

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

The Chair called to order the August 21, 2012 Public Hearing of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

B. ROLL CALL

MEMBERS PRESENT: Ward Willis, Jeanne Cervin, Benjamin Gettinger, John Grant, Edward Mead (Vice Chairman), Michael Casey, Dan Rindos, Joseph Dellamonica, Mark Bender (Chairman)

Not Present: Tom Nichol

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

C. REQUEST FOR USE OF OPEN SPACE FUNDS

- Request for Planning & Zoning Board approval to use available funds in the amount of \$45,000.00 from Account #0040-4142-0434, Open Space Funds, for the purpose of retaining the service of an open space and natural resource agent to maintain, preserve and monitor usage of the City's open space.

Mayor Benjamin Blake: Item on the agenda requests funding for an open space position from the City's Open Space Account. Milford has approximately 500 parcels of open space including parks, which equals close to 2500 acres. Millions of dollars have been spent in acquiring these properties and the City would like to protect the open space and preserve it without the use of taxpayer money. He is requesting the money received from builders and developers who have paid into the Open Space Fund for subdivisions be used to pay for an agent to oversee these properties. Letty Malone of the Open Space Committee and Bill Poutray of the Conservation Commission are present to answer questions the Board may have.

Ms. Cervin: Stated she is aware of the background to this request over the years and had been hoping there would someday be a land use manager. Asked for a brief analysis by Ms. Malone and Mr. Poutray as to how this has finally come about.

Ms. Malone: Stated she first became active in conservation under the administration of Joel Baldwin. She was involved when most of the large pieces of land were acquired. They were bought with hope and promise but have been desecrated over the years. Expensive signs were put up, but were destroyed. The money was received from a grant by Iroquois Gas Company. The signs were not replaced. Spaces and properties that had been places of beauty have been ruined by people bringing junk there; setting up encampments and illegal activities taking place. Can no longer depend on volunteers. Applauds the Mayor for his willingness to do this. The biggest prize was obtaining the Solomon property. Now the ATVs have run roughshod over this property.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

These ATVs have ruined the beautiful wetlands on the property. They are trying to right the Solomon property but can no longer rely on volunteers and the few resources the City could afford to give the Open Space Commission. That is why they think this is an important step forward and are grateful to the Mayor for being willing to put this matter before the Board. She urged the Board's approval.

Mayor Blake: This money can only be used for the acquisition and maintenance of Open Space properties. In 2010 the State did a study called the King's Mark Study. It looked at specific parcels, such as, Eisenhower Park. One of the things it noted was there had not been any maintenance in the last 40 years. Eisenhower Park is one of the areas in Milford that is maintained to some degree, and their findings were unfortunate. Approximately 15 years ago the City bought the Solomon property; 100 acres and spent \$4 million for it. The requested amount of money for the position requested is small and will be used to maintain that property.

Chairman Bender: Asked if this was a one time withdrawal for this position or would it be continuing in the future.

Mayor Blake: The money will not come from taxpayer funds. He hopes this position will be self-sustaining. One of the requirements of the position will be to apply for and obtain applicable grants and donations. When applying for purchase of property through other types of funding, they ask for a detailed plan as to how that property will be maintained. At this time Milford does not have the ability to say there is an Open Space Land Use Agent or a detailed inventory of properties. This position should leverage the City's ability to be successful when applying for these grants.

Mr. DellaMonica: Asked if the biggest problem regarding these properties is security (damage to the properties).

Mayor Blake: Many components. Deterioration is due to mother nature, neglect and vandalism.

Mr. Willis: Will this be a full time position? How many hours will he work? Who will the person be reporting to?

Mayor Blake: That information is in the job description. At this time it will be a seasonal temporary position. Still working out the details. In the past exhorbitant amounts have been spent on studies. This position is implementing the results of State and City studies.

Mr. Grant: Will this be a contract position for a fixed amount of money to do all the items on the job description? Will this position go out to bid?

Mayor Blake: Does not foresee a specific contract; more likely an at-will seasonal/temporary position. There would be a hiring process. The personnel director will get involved as well as a search committee with representatives from the Conservation Commission and Open Space Committee, as well as someone from the environmental classes from the Milford Public Schools.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Casey: This is a one time pay out. How temporary is this position?

Mayor Blake: Hopefully it will be continued through grants and private funding. Goal is to make this a self sustaining position paid through grants and open space donations; federal state and private.

Ms. Cervin: The City has needed this for a very long time. Committees have been working on this for years. This is an excellent way of starting this project off. Mr. Poutray sent out an FAQ and there are answers to questions. One example is: "Why don't we keep the money for open space acquisition?" Mr. Poutray's response was: "It is not a large enough fund to make significant acquisitions and because conditions have deteriorated many of the open spaces severely. It is time to shift from acquisition to restoration. We should not buy land that we cannot maintain".

Ms. Cervin: Noted this is not the only open space fund in the city.

Mayor Blake: Yes. There are other open space funds that the City has.

Ms Cervin made a motion for approval of this request. This fits in with the old and the new POCD. It is necessary to maintain and oversee the open space properties that has been acquired.

Mr. Willis: Second.

Mr. DellaMonica: If the individual that is hired does not conjure up enough grant money how will this employee be funded in the future?

Mr. Mayor: At this time there is no plan to put this position into the City budget.

Mr. Grant: Asked for clarification as to whether the person will receive benefits.

Chairman Bender: This is a one time expenditure. It is a seasonal temp position with no employee benefits provided.

All members voted in favor of approval.

D. CONTINUED PUBLIC HEARING - CLOSE BY 8/21/2012; expires 10/25/2012

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

Win Smith, Esq., Dey Smith Steele, Broad Street, Milford. This is a continued public hearing from approximately a month ago. He represents the applicant.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Smith reviewed points from the prior meeting. The building is 2,269 SF. Seasonal deck 543 SF on top. Total 29 parking spaces. At this time signoffs on the revised drainage plans have been received and approved by John Gaucher of the DEEP and Gary Wassmer, City Engineer. The revised drainage plans were distributed to the Board and date stamped into the record. The sign offs received represent the extensive work that was done between meetings with the DEEP and City Engineer.

The building will be a Tuscan design. Mr. Ferrara will have a family restaurant. The restaurant has a take-out and a sit down area. There are eight tables with twenty seats. There are eight bar seats. Approvals have been received from all the required City departments.

He noted the waivers that were requested, in particular, for parking. His calculations state the need for 27.76 parking spaces. There are 25 on the lot and four leased on the contiguous lot next door. The City Planner has a different set of calculations. He states this application needs 41 spaces.

Parking has been considered an issue. He described the use of the outdoor roof deck which will be strictly seasonal. Take out and eat in portions of the building are configured differently when calculating parking. Would like all of these factors to be considered in the waivers that are being requested. Redid some of the landscaping to comply with the City Planner's request. With regard to the islands and interior spaces, the City Planner notes the applicant is short on that. Presenting an alternative plan tonight. The islands and interior spaces have only 2.9% coverage, which is below the 10% required. The full parcel coverage is 14.5%. The City Planner suggested backing out the rip-rap at the back of the parcel. The plans and calculations were revised to reflect the City Planner's request. If the stone work in the back is considered the total landscaping is 18.3%.

Outlined the way the restaurant will be used where parking will not be long term. This site has already been decreased substantially. Originally wanted a 2500 SF building. Will have 28 seats, not the 50 first envisioned. In the present restaurant there is no sit down inside. 100% of his business is "take-out". A calculation of the heaviest parking time (Friday nights) was done. 41% of his business is delivered. That has zero impact on the parking. Asked the Board to consider that this type of business will not always have people who come in sits down and eats. In this case there will be people who order and generate business but never come to the restaurant. This is a family restaurant. There are only 8 tables with a total of 20 seats inside. If a family comes in there would be approximately 4 people to a car. People will not be coming in to sit for an extended period of time. The vehicular traffic is diminished because families will be coming together. Asked the Board to take this into consideration.

Initially the applicant thought he would have a 2500 SF building. The application is substantially smaller than that. The seating is now down to 28 seats from over 50 seats. The applicant has come a long way to try to shrink the project and to try to make it fit as best it can within the parameters that were given and asks the Board to look favorably on this. Mr. Smith closed by asking for the Board and Staff's support of this project.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Sulkis: Mr. Smith presented an accurate picture of the situation. The drainage is now approved and compliant. The rip rap that is shown on the Board's plans has been removed. The rest of his summary submitted at the last meeting stands.

Mr. Mead: This is a sit down restaurant. The present restaurant is take-out only. There will be more people parking here for a longer time. It is anticipated they will be busier than they are now because people will be sitting down to eat. Couldn't they find a bigger building?

Mr. Smith: Unlike other businesses, Mr. Ferrara's business has a component that does not impact parking at all. Reservations for seating can be taken if crowding becomes an issue.

Mr. Rindos: Made the observation that restaurants coming before the board have all been lacking in parking. He wonders if the cumulative effect of lacking parking at all these different restaurants will eventually cause these restaurants to do less business, especially as the Board gets more applications for restaurants. He supports what Mr. Smith was saying. If the restaurant does well and the food is very good and people pour in there, he would imagine the owner would move to another location. This is a reputable and established business with many happy customers.

Ms. Cervin: Noted from the last meeting's minutes that Mr. Smith said he was complying with the regulations of this Board. She finds he is not complying with the regulations because he wants six waivers. She asked if he was familiar with how the Board handles waivers in the regulation book. Asked if she should read that portion of the regulations to which she was referring.

Mr. Smith: Replied Ms. Cervin could do that.

Ms. Cervin: "When making this determination as to the extent of variation from the standards as set forth in these regulations, the Board shall take into consideration prospective character of the use; the interest of the City as a whole and the purpose and intent of these regulations." She also noted what is said in the Plan of Conservation and Development in this zone. Asked Mr. Smith to respond to that.

Mr. Smith: He believes the parking as required by the regulations has been met by this application. The reasons were set out before the Board.

Ms. Cervin: Asked about the four off-site parking spaces. Has there been any further development in terms of the long-term use or lease and change on the land records for those parking spaces?

Mr. Smith: He believes the four off-site parking spaces are leased for a total of 15 years and he thinks that provides the applicant with the parking he needs.

Chairman Bender: Gave the public the necessary information concerning speaking before the Board. Asked if anyone wished to speak in favor of this application.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mike Gottsegen, 8 Deerfield Avenue. Met Mike 22 years ago. Came in as a customer. Spoke to Mike about donations for a little league raffle. Mike was extremely generous in his support. Over the past 22 years, he has become friends with Mike and does not consider himself a customer. Mike continues to donate food, sponsor little league teams for all sports and supports the community. He would like to see his restaurant approved.

Sean Gottsegen. He knows Michael for 22 years. Mike contributed to his little league team after another restaurant denied the gift certificates that were promised. He supports the community and sponsors many sports teams in town. His family will only eat pizza from Michael Anthony's. Michael's new restaurant will make New Haven Avenue look better and will be a good thing for the community, as Mike will keep giving back. Mike has two parking spots right now and they have worked for all these years. Thinks the parking will work out.

Bud Canty, 59 Thompson Street. Michael has always come through for sports and contributions. Michael has always supported Mr. Canty's foundation that he runs, and sports programs throughout the City. He employs local people. He is a good corporate citizen. He asked for the Board's support.

Juanita Salvaggio, 471 Anderson Avenue. Has been a patron of Michael's restaurant for 22 years. It feels like family in his restaurant. Food is wonderful. Would love to see him get the new restaurant. It will be good for him, the town and the patrons.

Bill Bevan, 23 Merlin Circle. With regard to parking, the present restaurant has only 3 parking spots. The deck on top as a part time use he estimates will be used 7 times a year. The owners are looking to live out the American dream of moving from a small location to a larger one. Asked for the Board's approval.

Jack Sildy, 80 Sigwin Drive. Has been a customer and picks up pizza every Friday from Michael Anthony. Staff is wonderful. Feeling of family and wonderful food. He learned of Michael's plans and was very happy he will be expanding his restaurant so he and others can continue to enjoy it with their families.

Brendon Sternback, 167 Timber Trail. At 8 years old he lived near Michael Anthony's. He has known him for 11 years. Considers himself part of Michael's family. He has worked very hard his whole life and deserves to have this restaurant.

Max Ruggiero. He lives near the present restaurant and has been going there since it opened. He deserves the opportunity to expand his business and keep the business in Milford. The City needs the tax money, etc.

Chairman: Anyone else for this application? (no response) Anyone against this application? (no response)

The public hearing was closed.

E. PUBLIC HEARINGS – CLOSE BY 9/25/2012; expires 11/29/2012

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

- **PROPOSED ZONE TEXT CHANGE Section 3.16 Corridor Design Development District 1 – Community Design: CDD-1.** Petition of Kevin J. Curseaden, Esq., on behalf of GJS Properties, LLC, to add Section 3.16.4.2(5) to change the parking ratio for health club facilities containing no more than 20,000 SF from 1 parking space per 50 SF to 1 parking space per 125 SF.

Kevin J. Curseaden, Esq., 26 Cherry Street, Milford. Also present is Julie Scap from GJS Properties, the owner and the applicant; Ray Oliver, the project architect; David Sullivan, the traffic engineer who prepared the parking study and Brian Bowser from PPG properties, representing Crunch.

Mr. Curseaden mentioned the zone text change application and the Site Plan application for Crunch will be heard simultaneously.

Chairman Bender: The public hearing for the zone text change will have to be done separately. The site plan is not a public hearing. He has to keep it separate in that aspect.

Mr. Curseaden explained in order to preserve the record for both applications he would have to give the presentation twice.

Chairman Bender: Asked that he focus on the text change part and have the public speak and then go from there.

Mr. Curseaden: Gave a brief background of the history and how the application got to this point. The address is 881 Boston Post Road. It used to be Angelica Health Services and then it was a Saturn dealership. It is located between the Volvo dealership and Mama Theresa's Restaurant. The Statement of Use states at one time it was an industrial laundry, then a Saturn dealership that closed in October 2010, and it has been vacant since then. The owner has kept a couple of people working there occasionally to keep their eyes on the building. They have tried to get a tenant for a number of years. The zone is CDD-1, the Corridor Design Development 1, Community Design and the proposed use is a health club. The use is permitted in the zone.

The two applications on the agenda are separate. He and staff were not sure as to the best way to handle it. The Chair's suggestion is probably the best way to take care of all the issues and allow people to speak and then hear the Site Plan application

The zone text regulation change became effective in November 2009. There were hearings prior to that. He submitted minutes from the hearing in November at which time there were questions raised as to whether there was enough information available for such a decision.

Mr. Curseaden researched the minutes as part of the zone text change as it is his understanding that the root of the problem was there were gyms in Milford that gained popularity for whatever reason, and the original parking was parked at the retail/other services, which was one space per 250 sf, which clearly was the wrong calculation or ratio.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

That would be considered way underparked. For example, Fitness Edge was originally approved under that ratio. He believes that might have been one of the reasons there were complaints from business or property owners or citizens in general that there was not sufficient parking at the gyms.

He tried to research this file and find out as much as he could as to what was driving that change because he knew he would have an uphill battle asking the Board to make a change almost three years later. He did not find any conclusive information. Mr. Sulkis in his memo to the Board of August 17, 2012 spoke about a study or survey that was done. He could not locate that information. He believes the Board, with good intentions changed the regulation, but it was a severe over correction to the one per 250 SF. He has asked David Sullivan, the traffic engineer, to prepare a parking study, to figure out what the industry and regional standards are. He also spoke to Crunch to find out what their gym schedule would be and to find out what the actual correct number should be. It should not be 1 for 250 and it should not be 1 for 50.

The change the Board made was to Section 5.1.4. in November 2009. Tonight he is asking to change the text of the zone for the CDD-1 zone, adding a paragraph that says if someone comes in with a gym that is 20,000 SF or under, that the parking ratio should be 1 per 125 SF. Looking at the national chains and regional gyms, they are all hovering around the 20,000 SF mark. This would have a minimal impact on the regulation that was changed three years ago.

Mr. Curseaden asked if the board members had seen the site of the building. There is so much pavement in the back that is not visible from the road. He noted the two boards on display, one of which which showed the parking area at 1 per 50 sf parking . The rendering showed that the entire Volvo site would have to be taken up according to the 1 per 50 sf parking regulation, which equals almost two acres of parking. In dollars, the cost is approximately \$1,000-\$2,000 per parking spot. When this type of regulation is enacted, the developer, whether it is a gym chain or another type of business, cannot justify the cost for the development. The primary time for going to the gym is between 5:00 and 8:00. It is necessary to have parking for those times, but it leaves all that extra pavement during the other times when the gym is not as active.

Although this type of business is allowed in the zone, the impact of changing the regulation a few years ago, de facto, eliminated this use for most of the properties in this zone. He noted the parking might work for a few properties in the CDD-1 zone, but it would not be the highest and best use of the land, (i.e. the old Cinemas property). As a side note, the parking space for the Post Mall, is at 1 per 250, which was approved last year, but that is a different location in a different zone.

Mr. Curseaden: Replied to Mr. Sulkis' memo. Waivers are being requested. He noted the application for 475 New Haven Avenue is a vacant lot and this application is for an existing structure where the applicant is increasing the conformance with the standards. Adding 12,000 SF of landscaping or pervious surface. The City Engineer had an excellent idea of putting swales in for the islands for runoff and it works from cost wise and environmentally. There is no adaptive reuse regulations. Waivers are granted for certain reasons. Trying to reuse a building would be an excellent reason. The applicant is adding to and not

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

eliminating. According to the logic of the memo, nobody is allowed to reuse a building unless they demolish part of it. In this case there is a comment that parking for 22,000 SF has not been accounted for. 5,000 SF is an old loading dock from the laundry; 17,000 SF of that is where the industrial laundry machines were placed. That space will be left vacant. The space has been vacant for a couple of years and a tenant is needed. Tried to get tenants that would not require a heavy parking use but those companies have not been interested. Rather than not use the building or use the building for purposes that would not benefit the Post Road, they would leave the rest of the building unused. The regulations do not state that every square foot has to be used or that a parking spot must be designated for every square foot of the building.

David Sullivan, PE, Manager of Traffic Engineering at Milone & McBroom. He has been doing parking studies for 30 years. Most of the work he does has to do with zoning. The reasons for doing parking studies have changed. It is not just let's see if we can get less parking on the site. There is a philosophy of getting the right amount of parking on the site. The reasons are to get the right amount of parking on the site. His company has worked with City of New Haven for the past three years evaluating all the downtown parking. This is being done for planning purposes to determine their resources, leveraging revenue, make sure they are servicing the downtown businesses, etc. Also hired by Avalon Bay who does residential development to determine the parking needs for different developments. Working with Stamford Hospital on the Master Plan which includes a new bed tower that is being constructed for 200-300 beds which will replace an existing bed tower that will become vacant. They have a sensitive parking situation as well.

He was not hired to find a rationale for the parking spaces, rather what is the right amount of parking spaces for this facility. He then asks the questions: What does the industry say about it; What have other communities published about it? What are some local comparables and can the same facility ownership be located and get the data from that. This is what was done for the application.

It was known what the old regulation allowed; it was 1 per 250 SF when the Edge came in and the documentation and study shows it is not enough parking. The 1 to 50 regulation means conservatively if everyone drove and came in one car only and filled up the entire 250 spaces, each person in that building would be in an area of 7 x 7 feet.

The industry data is in the report. The Institute of Transportation Engineers claim on average this type of facility needs one parking space for every 190 SF and the 85th percentile, which covers the vast majority of the data they collected was about one per 118 SF, almost right on the 1 per 125 SF which is being proposed.

The Land Institute data recommended supply of 1 space per 143 SF.

Parking Professional did a study on health clubs. They recommend 1 per 130 SF.

Those were the three institutional clearing house studies.

The American Planning Association lists thousands of land use codes on information that has been provided to them. They had 6 data points from around the country ranging from

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

1 space to 100 SF in Raleigh, NC; 1 per 150; 1 per 200; 1 per 200; 1 per 200; 1 per 300. Except for Raleigh, every calculation is below what is being recommended in this application.

He looked at the Edge and Planet Fitness facilities in Milford. Peak demand at the Edge was 133 done at the busy season, end of January, beginning of February. Planet Fitness was less at 86. Both of these are slightly larger than the size of the facility being proposed here. If you were to apply this regulation to the square footage at the Edge today, you would have enough parking for the 133 spaces. It would require 150-152 under the proposed text change. He drove by that location today and it peaked at 118 people on site and by the time he left it was down to approximately 100. Also looked at the new Crunch Fitness in Norwalk. It is 22,000 SF. Counted a peak number of 150, however there is a furniture store nearby with very light volume, and there were approximately 2-3 spaces used by furniture patrons and they were added to the count. This was done at the peak time of day; peak time of week and the peak season.

Mr. Sulkis: Asked Mr. Sullivan to explain his definition of the peak times that he looked at the site, including today.

Mr. Sullivan: The data that was collected was from ---

Chairman Bender: February 6, 2012 from 4-6 was the peak time. That is from the book.

Mr. Sullivan: 7:00 am to 7:00 pm data was collected.

Chairman Bender: According to the book that was distributed to the Board, it was done twice. Page 5 on the top tells the date and it gives the times below it.

Mr. Sullivan: Correct.

Mr. Sulkis: The time period that the peaks were established was between 7:00 a.m. and 9:00 a.m. and then 4:00 p.m. to 7:00 p.m. What about the rest of the day? It does not appear that a survey was done the rest of the day.

Mr. Sullivan: Data was looked at on hourly variations and the peak times clearly in the afternoon. The morning was looked at because there is a secondary peak in the morning.

Chairman Bender: Page 6 has a breakdown of every 15 minutes of a car count at three locations. From what he gathers from this report that is where Mr. Sullivan got his peaks from.

Mr. Sullivan: The hourly variation information that they have indicates the peak is at 7:00 p.m. There is a slight morning peak which is about half of that.

Mr. Sulkis: Asked Mr. Sullivan if he knew the schedule of those facilities, i.e., fitness classes on that particular day since the study was done on one day in February. Was he aware as to whether or not any of these facilities had classes that were held during the day.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Sullivan: The schedules were not studied before the count.

Chairman Bender: Noted he has been going to gyms over 30 years and worked in them at night so he has a different angle on this. That is the peak time, although he is concerned there is only one data point. He knows that is the "New Year resolution" time and that is a peak time, but he would have liked to see a couple more days because in statistics N=1 is questionable. However, the time he picked for that one study is a busy time.

He noted he was thrown off by the statement that even at the 133 peak it is only at 90% occupancy. Is that of the gym or the parking lot (page 7 near the bottom)?

Mr. Sullivan: 90% of the parking lot.

Chairman Bender: Stated from his 15 years experience going to Fitness Edge, there is no way. People sit and wait for parking spots. He knows that everyone wants to park in front of the building and walk a short distance and then get on a treadmill and walk.

Mr. Sullivan: Agreed and noted he saw that tonight. When he made the count there was 118 and he saw that people were circulating in the one upper lot rather than going into the lot that was recently added and that lot at that time had about eight cars in it. When he did the 7:00 count he noticed there were more cars down there and there were empty spaces up at the main lot. Eventually people got tired of circulating, went down there and when people started leaving the spaces were opening up.

Mr. Willis: Fitness classes should be taken into consideration, in particular the Zumba classes at Fitness Edge have made parking unmanageable.

Mr. Sullivan: There will be fitness classes. 25 sites were studied in the ITE data.

Chairman Bender: It is hard to look at the building and say "yes this is enough", when the owners are looking at other ways to bring in more ways. Some gyms use the outside grass for exercise classes. Does not know how this type of use can be calculated.

Mr. Sullivan: These types of usage are not calculated in his study and it is not part of the application. Conversely, the 35 warehouse spaces that will be provided, when the gym is peaking, the warehouse is empty. Although it is not part of the application it represents almost 20% more parking than what is being provided for the gym alone.

Mr. Bender: Had the thought that if the Board would go with the two different things and say yes, all the parking would be used for the whole property. It would lock out anything else that would go on after.

Mr. Sulkis: Although there is space that the applicant says he is not going to use, this application does count space that is going to be used that is not for the gym use. So when a case is being made that the regulation is unreasonable, you need two acres of parking for this, it should be considered that this is a mixed use building. This is not a sole 20,000 SF building to accommodate just this particular use. There is almost 26,500 SF of building that

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

is also being included in this as a different use that is not going to be decommissioned that could be used at any time for the warehouse use.

Also, the question came up where did the Board get its standards? The standard that this Board adopted was based on the experience in Milford in looking at the clubs that are here. The Board's figures were generated by that 7' x 7' square and the thinking of that was that a piece of health equipment takes up about that much room, maybe a bit more, but the classes (Zumba, spinning, etc.) 7 x 7 location on the floor is probably going to be used for those types of classes and that is what was used in determining the figure that the Board had. Over time the equipment changes, the programs change, so the gross space has to be looked at knowing that in time things are going to change and the parking has to be accommodated. That is where the Board's figures came from back when the change was made.

Chairman Bender: If the Edge was to build its facility right now and have 18,708 SF, they would need 375 spaces?

Mr. Sullivan: Yes.

Chairman Bender: And they have 140?

Mr. Sullivan: Yes.

Chairman Bender: That seems high.

Mr. Willis: Planet Fitness is almost a completely different type of facility than the Edge. They don't have classes, so if you look at their parking numbers at peak and during different hours, it's a different thing. It's apples to oranges.

Asked if there was an increase in facilities there would be a diminishing demand for parking spaces? Asked if there was a study made on the effect of the number of facilities?

Mr. Sullivan: Not on this use. In some land uses, such as retail, as you get larger, your rate decreases as the facility gets bigger. This particular market seems to be in that 17,500 SF to 25,000 SF range in most of the data. The average was 26,000 SF. If the facility got significantly larger or significantly smaller, it would probably be a different product. Smaller might be a neighborhood freeway gym.

Mr. Willis: Explained he assumed there is a fixed number of people who go to gyms and if you add a gym in a town it does not necessarily mean there will be people to fill those parking spaces and if you add a gym you might alleviate the parking problems at other gyms. He asked if there was any analysis done to that assumption.

Mr. Sullivan: There was an analysis but it is a very logical assumption that people may switch gyms, but because this is built they are not offering a product all that different from other gyms. The objective is that the people who go to the gyms want to burn calories. The method they use to do this does not alter the objective.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Bender: Asked the public, for the proposed text change, was there anyone to speak in favor of the text change? (No response) Anyone against the text change? (No response)

The Chair asked if the Board had enough information on the text change to close the public hearing and move on to the Site Plan Review for 881 Boston Post Road.

Mr. Curseaden: Offered to have another traffic survey done.

Ms. Cervin: It appears to be confusing. The decision on the site plan review depends on the decision that is made on the regulation change. How could the Board go forward with the site plan until the regulation change is decided. Stated she believes there is more discussion needed on this application.

Chairman Bender: Thought one application would be voted upon and it would dictate the second vote.

Ms. Cervin: Agreed, but does not want to waste the time on the site plan if the regulation change is turned down.

Chairman Bender: Asked Mr. Curseaden if he wanted to take that chance or wait.

Mr. Curseaden met with his clients as to whether to hold off on the Site Plan Review.

Chairman Bender: Reminded Mr. Curseaden that a 2/3 vote was needed for approval of a regulation change. Seven votes for approval would be needed.

Mr. Curseaden: His clients can wait for the zone text change to be decided and present the site plan at the next meeting.

Chairman Bender: The thought is the time delay. A decision on the text change would not be made tonight and that would delay the site plan review, so it could be heard tonight.

Mr. Curseaden: This is the critical piece and they can wait two weeks for the next application. More information could be provided to the Board if they want to keep the hearing open.

The public hearing was left open to obtain more parking study information. The hearing on 881 Boston Post Road will be postponed to the September 4th meeting.

- **28 TOWER STREET (ZONES R-10 AND R-12.5)** – Petition of Thomas Collucci for a two lot re-subdivision on Map 53, Block 306, Parcel 45, of which Thomas Collucci is the owner.

Thomas Lynch, Esq., 63 Cherry Street, Milford, representing Tom Collucci. Also present with Ron Wassmer, PE, CCG Engineers who engineered the subdivision plan. This application is different from that presented last August. It was denied 4-3 last time. He will discuss the changes from the previous application. This property consists of

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

approximately 1.25 acres. It is the remaining parcel from the Wojak Family farm that was located at the turn of century between Tower Street and West River Street. A portion of the property was deeded back in 1939 to the Water Company and in 1999 Michael Saley bought the property and built two houses located at 38 and 40 Tower Street. This is the remaining portion of the farmland. He distributed a two page handout highlighting the aerial view of the density in that area. The property is located in an R-10 zone surrounding the property on the southerly side and to the east are residences built in an R-7.5 zone. The Clark Commons condominiums are located to the rear of the property. This property is located in a hodge podge of zoning. It is a large piece of property and the application submitted last August sought to divide the property in the same layout that is before the Board, but there are two major changes. The engineer who had done this survey last time had an error on the map. The application was presented showing that the property was in an R-12.5 zone. The layout as it is shown tonight shows the rear lot with the waiver that is being requested from the acre acre to 34,000 SF, the remaining house lot at 28 Tower Street is now shown as a conforming lot with the driveway next to it to be a deeded driveway. The application last year was with the house on a 12,000 SF lot to conform with an R-12.5 configuration and an easement. The Board does not like easements for rear lots, so this now has a conforming lot with the house on it. It has fee simple driveway servicing the house to the rear and that is a major change in the presentation that was made to the Board last year.

The aerial highlights the fact that this is a very large lot in respect to the other residences in the area. It is over three quarters of an acre at 34,000 SF excluding the driveway. Under the rear lot regulations the driveway cannot be included in the square footage calculation of the lot. If the driveway square footage was to be added it would be 38,000 SF. The waiver requested is diminimus, especially considering the R-7.5 zone that is surrounding this property. This rear lot will be four or five times the size of lots that are required by the adjacent zone. It is 3-1/2 times the size of the R-10 zone, but the aerial shows that this is a reasonable request. It puts the property to its highest and best use. The site development will show that efforts will be made to have trees screening the houses in front of the house. There will be additional trees planted on the property in the rear.

Ronald Wassmer, PE and LS, 158 Research Drive, Milford, representing the applicant, Tom Collucci. The property is in the R-10 and R-12.5 zones. Existing features on the site including the existing house at 28 Tower Street and the property in the rear. The neighboring house is on the condominium parcel. There are some stone walls on the site that will be maintained. Lot 1 with the existing home in the R-10 zone conforms to all the regulations. Requesting a waiver on Lot 2 for an acre on a rear lot. There is a 33 foot wide driveway to the rear and that will be owned by the rear lot in fee simple.

The net area, not including the access drive is 34,000 SF., where 43,560 SF is required. Mr. Wassmer reviewed all the sheets on display of the site development plan. There is a conceptual plan for the house in the rear, but there is a contract with a purchaser for this house. There will be a significant amount of landscaping with diversified evergreen trees for screening of houses and street trees on Tower Street and other trees to be added.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Mr. Sulkis: Had nothing to add to the presentation or to the summary prepared by Mr. Sulkis..

Ms. Cervin to Mr. Lynch: Why is the Board being asked to approve a building lot under one acre?

Mr. Lynch: It is a waiver request. The reason being this is a proposed lot over three quarters of an acre in an R-10 zone. It is three times the size of the square footage required in the zone. Working from the concept of property being put to its highest and best use. Mr. Collucci has a buyer for the house who has designed the house for a family with a special needs child. There are not a lot of approved building lots in Milford and this would provide one that is reasonable; does not increase density or traffic and complies with all the standards that are set forth in the safety standards of the subdivision regulations.

Ms. Cervin: Asked if there would be an open space contribution.

Mr. Lynch: Yes.

Ms. Cervin: Asked about sidewalks.

Mr. Lynch: Asking for a waiver of sidewalks.

Ms. Cervin: Mr. Wassmer mentioned sidewalks.

Mr. Wassmer: The plan shows a proposed sidewalk. Asking for a waiver because the sidewalks are not continuous on this side of the street..

Mr. Sulkis: Asked if there were other sidewalks on that side of the street.

Mr. Wassmer: There are some sidewalks. There are sidewalks on the opposite side of the street.and there is a sidewalk to the north of the two houses that were built in the late 90's. (properties were indicated on the map) After this lot there are no additional sidewalks going down to Clark Street.

Ms. Cervin: Corrected that there are no sidewalks on the opposite side of that street.

Chairman Bender: Clarified there are partial sidewalks on the side of the street of the property in question and no sidewalks on the other side of the street.

The Chair asked for public comment. Anyone to speak in favor of the application?

Lisa Vaccino, 15 Barberry Court: In favor of this lot. It is close to an acre in size. It will accommodate a ranch style home to house a family that needs open space in their home without stairways and without blockages along the way. Milford is a City that promotes family living and the school and community is very supportive of families, but there are not a lot of open, flat areas in Milford that would accommodate this kind of home. This is an application she heartily supports.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Bender: Anyone else in favor of the application? Anyone against the application? (No response)

Ms. Cervin: Questioned the aerial photo that showed the property as "0" Tower Street.

Mr. Sulkis: This photo is generated from the City's GIS system. Where there are vacant lots they do not have an address assigned to them and are indicated as "0".

Chairman Bender closed the public hearing.

Mr. Rindos: Thought the Board had all the information they needed to bring this to a vote.

Mr. Mead: The Board voted on this last year. There was a mix up in the zoning of the two homes and that was a reason it was denied, as they were asking for an easement on the driveway. The error has been corrected and no easement is being requested.

Mr. Willis: Made a motion to approve the petition of Petition of Thomas Collucci for a two lot re-subdivision on Map 53, Block 306, Parcel 45, of which Thomas Collucci is the owner.

Mr. Grant: Second.

Ms. Cervin: Has a problem with the rear lot not being one acre. A lot of waivers being requested of late. What is the point of having regulations if the Board continually grants waivers.

Mr. Rindos: Stated he believed the Board will be seeing more waivers being requested as land becomes less available. He noted the parking situations and size of lots.

Chairman Bender: Noted the Board could grant waivers blindly, but each application should be looked at individually and that is why the Board exists.

A vote was taken: Eight members voted in favor of the application; Ms. Cervin voted against approval of the application. The motion passed.

F. NEW BUSINESS

- **881 BOSTON POST ROAD (ZONE CDD-1)** – Petition of Kevin J. Curseaden, Esq., on behalf of GJS Properties, LLC for a site plan review to establish a Health Club-Fitness Center on Map 77, Block 825, Parcel 64, of which GJS Properties, LLC is the owner.

Postponed to the September 4, 2012 meeting.

- **1574 BOSTON POST ROAD (ZONE CDD-5)** – Petition of PC Richard & Son for Site Plan Review approval to install a temporary tent for a tent sale, on Map 100, Block 804, Parcel 7A, of which PC1574 Milford LLC is the owner.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Tom Sturgis, District Manager and Rob Krinsky, Store Manager, PC Richard and Son. Looking for approval for installation of a temporary tent on the PC Richard & Son site. The sale will be from Thursday, September 6th through Sunday, September 16th. The tent will be installed on September 4th and taken down on September 18th. The tent is 2400 SF.. Would like quick approval of this application to run this sale in conjunction with other store locations. Two tent sales were recently run in Newington and North Haven and were very successful.

Mr. Sulkis: Explained this is the first visit for PC Richard for this application and should they apply again next year, approval will be done administratively.

Ms. Cervin: Made a motion Petition of PC Richard & Son for Site Plan Review approval to install a temporary tent for a tent sale, on Map 100, Block 804, Parcel 7A, of which PC1574 Milford LLC is the owner.

Mr. Rindos: Second.

All members voted in favor of approval.

7. 72 OLD FIELD LANE LOT 3 – REQUEST FOR BOND REDUCTION

Request for partial bond reduction in the amount of \$2,386.00, in accordance with the memo from Bruce J. Kolwicz, Director of Public Works, dated August 6, 2012.

Mr. Sulkis: The bond return does not take into account the bonding for the sidewalks and curb. Sidewalks will be required as the Board approved the subdivision to include sidewalks.

Mr. Mead: Motion to approve the request for a bond reduction in the amount of \$2,386.00

Mr. Casey: Second.

All members voted in favor.

G. PROPOSED ZONING REGULATIONS

Sec. 3.1.4.2 Building Height in Residential Zones – Intertwined with POCD

Sec. 2.5.5 Lot Access and Rear Lots – Awaiting City Attorney comments

H. LIAISON REPORTS - None

I. APPROVAL OF MINUTES – (7/17/2012)

Ms. Cervin: Made a motion to approve.

Mr. Mead: Second.

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

The minutes were approved as recorded.

J. CHAIR'S REPORT

Thanked the Board members for their attendance at the POCD public hearing held earlier tonight. There will be another public hearing on August 28th and another on September 4th.

There will be a land use seminar on November 10th. Do not know the topic at this time.

K. STAFF REPORT

Mr. Sulkis: Noted everyone did a fine job on the Draft Plan of Conservation and Development based upon the input at the public hearing tonight.

Mr.Rindos: Motion to adjourn.

Mr. Grant: Second.

The meeting adjourned at 9:45 p.m.

Phyllis Leggett, Board Clerk

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING & ZONING BOARD HELD
TUESDAY, AUGUST 21, 2012; AT 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**