

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 5 OCTOBER 2021, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:00p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: N. Austin, J. Castignoli, J. Kader, B. Kaligian, P. Kearney, C.S. Moore, J. Mortimer, J. Quish, R. Satti, M. Zahariades

Not Present:

Staff: Joe Griffith, DPLU Director, David Sulkis, City Planner; Meg Greene, Rec. Sec'y

C. NEW BUSINESS

57 Shell Avenue (Zone R-7.5) Petition of Codespoti & Associates, P.C. for a Coastal Area Site Plan Review to construct a single-family residence at Map 27, Block 444, Parcel 9 of which Randi J. Silverman is the owner. **CLOSE BY DECEMBER 9, 2021**

Mr. Sulkis advised that the applicant requested a postponement to the next meeting.

D. PUBLIC HEARINGS

1) **Proposed Regulation Change #21-6** Petition of the City of Milford for changes to Article III, Section 3.6.3 Accessory Uses. **CLOSE BY DECEMBER 9, 2021; VOTE BY JANUARY 13, 2022**

Mr. Sulkis said that in the Design Office (DO) District zone, the primary use is office which can also have accessory uses such as gyms, restaurants, and day care centers. This change would allow people who don't work in the building to use the accessory features.

Chairman Quish asked for public comment. Hearing none, he closed the hearing.

DISCUSSION

Chairman Quish said there were short-term uses such as a conference space that the new regulation would clarify and that the change would help owners expand monetization of their office property. He expressed approval for the idea.

Mr. Satti confirmed that the Regulation Subcommittee had considered the change and recommended that it be passed by the full board.

Mr. Kader advised that he has lost his internet connection but was apprised of the proceedings by the chair and city planner.

Mr. Castignoli *moved to approve as presented* the Petition of the City of Milford for changes to Article III, Section 3.6.3 Accessory Uses. **Effective date 10/22/21.**

Second: Ms. Kearney seconded.

Discussion: Mr. Satti amended the motion to add an effective date, which Mr. Castignoli and Ms. Kearney supported.

Vote: Motion carried unanimously

2) **201 Kings Highway** (Zone R-7.5) Petition of Michael Iacono, Signature Pools, Inc., for a Special Exception for an in-ground pool within 25 feet of Mean High Water at Map 59, Block 795, Parcel 12 of which Heidi and Jay Dworkin are the owners. **CLOSE BY DECEMBER 9, 2021; VOTE BY JANUARY 13, 2022**

The applicant was not present; thus, the item was tabled to the next meeting unless the applicant appeared before the end of this meeting.

3) **252-262 Depot Road** (Zone LI) Petition of Michael Welsh, Revolution Milford LLC, for a Special Exception for a basketball training facility at Map 92, Block 705, Parcel 1E of which MNBD, LLC is the owner. (Postponed from 9/8/21 meeting) **CLOSE BY NOVEMBER 25, 2021; VOTE BY DECEMBER 30, 2021**

Mr. Sulkis reviewed the application, saying clarifications had been requested at the last meeting. He reiterated that the use is a basketball training gym. He said the property is large with a fence running through it, effectively dividing the lot. He noted that the applicant had updated materials as required by the board at the previous meeting, including documentation of the actual number of parking spaces. Mr. Sulkis said the parking areas allotted to various tenants would be desirable information but that there was

already an excess of the required total spaces. He noted that the applicant had submitted a compliant front landscaping plan and agreed to comply with City Engineer's list of requirements.

DISCUSSION

Mr. Castignoli confirmed with Mr. Sulkis that there was adequate parking for all uses on the 252 side of the property. **Mr. Satti** confirmed with Mr. Sulkis that there was no need for a finding of parking adequacy.

Chairman Quish asked for public comment. Hearing none, he closed the hearing and asked for a motion.

- 1) **Mr. Satti moved to approve with the following modifications** the petition of Michael Welsh, Revolution Milford LLC, for a Special Exception for a basketball training facility at Map 92, Block 705, Parcel 1E of which MNBD, LLC is the owner.

Conditions:

- 1) All parking striping shall be in compliance with section 5.1 diagrams 1 and 2.
- 2) Satisfying the requirements of the City Engineer in his letters dated 8/26/21 requiring concrete curbs and aprons, and 252, 262 being compliant with City of Milford Sewer Connection standards.
- 3) Submission of an updated parking table accurately reflecting and/or corroborating the parking table information on sheet C-IM1.

Second: Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously

E. OLD BUSINESS

Proposed Regulation Change #21-5 Petition of John Knuff, Esq., for changes to Article III, Section 3.9 Shopping Center Design District; Article V, Section 5.1 Parking and Loading Regulations; and Article XI, Section 11.2 Other Terms. **CLOSE BY NOVEMBER 12, 2021; VOTE BY DECEMBER 17, 2021.**

Chairman Quish said board discussions. **Mr. Kaligian** stated for the record that he had reviewed the previous meeting's deliberations on video and was prepared to vote. **Mr. Kader** said he had done the same.

DISCUSSION

Mr. Castignoli said he disagreed with the idea of housing on the site, an absence of complete plans, and that the board was being asked to be supportive of a business. **Mr. Kader** agreed with Mr. Castignoli about housing, saying that despite reassurances, he feels it will compete with downtown businesses as the mall had done historically. **Mr. Moore** agreed with these comments, saying he felt the project was too open-ended. **Mr. Mortimer** reminded the group that a housing use is already allowed in the Shopping Center District (SCD). He asked the board to consider what material change was really before them and said he didn't think it was alarming—it was just a change to the format of the already-permitted housing use. He asked **Mr. Sulkis** to provide detail.

Mr. Sulkis said Mr. Mortimer was correct in saying the housing use has always been permitted in the zone. He said the request is to change the format of that housing. He said that for whatever reason, the SCD zone ties the housing to the RMF-16 regulations that cover 2-story single or duplex houses, which could now, as of right, be built throughout the parking lot. He said the proposed regulation would allow mixed use housing with commercial and residential in the same building. He noted that the applicant is asking for an actual height reduction, because now buildings can go up to 120' but the request would limit these new mixed buildings to 85'. He said another proposed change is making the minimum lot size 4 acres to permit ownership subdivision like that now used by Target. He said the smaller lot sizes still function as part of mall. He explained that the proposed parking change would not base calculations on gross square footage but would section off areas of the mall based on use, such as retail, warehouse, or residential. He said that new language supporting the addition of other uses was based on board and public input from last year's public hearing and the POCD. He said the matter before the board was an applicant asking for change in development rules to guide the development of an application; the board was not being asked to review a specific plan because a future application would have to be scrutinized by the board on its own merits. He pointed out that there are 3 other property owners in the SCD zone that would be affected by the proposed changes, not just one owner. He said the DO zone regulation change approved earlier that evening was also in service of benefitting a business.

Mr. Mortimer said it seemed to him that the applicant is trying to implement what was suggested by the board. He thanked Mr. Sulkis for the explanation.

Ms. Kearney said that after listening to the previous proceedings 4 or 5 times, she wished she had voted for the original plan that featured housing being more distinct from the mall area. She said she preferred to see a new tenant in Sears building that would

bring jobs, possibly a tech company, and add housing in the rear. **Ms. Austin** stressed that a regulation change was the only matter before the board. **Mr. Mortimer** said the matter was still very preliminary. **Mr. Moore** said the presentation was extensive, so the board could respond to that. **Ms. Austin** said that the board could not vote on something that might or might not happen in the future—the group could not vote on a vision but rather the vote must focus on the regulation change. **Mr. Kader** agreed that vote should proceed and was concerned that a regulation change would have unintended consequences. **Mr. Zahariades** said he felt that the plan and regulation change should be considered together.

Chairman Quish said there is great certainty about what would be permitted and about what has been presented in the form of the work/live/play concept that is common in redevelopment planning. He said the board had 3 choices: approve, deny, or amend. He described the mall as a gateway to the city and allowed that there could be differences of opinion on the impact proposed changes might have on downtown. He said he had become convinced that the mall owner wants highest and best use of the property for the city—that if their proposed solution to reimagine the mall doesn't work for Milford, it won't work for them either. He called the relationship between city, board, and mall symbiotic. He said he didn't think there would be much of a downside to implementing the regulation change. **Mr. Mortimer** said if no mixed-use residential building were allowed, housing could consist of freestanding garden style townhouses. He said he anticipated working with mall ownership closely and was not afraid of staying engaged.

Chairman Quish asked for any further board comments; hearing none, he asked for a motion. He reminded board members that per the City Attorney's Office, motions are made in the affirmative; board members can vote against a motion if they don't like it. **Mr. Sulkis** reviewed the proposed motion language line by line.

Mr. Mortimer moved to approve the Petition of John Knuff, Esq., for changes to Article III, Section 3.9 Shopping Center Design District; Article V, Section 5.1 Parking and Loading Regulations; and Article XI, Section 11.2 Other Terms. **Effective Date: 10/22/21**
Proposed Modifications:

- 1) 3.9.2.7 Change the comma after "Eating Places," to a semicolon, i.e., "Eating Places;"
- 2) 3.9.4.1 and 3.9.4.2 Add the following in parentheses after the word "Yards" in:
 - (4) "Yards (front, rear, side)" Principal uses
 - (5) "Yards (front, rear, side)" Accessory uses
- 3) 3.9.4.3(1) Change reference to "3.9.4.2(4)" to Section "3.9.4.2"
- 4) 3.9.4.3(3) Change "except that multi-family dwellings" (shall not...) to "except that any building that contains multi-family dwellings" (shall not...)

To Read:

- (3) Height: No building or structure shall exceed 10 stories or 120 feet in height; except that any building that contains multi-family dwellings shall not exceed 5 stories or 85 feet in height.
- 5) 3.9.4.2 (7). Add the following to the second line:

...open space "***of a minimum 35,000 Square feet***" shall be

To Read:

- (7) Plaza Area: When any multi-family dwelling units are proposed, meaningful contiguous space open to the public ***of not less than 35,000 Square feet*** shall be provided at grade level, improved with suitable landscape and hardscape features, including, but not limited to, decorative plantings, benches, seating areas, play spaces, and public gathering areas.
- 6) **3.9.4.3 (11)** "No less than 5% of the dwelling units created shall be affordable housing as defined and in accordance with the Connecticut General Statue 8-30g."
- 7) **Limit of the number of units shall be 200.**

Second: Mr. Satti seconded.

Discussion: Mr. Satti and **Mr. Sulkis** agreed that the use of the word "modifications" was preferable to "conditions" and this motion amendment was accepted by **Mr. Mortimer**.

Vote: The motion failed with the following votes:

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 5 OCTOBER 2021, 7:00 PM

WITH THE MOTION: P. Kearney, J. Mortimer, J. Quish

AGAINST THE MOTION: N. Austin, J. Castignoli, J. Kader, B. Kaligian, C.S. Moore, R. Satti, M. Zahariades

F. LIAISON REPORTS—None

G. SUBCOMMITTEE REPORTS—The chair noted that 2 POCD meetings would follow on Wednesday and Thursday regarding consultant responses, featuring 2 presentations. He said the Regulation Subcommittee planned to meet next month.

H. APPROVAL OF MINUTES—**9/21/2021** minutes were approved unanimously.

I. CHAIR'S REPORT – The chair thanked for the board for their deliberations and attention. **Mr. Satti** asked about the requirement passed by the legislature to require education for Land Use Board members. **Chairman Quish** asked **Mr. Sulkis** to comment.

J. STAFF REPORT – **Mr. Sulkis** said the education requirement takes effect next year, but DPLU always makes educational opportunities available to board members. He noted that workshops on Land Use topics are typically run via UCONN, the CT Bar Association, or Wesleyan University. He said some workshops recur on a regular basis and that he will let the board know of any upcoming opportunities.

K. ADJOURNMENT was at 7:58.

Attest:

M.E. Greene

New Business, not on the Agenda, may be brought up by a 2/3's vote of those Members present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, (203) 783-3230, FIVE DAYS PRIOR TO THE MEETING, IF POSSIBLE.