

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 6 OCTOBER 2020, 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: Nancy Austin, Joe Castignoli, Brian Kaligian, Peggy Kearney, John Mortimer, Carl S. Moore, Jim Quish, Robert Satti

Not Present: Jim Kader

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

Chairman Quish said that a vote would be held to reorder the agenda. The City Attorney's Office requested that the three 8-24 items be heard first.

(NEW BUSINESS, REORDERED)

City Attorney Jonathan Berchem summarized the projects to improve the sidewalks in a consistent way along East Broadway and the 8-24 requirement for referral to the Planning and Zoning Board prior to review by the Board of Aldermen.

Chairman Quish asked for three motions, having determined that all three requests related to sidewalk construction.

- 1) CGS 8-24 0 East Broadway Request by the City of Milford pursuant to CGS Section 8-24, to approve a sidewalk construction easement at Recreation Area No.1, which is owned by Milford Beach Associates LLC.

Mr. Kaligian moved to approve as presented the Request by the City of Milford pursuant to CGS Section 8-24, a sidewalk construction easement at Recreation Area No.1, which is owned by Milford Beach Associates LLC.

Second: Ms. Kearney seconded.

Discussion: None.

Vote: Motion carried unanimously.

- 2) CGS 8-24 49-71 East Broadway Request by the City of Milford pursuant to CGS Section 8-24, to approve a sidewalk construction easement at Map 16, Block 145, Parcel 49, which is owned by Beachside Condominium Association No. 1, Inc.

Mr. Satti moved to approve as presented the Request by the City of Milford pursuant to CGS Section 8-24, a sidewalk construction easement at Map 16, Block 145, Parcel 49, which is owned by Beachside Condominium Association No. 1, Inc.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

- 3) CGS 8-24 73-109 East Broadway Request by the City of Milford pursuant to CGS Section 8-24, to approve a sidewalk construction easement on Map 16, Block 137, Parcel 73, which is owned by Walnut Beach Condominium Association, Inc.

Mr. Mortimer moved to approve as presented the Request by the City of Milford pursuant to CGS Section 8-24, a sidewalk construction easement on Map 16, Block 137, Parcel 73, which is owned by Walnut Beach Condominium Association, Inc.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

Chairman Quish noted a request by the City Planner to add 440 Wheelers Farm Road to the agenda by a 2/3 vote. He asked to brief the board. **Mr. Sulkis** said the relevant materials for the item had been distributed in a timely way and the draft motion done, but he neglected to add the item to agenda. He said the site was a preexisting office space and the request was to expand the parking area. He said that in 2004, a previous board had subdivided the area, but wanted to let a future board deal with the parking approval when the application was made. He said the proposal expanded the existing lot and improved landscaping.

Mr. Castignoli moved to add the item to the agenda.

Second: Ms. Kearney seconded.

Discussion: None.

Vote: Motion carried unanimously except for Mr. Moore whose internet connection appeared to drop just prior to the vote.

C. PUBLIC HEARINGS

HEAR BY NOVEMBER 19, 2020; VOTE BY JANUARY 23, 2021

1) **Proposed Regulation Change #20-7** Petition by 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.

Attorney Knuff, Hurwitz, Sagarin, Slossberg & Knuff, 147 Broad St, addressed the board. He reviewed and summarized his previous remarks, calling the modifications to the regulations modest. He stressed that multifamily is already permitted in the SCD, that only 3 lots are involved, and that other CDDs have mixed use. He asked that Steve Levin be able to address the board again to address concerns of public and board.

Stephen Levin, Founder and CEO of mall owner Centennial Real Estate, thanked the board for another chance to speak. He said the previous presentation had many analytics, which may have been overwhelming, and that he wanted to address concerns raised at the last hearing and to provide clarity for decision making. He said Centennial had owned the mall for 5 years and that he wants to continue to invest in it. He pointed to the mall's tax contribution, the 30-million-dollar investment made in it by his firm, and the fact that it employs 2000 people. He said his team had helped keep the mall relevant and vibrant with tenants such as Boscov, Dave and Buster's and good restaurants. He said he feared the apparent health of the mall might be masking long term problems that are being experienced by other malls and causing their decline. He said current investment underscores Centennial's vision for and commitment to the mall. He set up comparisons to other malls that had been referenced at the previous meeting. He pointed to Highland Mall that now holds the campus of Austin (TX) Community College plus 1300 residential units. He stressed that this outcome was not about re-envisioning a mall but bringing a new project to an abandoned property. He pointed out the LA-based One Westside complex that resulted from Google leasing a defunct mall had followed the same scenario—a shuttered mall repurposed, not a transition from a struggling mall to a successfully re-envisioned mall. As for a coworking tenant, he said the comparison was invalid for a different reason because the mall in Short Hills, New Jersey, has 3 times the productivity of the CT Post Mall; therefore, the coworking tenant was just another tenant. No repurposing of the Short Hills Mall is or was needed. He said that similarly, the San Francisco tech incubator tenant was part of a successful mall that it not being re-envisioned. He said he does not want the CT Post Mall to die before it houses a new project in the future. He said the mall could be reimagined to be a viable dominant economic power in the community while the transition is taking place. He asked the board to vote to preserve the mall as a positive force to affect the community for decades to come. He said it will die unless it has a committed owner and financial backer like USAA. He pointed to Meriden's mall, which sold for 10 million after being bought by Westfield for 120 million four years ago. He said he wanted Milford to become one of the few mall locations that sustains economic vitality, that it remains a destination people want to experience, and that the mall does not have to die. He said residential space will only be a small portion of what the new mall will become. He shared a series of renderings that show the area where Sears once was and now featured as a park and recreational space with the residential project in the background. He then showed 2 more buildings with green roofs and an office building where a wing of the mall now exists. He said the cost would be around \$24 million with loss of revenue from existing tenants during the transformation. He said the office building use could include anything from academic to medical office space. He stressed Centennial's commitment to the community. He said current demand is for residential until other uses are incorporated. He said markets must drive the project at various steps and that the plan had flexibility. He invited Economic Development Director Julie Nash to partner with him as he sells Milford's vision to prospective clients like tech companies. He said he often reads social media about the mall and wants to rebut negative opinions. He said one residential project will not make the difference, but it is a step toward a new iteration of the mall. He said he wanted to preserve the unique personality of Milford as reflected at the mall. He said Trumbull approved a 280-unit apartment complex at its mall last week. He asked for a partnership between Centennial and the city and asked for the board's support.

DISCUSSION

Mr. Castignoli asked about other property owners in the SCD: Stop & Shop and the Walmart Center. **Attorney Knuff** said these retailers are doing well; he reiterated that the capping of residential units is for the entirety of the zone. **Mr. Mortimer** said the improvements looked great but asked for a development timeframe. **Mr. Levin** said the plan was for work to begin mid-2021 for the residential construction, with work on the plaza area to follow. He said sooner is better to attract new users, including office tenants; the idea is to let new users see the mall as a forward-looking, far-sighted project. He said that stabilizing the mall allows it to explore opportunities as they arise, such as biotech. He said he wants coworking, too, and it would be relatively easy to do, but the market must drive demand. He said he thinks 5 years from now, the mall would be substantially transformed.

Chairman Quish invited public comment.

OPPOSED

Kathy Paulson, 53 Park Ave, said she opposed it due to empty office and retail space currently available in the city.

Laura Marqus, 40 Park Ave, asked if there would be a domino effect. **Attorney Knuff** said if this regulation change is passed and the mall gets 300 units, any future owner would have to use the same process to add units and that no precedent would be set.

Chairman Quish said he liked the presentation of the vision for the mall but wanted a more fully fleshed out plan. He said he was worried about changes to minimal acreage. He said he was opposed.

REBUTTAL

Attorney Knuff stressed that no precedent was being set by the regulation change. He said the regulation change is a prerequisite to a master plan. He said that 4-acre parcels are purely a practical matter for financing or lending and that a maximum of 300 units are proposed for 80 acres.

Stephen Levin said he is struggling with is the binary nature of this issue; that he does not think you can say you support the mall without allowing for needed change. He compared a failed mall to a blank slate for a master plan but said that if the goal is for the mall to continue to operate while changing, this regulation change is the requirement. He said no one will come before you with that vision until the mall is gone. He predicted that the next plan will be a 2000-unit housing development because that will be all the parcel will support. He said he cannot continue to invest in a mall if the city will not allow it to survive.

Chairman Quish closed the public hearing and asked for a motion.

Mr. Mortimer *moved to approve as presented* a petition by 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 10/24/20.

Second: Ms. Kearney seconded.

Discussion: None.

Vote: Motion failed with the following votes:

WITH THE MOTION TO APPROVE: P. Kearney, J. Mortimer, C.S. Moore

AGAINST THE MOTION TO APPROVE: N. Austin, J. Castignoli, B. Kaligian, J. Quish, R. Satti

2) **141 Hillside Avenue** (Zone R-5) Petition of Joseph Rousseau for a Coastal Area Site Plan Review and Special Permit to construct a new single family dwelling on Map 49, Block 795, Parcel 83 of which Stephen and Jasmina Koban are the owners.

Mr. Rousseau, JMR Consultants, 215 Research Dr, addressed the board. He said the proposed plan replaces a single-family house in the same footprint. He said changes were requested by Greg and incorporated.

Mr. Sulkis provided his report, which was consistent with the presentation. He said a Special Permit needed because the house will be within 25 'of high-water line. He said no adverse impacts were anticipated. He suggested making the City Engineer's changes a condition of approval.

Mr. Satti asked if there were issues with average height and was advised that an updated plan resolved the issue. **Mr. Sulkis** said that when a zoning permit is issued, the plan must be zoning-compliant. **Mr. Rousseau** said he provided a satisfactory revision to Mr. Griffith. Mr. Rousseau also said that the proximity of 2 abutting driveways was approved by DPW Director Chris Saley. Mr. Rousseau explained how he had revised the roof plan, which was color-coded to distinguish between main roof and dormer. He said the roof now complied with zoning height restrictions.

Chairman Quish invited further comment; hearing none, he closed the hearing and asked for a motion.

Mr. Castignoli *moved to approve as presented* the Petition of Joseph Rousseau for a Coastal Area Site Plan Review to construct a new single family dwelling in the on Map 49, Block 795, Parcel 83 of which Stephen and Jasmina Koban are the owners.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. OLD BUSINESS – None

E. NEW BUSINESS

1. **7 Point Beach Drive** (Zone R-7.5) Petition of Thomas Lynch, Esq., for a Coastal Area Site Plan Review to construct a new single family dwelling in an AE12 and VE Zone on Map 030, Block 636, Parcel 3, of which Richard and Robin Biagetti are the owners.

Attorney Lynch, 63 Cherry St, addressed the board. He said the lot was empty and at the westerly end of Point Beach Drive. He said the ZBA had granted a side-yard variance. He reviewed the floor plans, including a revision to a ground-floor bathroom which was removed per FEMA requirements. He also provided a revision for zoning compliant venting. He noted that the application was a site plan review only.

Mr. Sulkis provided his report, which was consistent with the presentation.

DISCUSSION

Mr. Satti asked about the concrete bulkhead; **Attorney Lynch** said it had been reinforced by previous owners and is in good shape. **Chairman Quish** asked for a motion.

Mr. Satti moved to approve as presented the Petition of Thomas Lynch, Esq., for a Coastal Area Site Plan Review to construct a new single family dwelling in an AE12 and VE Zone on Map 030, Block 636, Parcel 3, of which Richard and Robin Biagetti are the owners.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

- 2) **440 Wheelers Farms RD** (Zone DO-10) Petition of Ted Hart for an amendment to the site plan for a parking expansion on Map 96, Block 915, Parcel 11C of which SH Wheelers Farms RD, LLC is the owner.

Mr. Ted Hart, PE, Milone and MacBroome, said the application is for renovating the corporate campus at this address. He said a parking increase was needed, taking the total spaces from 407 to 614. He described changes planned for the lot, saying underground galleys and a larger stormwater basin will help with runoff. He noted the addition of a pad near the stormwater basin for generators powered by natural gas, new landscaping near the front of the building, and revisions to walkways with added patios and a pergola for outdoor lunchtime employee seating. He noted wetlands approval had been given and that revisions per the City Engineer had been made.

DISCUSSION

Mr. Castignoli moved to approve as presented the Petition of Ted Hart for an amendment to the site plan for a parking expansion on Map 96, Block 915, Parcel 11C of which SH Wheelers Farms RD, LLC is the owner.

Second: Ms. Kearney seconded.

Discussion: None.

Vote: Motion carried unanimously.

F. LIAISON REPORTS– None.

G. SUBCOMMITTEE REPORTS– None.

H. APPROVAL OF MINUTES— of 9/1/20 and 9/15/2020 minutes were approved unanimously.

I. CHAIR’S REPORT None.

J. STAFF REPORT - Extension of approval request for 439 Bridgeport Ave (McDonald’s).

K. ADJOURNMENT was at 8:51.

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.