

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 17 OCTOBER 2023, 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: J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, J. Quish, R. Satti, M. Zahariades

Not Present: N. Austin, J. Mortimer

Staff: D. Sulkis, City Planner; M. Greene, Rec. Sec'y

Chairman Quish opened the meeting and announced that several items had been postponed. Discussion ensued about the possibility of making 25 Shell Avenue a Public Hearing rather than a Site Plan Review.

Mr. Satti moved that 25 Shell Avenue be made a Public Hearing when it is heard on November 8th or any subsequent date.

Mr. Kader seconded.

Chairman Quish asked for discussion. **Mr. Hirsch** asked when the new traffic review would be completed. **Chairman Quish** said the anticipated delivery was about a day before the meeting with a draft provided prior to that. **Mr. Hirsch** expressed concern about having sufficient time to evaluate the report, particularly since Election Day is the day before. **Chairman Quish** said it would still be possible to extend the public hearing to allow more time for review.

Vote: Motion carried with **Messrs. Castignoli, Hirsch, Kader, Kaligian, Quish, Satti, and Zahariades** voting with the motion.

C. NEW BUSINESS

VOTE BY DECEMBER 21, 2023

1 Tudor Road (aka 0 Old Point Road) (Zone R-7.5) referral pursuant to CGS Section 8-24, to approve a lease agreement between the Boys and Girls Club of Milford, Inc., and the City of Milford on Map 015 Block 107 Parcel 85 A of which the City of Milford is the owner.

Mayor Richard Smith, 59 Sixth Avenue, addressed the board. He said he was excited to have reached agreement with the Boys and Girls Club. He reviewed the history of the parcel's acquisition and the terms of the lease. He said it features a 23,900sf building and includes the parking lot and playground. He said the building use will be for club administration of programs and events. He said he was extremely impressed with the benefits the club provided to Milford's children and to the city as a whole. He said the city will maintain a teachers' room and access to the gymnasium, which will be scheduled through the club. He said the lease term is 30 years with 3 ten-year extensions that can be mutually agreed thereafter. He said the club will be responsible for funding utilities and making minor repairs and is prohibited from assigning the lease. He said the city will collect trash and recycling and do snowplowing, mowing, and maintenance of the rest of the property. He noted that the lease doesn't include all the approximately 10 acres of the parcel and that all improvements to the property made by the club will belong to the city. He said rent is \$1 per year.

Mr. Satti asked about the police academy and was advised that it is in the old Simon Lake school. **Mayor Smith** said the club will move to 1 Tudor Road and the police academy will stay where it is.

Mr. Satti moved to approve as presented a referral pursuant to CGS Section 8-24, to approve a lease agreement between the Boys and Girls Club of Milford, Inc and the City of Milford on Map 015, Block 107, Parcel 85A of which the City of Milford is the owner.

Mr. Castignoli seconded.

Chairman Quish asked for discussion, none was forthcoming.

Vote: Motion carried with **Messrs. Castignoli, Hirsch, Kader, Kaligian, Quish, Satti, and Zahariades** voting with the motion.

0 Seaview Avenue (Zone R-10) Approval pursuant to CGS Section 8-24 for a permanent drainage easement from The Laurel Beach Association in favor of the City of Milford on Map 9, Block 130, Parcel 44A.

POSTPONED TO NOVEMBER 8, 2023

VOTE BY DECEMBER 7, 2023

25 Shell Avenue (Zone R-7.5) Petition of Timothy Hollister, Esq. for a Site Plan Review with CAM for a 20-unit residential building proposed under CGS 8-30g on Map 27, Block 444, Parcel 16, of which Sea Shell LLC c/o Fortitude Capital LLC is the owner.

TABLED TO NOVEMBER 8, 2023

D. PUBLIC HEARINGS

CLOSE BY NOVEMBER 22; VOTE BY JANUARY 25, 2024

242 Buckingham Avenue (Zone CDD-4) Petition of Molly Rentals LLC for a Special Permit to construct a 20 Dwelling Unit Residential

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Complex on Map 55, Block 545, Parcel 6, of which Tom Hayes is the owner.

Thomas Lynch, Esq., 63 Cherry Street, addressed the board, noting that due to technical problems with the auditorium's large display screens, fellow presenter PE Ron Wassmer had to return to his office to retrieve paper versions of the plans. In the interim, **Chairman Quish** asked Attorney Lynch why he had not filed the application under CGS 8-30g. **Attorney Lynch** said the application was being filed under MZR Section 3.19.2.2. **Chairman Quish** said he believed that 3.19.2.1 took precedence over 3.19.2.2, which **Attorney Lynch** strongly disputed, asserting that there are 2 separate standards for multi-family applications in the CDD-4 zone. He said the application was ineligible under 3.19.2.1 as the lot does not meet the 40,000sf minimum size, adding that if the application had been filed as a 8-30g plan, many more units could have been built than are being applied for.

Ron Wassmer, PE, 158 Research Drive, handed out a subset of the plans. He said he recalled that in 2017-18, Attorney Kevin Curseaden amended Section 3.19.2.2. Mr. Wassmer said he had worked on 2 developments built on New Haven Avenue under the amended regulation, neither of which are 8-30g applications.

Chairman Quish invited the applicants to make their presentation.

Attorney Lynch introduced his client, Warren Field, saying the plan was to construct a 20-unit multifamily complex. He noted that the property is less than 1 acre in a portion of the CDD-4 zone that is a transitional area between the downtown MCDD zone and the Borough of Woodmont and which features many permitted uses. He said infill residential multifamily housing is specifically encouraged in this area under the Plan of Conservation and Development (POCD). He said existing conditions include a house with garages and a warehouse for construction equipment, all of which will be demolished and replaced by 7 buildings with 3 units each. He noted that Greg Grew is the architect and that the townhouse-style units each have a garage underneath. He described floor plans for each floor. He said the complex will feature EV charging stations, plus a common mailbox near the entrance. He said no dumpster enclosure would be on site, but rather, private individual garbage and recycling container pickup service would be provided per unit. He said the plan was zoning compliant with departmental approvals received. He said Kermit Hua would present his assessment of traffic impacts.

Mr. Wassmer then reviewed his abbreviated site plans. He said the site is located on Buckingham Avenue's intersection with New Haven Avenue and features a total of 20 one-bedroom apartments. He said required parking was exceeded with 42 spaces where 40 are required plus EV stations. He reviewed the landscaping plan featuring street, shade, and flowering trees near the parking and a stockade fence around perimeter. He said draining and utility plans are straightforward on a flat lot with well drained terrain. He said electric and communication lines are underground and lights are affixed at a maximum height of 15.5' with downward LED illumination. He referred to architectural drawings providing a floor-by-floor description as well as elevation renderings. He said the maximum height is about 32' with no wetlands on or near the property and no flood zone issues. **Chairman Quish** asked what parking requirement would be with 3-bedroom units; **Mr. Sulkis** thought it would be about 2.5 spaces per unit. **Mr. Zahariades** asked if the parking calculation included garage spaces and was told it did with 1 space per garage and 22 surface spaces. Discussion ensued about which spaces go with which units. **Mr. Hirsch** asked about traffic in the area and was told that one-way street Buckingham Avenue had heavier volume than New Haven Avenue, and that the one entrance/exit is on Buckingham Avenue.

Kermit Hua, KWH Enterprise, LLC, 277 Reservoir Avenue, Rm 101, Meriden, traffic engineer, said he collected and analyzed traffic counts during peak hours in April 2023 and concluded that 20 units will generate 8 additional AM trips and 10 additional PM trips during peak hours. He noted the unique circulation pattern due to Buckingham being a one-way street necessitating that all traffic must proceed to the intersection of Gulf and Buckingham Avenues to approach the site. He said short delays in queueing on Buckingham may block the driveway occasionally, particularly during afternoon peak hours, but he assessed the overall incremental contribution as minimal. He noted that the only sightline needed was to the right of the entrance, and that it was sufficient. He also noted that during a typical weekday not all spaces are occupied.

Attorney Lynch concluded his presentation by underscoring the presence of a traffic signal and "do not enter" sign at Buckingham's intersection with New Haven Avenue. He revisited his interpretation of the CDD-4 use regulations under Section 3.19. He stated that if the application were able to be submitted under Section 3.19.2.1 (it was not, lacking 40,000sf), his client could apply for 39 units. He stressed that the application was submitted under Section 3.19.2.2 and is zoning compliant. He reiterated that the POCD encourages infill to complement restaurants and stores in that area with the goal of contributing to a vibrant community. **Mr. Satti** asked for verification of lot coverage requirements, which were met. He said there were Fire Marshall requirements regarding EV wiring standards which will be reviewed during the building permit application. **Mr. Wassmer** commented that the 8-30g statute usurps all local zoning regulations and had this application been submitted as such, nothing about it would have to conform to Milford's CDD4 regulations.

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Mr. Sulkis read his administrative review, which was consistent with the presentation. He noted an Open Space designation of 17,500sf provided where 8000 is required, and should not include the buffer area (5' strip at the buildings' foundations') but that even if that square footage is removed, the plan is still compliant. He said the Fire Department requires bollards to protect the EV stations to be handled by the Building Inspection during permitting. He said the application was substantially zoning compliant. **Chairman Quish** asked about the bedroom-and-study configuration, positing that such units could subsequently be advertised as 2-bedroom units. **Attorney Lynch** said the dens may be used as home offices and that there are no 2-bedroom units in the plan. He asserted that Mr. Field currently has 75 one-bedroom units but has never advertised any as 2-bedroom apartments. **Chairman Quish** said he would like to refer the application to the City Attorney's Office for review. **Mr. Castignoli** dismissed the need for such a review because the City Planner had stated that the application was zoning compliant.

Chairman Quish asked for public comment.

PUBLIC COMMENT

Donna Dutko, 236 Buckingham, said she lives next to the proposed project. She said that other Molly Rental properties in the city are attractive. She emphasizes that work-from-home is a very significant trend and that she herself works from home and having a separate workspace makes it much more feasible. She said she sent 2 articles on the trend to the Planning and Zoning Office.

Hearing no further requests to speak, **Chairman Quish** closed the hearing.

Mr. Castignoli move to approve as presented the petition of Petition of Molly Rentals LLC for a Special Permit to construct a 20 Dwelling Unit Residential Complex on Map 55, Block 545, Parcel 6, of which Tom Hayes is the owner.

Second: Mr. Kaligian seconded.

Discussion: None.

Vote: Motion carried with **Messrs. Castignoli, Kader, Kaligian and Satti** voting **with the motion**, and **Messrs. Hirsch, Quish and Zahariades** voting **against the motion**.

695 West Avenue (Zone CDD-1) Petition of Thomas Lynch, Esq. for a Special Permit with Site Plan Review for an Automotive Repair Facility on Map 043, Block 334, Parcel A4, of which 695 West, LLC, is the owner. **POSTPONED TO NOVEMBER 8, 2023**

147-155 Broad Street (Zone MCDD) Petition of Metro 135 LLC, for a Site Plan Review and lot consolidation for Phase II of Metro on Broad Street on Map 054, Block 394, Parcels 11 and 12, of which Metro 135, LLC and 147 Broad Street, LLC are the owners. **POSTPONED TO NOVEMBER 8, 2023**

783 East Broadway (Zone R-5) Petition of Thomas Lynch, Esq. for a Coastal Area Site Plan Review to construct a single-family dwelling on Map 27, Block 474, parcel 35, of which Julie M Porzio is the owner.

Thomas Lynch, Esq., 63 Cherry Street, addressed the board. He introduced his client and described their Coastal Area Management Site Plan Review and a Special Permit application. He noted that the Zoning Board of Appeals had granted small side-yard variances earlier in the year, and that the small previous cottage on the site had been demolished. He noted that nonconforming sideyard setbacks had allowed for centering the house. He reviewed the plan set by Joseph Rousseau, noting that it includes an elevator and that it is elevated for FEMA flood mitigation. He said the plans are zoning compliant with a 34.6' midpoint height. He noted reviews by DPLU and Engineering as well as revisions to satisfy comments by CT DEEP's John Gaucher. **Mr. Satti** discussed DEEP involvement in the application and was advised that DPLU has a new practice to send applications there for review.

Mr. Sulkis read his administrative review, which was consistent with the presentation. He also read an email from John Gaucher. **Mr. Hirsch** said he knew Attorney Porzio but did not feel it was necessary to recuse himself.

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

Mr. Satti move to approve as presented the Petition of Thomas Lynch, Esq., for a Coastal Area Site Plan Review to construct a single-family dwelling on Map 27, Block 474, parcel 35, of which Julie M Porzio is the owner.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried with **Messrs. Castignoli, Hirsch, Kader, Kaligian, Quish, Satti, and Zahariades** voting **with the motion**.

- E) **LIAISON REPORTS**—**Mr. Satti** said he attended SCRCOG and described its activities. He said that on 10/25 SCRCOG had organized a bus tour of housing complexes in different towns including Milford. He was asked for more information.
- F) **SUBCOMMITTEE REPORTS**—A POCD public hearing has been rescheduled for 10/24. The Regulation Subcommittee is scheduled to meet on 11/2.
- G) **APPROVAL OF MINUTES**—**10/03/2023** minutes were approved unanimously.
- H) **CHAIR'S REPORT** – **Chairman Quish** asked about the possibility of supporting hybrid meetings. He had the impression that other boards have that capability. **Mr. Sulkis** said not to his knowledge, but he would double check. **Ken Smagala**, who works for the Board of Education, said the Board of Education does simultaneously remote and in-person meetings. **Mr. Hirsch** expressed concern that allowing remote commentary might be problematic, with the idea that the main goal was to enable board members who travel to participate via Zoom. **Chairman Quish** suggested giving the idea more thought in November.
- Mr. Kader** raised the topic of discussing approaches to 8-30g applications. **Chairman Quish** said the topic was on the agenda of the next Regulation Subcommittee meeting with a goal of helping the city meet the required percentages to be exempt. **Mr. Hirsch** suggested bringing an expert in to provide guidance. **Mr. Zahariades** asked if there was an appropriate time to discuss the topic. **Chairman Quish** raised the topic of caucusing and the idea of doing was at the next meeting was discussed. **Mr. Sulkis** noted that the next meeting has a full agenda. The idea of debating the topic in a Regulation Subcommittee meeting was raised but it was noted that such a meeting must be advertised as a special meeting if a quorum attends. **Mr. Castignoli** asked why the board can't caucus during a meeting, with others suggesting it might be done at the end of a meeting. **Mr. Hirsch** suggested that if the group had caucused during the 242 Buckingham application, the vote might have gone the other way. **Mr. Kaligian** reminded the group that the purpose of the hearings is to make them a public record. **Mr. Sulkis** agreed to raise the topic of providing more information on affordable housing in the next Regulation Subcommittee.
- I) **STAFF REPORT** – None.
- J) **ADJOURNMENT** was at 8:28.

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.