead, Dan Rindos, Michael Casey, Joseph DellaMonica.

Not Present: Jeanne Cervin, Tom Nichol

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

Mr. DellaMonica made a motion to reorder the agenda to take New Business Items E5 and E6 after Item C.1.

Mr. Casey: Second.

All members voted in favor of reordering the agenda.

C. 1. CGS 8-24 APPROVAL – SIDEWALK EASEMENTS AT SEASIDE AVENUE

Request by Mayor Benjamin G. Blake for approval to acquire sidewalk easements on 256 and 262 Seaside Avenue in accordance with the recently adopted Plan of Conservation and Development and Milford's Walkable City Initiative.

Gary Wassmer, City Engineer. This is a straightforward request for two easements on two pieces of property next to each other on Seaside Avenue at the corner of Cricklewood Road. They are both owned by the same entity. Upon approval of this board and the Board of Aldermen, construction of the sidewalk can take place in keeping with the Mayor's initiative to make the downtown more walkable around the sharp curve on Seaside Avenue between Cricklewood Drive and Meadowside Road.

Mr. Rindos: Made a motion to approve the request by Mayor Benjamin G. Blake for approval under CGS 8-24 to acquire sidewalk easements on 256 and 262 Seaside Avenue in accordance with the recently adopted Plan of Conservation and Development and Milford's Walkable City Initiative.

Mr. Mead: Second.

All members voted in favor of approval.

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E. NEW BUSINESS

5. **1201 BOSTON POST ROAD – BUS STOP HUB AT THE CONNECTICUT POST MALL (ZONE SCD)**– Petition of the Connecticut Post Limited Partnership and Milford Transit District for an Amendment to a Special Permit to construct a Bus Stop Hub on Maps 78, 79, 89; Blocks 811, 812, and Parcels 40A/A, 32, 40C, 13A, of which The Connecticut Post Limited Partnership is the owner.

John Knuff, Esq. representing the Milford Transit District as well as Connecticut Post Limited Partnership, who is the property owner. Also present: Dan Kiley, the general manager of the Mall and John Schmitz of BL Companies. Two applications being requested: A Site Plan Review and a Minor Amendment to the Mall's Special Permit to create a bus stop hub in the parking field on the south or the back side of the Mall.

He has learned how critical a role bus service plays in the day to day life of the Mall. Approximately 800 people arrive at the Mall per day via various bus lines; over 5,000 individual bus trips per year. 41% of the Mall employees get to work daily by means of the bus via Milford Transit, Greater Bridgeport, Norwalk Transit and Connecticut Transit. There are approximately 145 buses that visit the Mall per day. That type of usage takes a lot of cars off the roads and takes cars out of the Mall parking lot.

Westfield and Milford Transit have long understood that the existing bus stop area on the back side of the Mall is ill-suited for the type of demand that the bus service has. There is too much activity in a small, congested area. There is no shelter so people need to wait inside during inclement area, as well as other factors. Every corner of the Mall has been looked at in order to identify the best place in the Mall property that can maximize the safety, comfort and convenience of the bus riders and other Mall patrons, whether they are entering the Mall from their cars on foot or just driving in that area adjacent to the Mall.

The solution is the proposed bus stop hub. It is more than a bus stop, but it is not a bus depot. It consists of three individual bus shelters. They are all transparent so that for safety purposes they are well lit and protected by bollards. They will be accessed by means of a sidewalk and cross-walk system leading from Mall exits. There will be landscaped. [Mr. Knuff showed the Board via the display where the bus hubs will be oriented in respect to the Mall and the roadways]. The bus stops are heated and grant protection from inclement weather, which is not the case at this time. Bus service will not be increased due to this hub. There are approximately 145 buses per day and that will remain. Due to the location of the hub, 21 parking spaces will be lost. The mall currently has a waiver of 378 spaces and with an extension allowed by the Board, the waiver will be increased to 399 spaces. Granting this waiver of parking spaces for the hub because it helps facilitate public transportation and will encourage the use of public transportation to and from the mall.

The money to do this bus hub is being provided by the Federal Transit Administration as well as the State DOT. Asked for approval tonight to get the necessary funding in place and get the hub constructed prior to the busy holiday season.

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Mr. Sulkis: The Board was made aware of this project at the time the Buy, Buy, Baby application came before the Board. This is almost eight years in coming. Agreed with Mr. Knuff's presentation.

Chairman Bender: Asked the approximate distance from the entrance of the Mall to the bus hub.

John Schmitz, BL Companies: Approximately 250 feet. The walkway is all ADA accessible.

Chairman Bender: The walkway is uncovered and people will have to walk from the mall to the bus shelter in inclement weather.

Mr. Knuff: Yes.

Chairman Bender: This is contrary to them having the bus hub to keep out of inclement weather.

Mr. Knuff: There may be other exits that are closer for them to get to the bus hub.

Mr. DellaMonica: He is very much in favor of this bus hub. It is long overdue. He asked which route the buses will be traveling on in the rear parking lot.

Mr. Knuff: Noted the bus route via the display.

Mr. Schmitz: Elaborated on how the buses will travel with the signal that is there.

Mr. DellaMonica: Asked how the homeless situation in Milford, especially near the Mall area, will be dealt with by the Mall due to the shelter being heated. There may be an issue of people hanging out there.

Mr. Knuff: The Mall security will be aware of who is in the hub.

Mr. Grant: Asked about a designated path from the parking garage which is covered.

Mr. Knuff: The parking garage is adjacent to the cross-walk. People will probably use it in inclement weather. The mall does not have a designated plan or walkway to have people walk to the hub in a covered path.

Mr. Willis: This is much needed and long overdue. How many people can one of the bus shelters fit in view of the number of bus riders that use the service per day.

Mr. Knuff: The buses run from 5-6:00 in the morning until 11:00 pm at night. People using the shelters are staggered throughout those time.

Mr. Schmitz: Each shelter size is the same: Approx. 8 feet in width by 30 feet long.

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They are covered on the roof and all four sides. Room for quite a few people to stand. Each transit operation would be assigned their own shelter. Designation for each shelter has not been determined yet, but there will be signage or schedules once that is determined.

Mr. Mead: Will severe snowfall be maintained by the Mall for access to the walkways?

Mr. Knuff: Yes. The Mall is equipped to handle large snow events.

Mr. DellaMonica: For security purposes, will there be cameras inside the hub?

Mr. Schmitz: There will be cameras and a panic button linked directly to the Mall security.

Mr. Mead: Noted a vending machine would be in the hub. Is that a good idea given the potential for people to congregate in a heated place?

Mr. Knuff: Responded about the theory if people want to break the law.

Mr. Knuff: Crosswalks. More than just painted on the ground.

Mr. DellaMonica: For security purposes. Will there be cameras in operation for surveillance?

Mr. Schmitz: There will be cameras and security measures in each shelter. Each shelter will also have a panic button with a talk-back wired directly to the Mall security office.

Chairman Bender: Who owns the shelters?

Mr. Knuff: Funded federally and by the Stated. Thinks the shelter as owned by Milford Transit and will be maintained by the Mall.

Mr. Mead: Asked about a proposed vending machine in the shelters.

Mr. Knuff: Thinks it would be a vending machine for soft drinks.

Mr. Mead: Is that a good idea given break-ins and vandalism at night?

Mr. Knuff: There will be security measures in place. All due precaution has been taken to insure the safety of the bus riders from a pedestrian as well as vehicular standpoint and from any crime as well. Milford Transit has had a tremendous amount of experience in these areas and would have voiced concerns if they thought there was a problem.

Mr. DellaMonica: Are accident mediation items in place in the event the shelter is hit by a vehicle and injures people?

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Mr. Knuff: There are bollards near parking spaces for protection to the shelter.

Chairman Bender: Will there be signage about the cross-walks going to the shelters? There is sun and shade going into that area and visibility can be tricky.

Mr. Schmitz: There will be standard cross-walk signage.

Mr. Mead: Will there be signage put in the mall to notify people the shelter will be relocated to this area?

Dan Kiley, General Manager, Connecticut Post Mall: The Mall will do a marketing campaign that transitions all the current riders both shoppes, employees and through customers from the current position near Buy, Buy Baby to the new location. This is a kick off point for the mall as some of the new changes that have taken place. Almost 20% of the Mall's foot traffic is bus riders. Want to make sure they do everything to accommodate these people.

Mr. Rindos: Made a motion to approve the petition of the Connecticut Post Limited Partnership and Milford Transit District for an Amendment to a Special Permit to construct a Bus Stop Hub on Maps 78, 79, 89; Blocks 811, 812, and Parcels 40A/A, 32, 40C, 13A, of which The Connecticut Post Limited Partnership is the owner.

Ward Willis: Second.

Mr. Rindos: Amended his motion to approve the waiver request of removing 21 parking spaces, bringing the total number of waived parking spaces to 299.

Mr. Willis: Seconded the amendment.

All members voted in favor of approval.

Chairman Bender: Commented on the number of parking spaces that have been waived, which is something to keep in mind for the future.

6. **119 SHELL AVENUE (ZONE R-7.5)** – Petition of Richard L. Sawitzke for Coastal Area Management Site Plan Review approval to renovate and add onto a single family residence on Map 27, Block 475, Parcel 24, of which Richard and Patricia Sawitzke are the owners.

Richard Sawitzke, co-owner of the subject property and a professional engineer in the State of Connecticut. This is a single family residence in the R-7.5 zone in Fort Trumbull beach, approximately 10,000 SF, back from the mean high tide mark. The Proposed addition is relatively small on the street side. Converting the existing porch into the living area and adding a new porch and a deck. With respect to the coastal management impact, the impervious area is being increased approximately 1.23%,

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which is in a grassy area. He described the measures that will be taken for the water drainage and management. Property was formally in the AE10 zone. The new zone is AE 13. The foundation is being raised a little bit more than three feet. Right now the finished floor is a little over 10 feet. The new finished floor will be approximately 13.92 feet. Added an extra foot to what is required. No stormwater discharge to LI Sound. He described the flood precautions that will be used. The house will be renovated for use as a single family residence on a year round basis.

Ms. Harrigan: John Gaucher of the DEEP reviewed this and was satisfied with the mitigation measures described by Mr. Sawitzke. Mr. Gaucher asked if there was comparable sand that is obtained through the excavation process that that be used to extend the existing dune that is already there. There is nice beach grass and a dune that has developed over time in front of the property.

Chairman Bender: Who determines if the sand is usable?

Ms. Harrigan: She and Mr. Sawitzke will communicate as the construction is continuing and will determine whether it is a fit or not.

Mr. Mead: Is there a situation with the attic as they are raising the house.

Ms. Harrigan: The first level exceeds the four foot crawl space that is allowed. The third story living area is within the roof itself.

Mr. Sawitzke: The present dwelling is a two-family dwelling. The two floors will be maintained. Keeping the façade features in terms of the roof lines and the windows. The roof peak will be slightly higher by approximately 5-1/2 feet. The overall height is approximately 30 feet.

Ms. Harrigan: There is no walk-up access into an attic. No agreement necessary.

Mr. Mead: Made a motion to approve the petition of Richard L. Sawitzke for Coastal Area Management Site Plan Review approval to renovate and add onto a single family residence on Map 27, Block 475, Parcel 24, of which Richard and Patricia Sawitzke are the owners.

Mr. Gettinger: Second.

All members voted in favor of approval.

D. PUBLIC HEARINGS – Close by 9/24/2013; expires on 11/28/2013

2. **55 BEACHLAND AVENUE (ZONE R-5)** Petition of Warren Field, Jr. for Special Permit and Coastal Area Management Site Plan Review approval to construct a single family residence with grading in the flood plain on Map 38, Block 557, Parcel 11, of which Molly Land Company is the owner.

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The applicant requested the application be postponed until the September 3rd meeting.

3. **95 MERWIN AVENUE (ZONE R-7.5)** Petition of Joseph Vallone, Architect, for Special Exception and Coastal Area Management Site Plan Review approval to raise an existing cottage, above the current FEMA flood elevation, on a property with two houses, on Map 59, Block 795, Parcel 45 of which Daniel and Marcia Shainis are the owners.

Chairman Bender: The applicant was informed that under Special Exception applications a super majority of board members is required. There are eight board members present. The hearing will be conducted and a vote can be taken at the next meeting, assuming 10 members are present.

Marcia Shainis, 95 Merwin Avenue. She purchased the home two months before Irene and a year later Sandy struck. Sustained considerable damage in both storms. The second structure, which is considered the cottage was completely flooded. She is asking permission to raise that structure to current FEMA standards. Joseph Vallone, the project architect is present to answer any questions about the plans.

Joseph Vallone, Architect representing the Shainis family. Noted an error on the first page. The number of stories “existing – two, proposed – three” is incorrect. All that is being done is raising the structure up. The first floor information sheet refers to an existing 364 SF and proposing 364 SF. The second floor 211 SF and 211 SF proposed. No change to the footprint. Raising the structure up to comply with FEMA and the only change that is being requested is on the roof line. There is no ridge beam in the center of the roof, asking to correct that and to raise the dormer a bit. There will be an open space under the area. No attic and no basement.

Ms. Harrigan: The structure is a three story structure because the elevated portion exceeds the four foot crawl space limitations so it is counted as the first story of the structure and the two finished floors are the two additional stories. The soil erosion and sedimentation control measures that were proposed were found to be acceptable. This site will be on elevated piers with lattice. The architect calculated the openings for that and it is fine. There will be only two off-street parking spaces for this application. This is before the Board because it is a single family residential zone and there are two units on site. In order to elevate the existing cottage the Board is going to have to approve two units for this property.

Chairman Bender: Parking spaces are the existing ones that are in the garage and the carport. There is no parking being created under the cottage.

Ms. Harrigan: No because it could not be accessed due to the garage in the way.

Mr. Mead: Is there a way to make a second garage door on the back of the garage to drive through to park under the house?

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Mr. Vallone: The carport and the garage are not attached. Not sure the building is being raised high enough to park underneath it. Only being raised four feet.

Chairman Bender: This area is not a transit area for a car.

Mr. Vallone: Nothing is really changing. Just want to raise it to comply with FEMA. Being careful not to change square footage or change the structure in any way.

Chairman Bender: Outlined the public hearing procedure. Asked if anyone was in favor of the application (no response). Asked if anyone was against this application.

Victoria Volonino, 199 Merwin Avenue The property lines are very close. Wanted to know what type of equipment will be used and how the equipment will gain access to and from the property. There are fences and the cottage is very confined. Very tight spaces. Her property is right on the property line of the applicant. Noted some years ago 115 Merwin Avenue imploded during construction.

Mr. Vallone: Some thought has been given as to accessing the site to do the work. Aware there is a carport which may be disassembled if necessary to get equipment into the property. With regard to the height, the drawings indicate that the height of the existing building is 18 feet, four inches and the new height is 22 feet, five inches.

Chairman Bender: Machinery will be accessed through its own property.

The Chair gave Ms. Volonino the opportunity to respond to Mr. Vallone.

Ms. Volonino: Will the access be on her side?

(Response not heard)

Chairman Bender: It is his understanding that the equipment will stay on their property. If there will be an issue during that process, the Planning and Zoning office can be contacted.

Mr. Vallone: A great deal of thought has been given to this matter. Access will be made through the carport. It has been the intention from the beginning. The height has been addressed. The inside of the house is being cleaned up. He assure the Board he will be handling the construction of this project very professionally; not foreseeing any danger whatsoever.

The Chair closed the Public Hearing. The applicant was given the right to bring the application to a vote tonight. Ms. Shainis declined to have the vote tonight.

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- 4 **PROPOSED ZONING REGULATION TEXT CHANGES:** **Sec. 3.1.3.3** Single Family District; home occupation; **3.6.4.3** Division of Land; **3.13.2.10** Waterfront Design District; **3.21.3.3** Deletion; **4.1.4.3** General Regulations; **5.5.8** Outdoor entertainment decks; **5.17** Route One Interconnecting Driveway Access; **6.2.4** Nonconforming Uses; Variance; **6.3.3** Nonconforming Structures; **7.1.1.7** Planning/Zoning Board; **7.2.2.** Deletion; **7.2.3** Board Action; **7.2.2.** Special Permit, General Procedures; **7.2.8** Expiration; **7.2.10** Amendments; **7.3.5** Special Exceptions; Rewritten; **7.3.4** Deleted; **8.3** Application for Zoning Permit; **8.5**; Approval of Application **9.2.2.4** Deleted; **9.2.3** Prohibited Variances; **11.2** Other Terms; **3.1.5.2.** **(Detail of Changes is posted on the City website and the City Clerk's office)**

The Chair went through each proposed regulation proposed for change. It was noted that Section 11.2 and 3.1.5.2 are not part of the text changes. The proposed changes have gone through the South Central Regional Council and the Greater Bridgeport Regional Council and were approved.

Mr. Sulkis: Section 5.17 should have been changed. The words Route One were to be removed from Interconnecting Driveway Access. The words "in commercial districts" was added to the section and "the Board shall waive" was struck out. "In commercial districts any parking and landscape computation requirements that would have been required in the location of the easement need not apply."

Chairman Bender: Why would it just be in commercial districts?

Mr. Sulkis: This was to get traffic off the heavily traveled roadways which are in the commercial districts, i.e., Woodmont Road, Bridgeport Avenue, Boston Post Road, etc. The word commercial can be changed. The intent was not to have it apply to residential districts.

The wording of Section 5.17 was discussed.

Mr. Gettinger: Stated he preferred "Non Residential".

Chairman Bender: "Interconnecting Driveway Access under Section 5.17
"In instances where the Board deems the interconnecting driveway access appropriate in non-residential districts, any parking and landscape computation requirements that would have been required in the location of the easement need not apply".

Mr. Sulkis: Noted that a majority of the changes are just clarification of the regulations that are and have been in effect. Nothing new has been introduced; just making it clearer and more understandable.

The Chair opened the hearing to the public: No one to speak for and no one to speak against. The public hearing was closed.

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Mr. DellaMonica: Made a motion to accept all of the proposed regulation text changes: **Sec. 3.1.3.3** Single Family District; home occupation; **3.6.4.3** Division of Land; **3.13.2.10** Waterfront Design District; **3.21.3.3** Deletion; **4.1.4.3** General Regulations; **5.5.8** Outdoor entertainment decks; **5.17 amended to read** Interconnecting Driveway Access; **6.2.4** Nonconforming Uses; Variance; **6.3.3** Nonconforming Structures; **7.1.1.7** Planning/Zoning Board; **7.2.2.** Deletion; **7.2.3** Board Action; **7.2.2.** Special Permit, General Procedures; **7.2.8** Expiration; **7.2.10** Amendments; **7.3.5** rewritten; **7.3.4** Deleted; **8.3** Application for Zoning Permit; **8.5;** Approval of Application **9.2.2.4** Deleted; **9.2.3** Prohibited Variances;

Mr. Casey: Second.

All members present voted in favor of approval of the Text Regulation Changes.

The changes will become effective Friday, September 6, 2013

F. REGULATION CHANGES – Update - Rear Lots

Nothing to report.

G. LIAISON REPORTS - None

H. APPROVAL OF MINUTES – (7/16/2013)

Mr. Mead: Motion to approve.

Mr. Willis: Second.

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

I. CHAIR’S REPORT

South Central Regional Council of Government. Shelton is having a moratorium on the medical marijuana factories.

Mr. Sulkis: Milford has not seen the State legislation in its final form yet.. The State will limit the number of municipal grow and sell facilities. There has been an announced grow facility in West Haven which would make it unlikely that a grow facility would also be in Milford. In the Light Industrial Zone, by Special Permit, an indoor grow facility could be allowed. However, a facility to dispense medical marijuana by regulation would require a Special Exception, because that use is not recognized in the regulations. The Planning and Zoning Office has had many inquiries about this over the last six to eight months. They have never advanced past general phone calls.

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J. STAFF REPORT

The \$20,000 Housing Study Grant was awarded to Milford to look at housing within the half to three-quarter miles from the train station. The money and paper work has not been received yet. During the September bond commissioning meeting they will approve it.

Mr. Mead: Part of the condition of approval of the parking lot at Subway headquarters was to paint a walkway from the main building across to the other building. He wrote a note to the zoning enforcement officer a few months ago, but he has not heard back from him.

Mr. Sulkis: It was a condition of approval and should be inspected. If Subway does not want to do this, they will have to come back before the Board. Mr. Sulkis will look into this matter.

Mr Gettinger: Motion to adjourn

Mr. Rindos: Second.

All members voted in favor of adjourning the meeting at 8:50 p.m. The next meeting will be held on Tuesday, September 3, 2013.

Phyllis Leggett

Phyllis Leggett, Board Clerk