

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 8 NOVEMBER 2023, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:02p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: N. Austin, J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, J. Mortimer, J. Quish, R. Satti

Not Present: M. Zahariades

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

Chairman Quish opened the meeting.

C. NEW BUSINESS

VOTE BY DECEMBER 21, 2023

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**

VOTE BY JANUARY 12, 2024

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.

Attorney John Knuff, 147 Broad Street, presented Phase 2 of the Metro on Broad project plan. He pronounced Phase 1 a success due to its architectural quality and the addition of activity near the green and said the 2nd phase would further enhance the site. He introduced the project team, his partner David Slossberg, and his client Blake Smith. He said the project was a zoning-compliant site plan application but that he wished to provide the board with more detail. He noted that his law firm abuts the green at 147 Broad but that the building it currently occupies is deteriorating and has no historic or architectural value. He said that by using the opportunity to move into 155 Broad Street, the essence of the office's home would be preserved. He reviewed architectural and other details, calling it a straightforward plan.

John Wicko, A.I.A., 58 Prospect Street, provided further information on the plan, pointing out how it meets MCDD design standards. He said the landscape plan exceeds requirements with over 500 plantings. He noted that the building at 147 Broad Street will be demolished, adding 151 Broad, and maintaining 153 Broad and 155 Broad. He said the project was smaller in scale to match other architecture on the green and uses design elements from the Simon Lake mansion, including the entry porch and side entrance. He said the 2nd floor use would be residential. He shared elevations noting aesthetic materials including embossed stone, architectural stucco, clapboard/shingle siding, and an octagonal turret similar to that on 147 today. He emphasized that the plan is code compliant. **Mr. Satti** praised the work and was advised that the site would support underground parking spaces.

Attorney David Slossberg, also of 147 Broad Street, praised the project and asked the board for approval. David, 135 Broad St.

Mr. Satti asked about affordable units; **Attorney Knuff** advised that Site Plan Reviews do not require them, and the plan will not include them.

Chairman Quish asked for a motion.

Mr. Mortimer moved to **approve as presented** the 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.

Second: **Mr. Kader** seconded.

Discussion: **Chairman Quish** noticed he had not asked **Mr. Sulkis** for his report, but Mr. Sulkis said Attorney Knuff referenced its conclusion that the project is zoning compliant. **Mr. Satti** said he understood that the project does not include affordable housing but he wants the topic to be considered on a consistent basis, **Mr. Mortimer** agreed.

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

D. PUBLIC HEARINGS

CLOSE BY JANUARY 12, 2024; VOTE BY FEBRUARY 16, 2024

23-6 Proposed Regulation Change #23-6 Petition of Kevin Curseaden, Esq. for changes to Article III, District Use Regulations Section 3.5 – Office District.

CLOSE BY JANUARY 12, 2024; VOTE BY FEBRUARY 16, 2024

0, 305, 325 Sub Way (Zone OD) Petition of Kevin Curseaden, Esq. for a Special Permit with Site Plan Review and lot consolidation to construct a 160,000 SF warehouse on Map 41, Block 303, Parcels E, F, and G, of which Subway Subs, Inc., Bic Drive Realty II, LLC, and Subway Subs II, LLC are the owners.

Chairman Quish read the 2 items, having confirmed with Attorney Curseaden that he would like to present them together.

Attorney Curseaden, 3 Lafayette Street, addressed the board. He introduced the project team saying the FCP Euro project would greatly benefit the city by preserving local jobs. He said a zoning and wetlands roundtable meeting was held in February to review the proposal. He reminded the board that in a zone text amendment, it acts legislatively with a great deal of discretion. He said the proposal is consistent with the Plan of Conservation and Development (POCD). He said the amendment asks to allow warehouse use in Office District zone. He said the property has an existing office building within 1000' of a highway ramp and sits on a 9-acre parcel. He noted that office uses are currently in decline with many vacant buildings and that the proposal provides a way to reuse the old Subway corporate headquarters site to benefit the economic health of Milford. He said not all reuse of sites should necessarily be residential because a balance of properties helps diversify the tax base. He said that the logistical model for the company would change to consolidate 2 properties, this one and another at 500 Bic Drive, which is a quarter mile from the subject property. He said each features the Limited Industrial (LI) zone abutting residential and office zones. Another site the company uses is 155 Hill Street at the corner of Clark Street in the CDD1 zone. He said FCP Euro has been operating in Milford since 2013. He said meeting the requirements of the comprehensive plan (i.e., Milford Zoning Regulations and the Milford Zoning Map) occurs when the board acts in the best interest of the community as a whole and that case law exists for this concept. He said the plan is consistent with the POCD because a future land use map shows this corridor between West Street and Naugatuck Avenue supporting residential, business, or industrial uses. He said this plan is not necessarily an industrial use, but rather light industrial or general business. He said there have been several iterations of plans for the site that are now in final form. He said all proper noticing requirements were met, Inland Wetlands Agency (IWA) approvals were given after revisions and that Fire, Engineering and DPLU administrative approval had also been provided.

Patrick Rose, architect, Rose-Tiso & Company, LLC, 35 Brentwood Avenue, Fairfield, described the site as dense and well-developed with a great deal of impervious surface. He said 2 access points exist now, one from the north, which is to be maintained and another which will be moved closer to the ice pavilion. He described how trucks will access and navigate the site. He said there will be no disturbance of wetlands on the site. He said the proposed warehouse is 160,000 sf with 20 loading docks on the north side and described parking configurations. He said the driveway has been reconfigured for the Fire Department. He said site plan will meet all zoning requirements assuming adoption of the text amendment. He said the building will be constructed using cast-on-site concrete tilt-up panels, which will then be painted. He provided details of glass and canopy on the building elevations.

Manny Silva, civil engineer, Rose-Tiso, reviewed site plans, comparing the location of the proposed project vs existing conditions. He noted the front building is on Sub Way, adjacent to Mondo Pond, and that the lot is essentially a paved parking lot. He said that due to wetlands on the property, the IWA had to review and approve the project. He said traffic will come off Sub Way and that the footprint of the building will be over the existing parking lot. Some asphalt will be removed, but most to be replaced. He indicated EV chargers, employee spaces, tractor trailer parking area. He said the site grade pitches toward the back, but the warehouse must be level at loading docks. He said a goal is to reduce rain runoff from the parking lots to Mondo Pond by collecting it with catch basins that run into 2 underground gallery systems with hooded outlets to stop larger items such as oil or bottles. He said other equipment will support stormwater particulate capture and oil capture. He described large tanks to hold water and slowly infiltrate it into the ground where it is further filtered. He provided mitigation calculations based on different levels of storm severity and said the project would increase water quality as compared with today. He stressed that IWA had approved this treatment. He reviewed plans for utilities and soil and erosion control during construction. He said anti-tracking pads would be installed at entrances and silt sacks would be used to capture mud heading into catch basins, so the system is clean when site becomes active. He shared the lighting plan, featuring LED blades with cutoff shields, such that there is no light spillage, and the site will be dark-sky compliant. He described the construction's phasing, and reviewed signage, ramps, block retaining walls, plus a filter to capture oil and grit. **Mr. Satti** asked if there is space for emergency vehicles and was assured there would be. He was assured that the building would be fully sprinklered and that 5 hydrants around the building were available to put out car fires as well as building fires.

Bill Kenny, Bill Kenny Associates, Fairfield, landscape architect and wetland scientist, identified the wetlands located on the property and reviewed the plan to protect them. He described the landscape plan as classic, with street tree plantings, screening plantings to north, and plantings around the building and near driving areas. He said habitat enhancement includes forest replanting and expansion of the existing wetland. He said 99 percent of the plantings are natives, with the remainder being noninvasive evergreens. He said the site would be heavily landscaped and beneficial to the environment. **Mr. Satti** asked how many

plantings would be removed for the building. **Mr. Kenny** said he didn't know how many but that since the plan is a redevelopment, much of the built area was already paved. He said habitat planting would be preserved along the site's northern area, abutting Mondo Ponds. He said he worked with IWA to develop plantings and that forest restoration would mimic current conditions.

Bob Scinto, 1 Corporate Drive, Shelton, provided handouts. He said he bought the property from Subway when Subway moved to his Shelton office park. He said the office market is difficult in Connecticut; he then listed empty office spaces in Milford. He said over 1,000,000sf of empty office space exists in Milford today, that he owns 52 offices buildings, and that if he thought he could rent the property for another use, he would have done. He said the previous parking lot allowed oil to go into the wetlands and pond, whereas his plan offers sophisticated separators and retention areas. He said the roof of the building is an extremely large clean place for water to run off as there is no parking there. He noted that Euro FCB is already using the road for the existing warehouse, therefore traffic moving between the 2 current facilities would be combined and reduced.

Don Snyder, SVP, FCB Euro, and **Nick Bauer**, President, FCB Euro, jointly addressed the board. They reviewed their relationship with the city. Mr. Snyder said he joined FCP Euro 7 years ago, that the company currently has sales of \$200 million and it is on a path to being a billion-dollar company. They shared growth plans and a desire to maintain a presence in Milford. **Mr. Bauer** described the growth of the company and the goal of not disrupting their employee base with a major move. **Mr. Snyder** said the company is in the automotive aftermarket space utilizing an e-commerce business model for people repairing European vehicles. He described the company's digital community, saying FCB Euro produces digital content that is accessed worldwide. He described the efficiency of the location consolidation, said the new warehouse would have more vertical space to stock SKUs and consolidate inventory. **Ms. Austin** asked how many people would be employed, the answer given was 230 in CT, with 120 currently on site. **Mr. Satti** asked if the company would increase the number of employees in the city; Mr. Snyder said yes, via a mixture of warehouse and back-office functions. He said marketing and tech teams are located in the area. Mr. Kader said he could see where a consolidated could reduce city traffic.

Attorney Curseaden asked for further questions, but said the presentation was complete. Chairman Quish confirmed that both hearings (text change and Special Permit with Site Plan Review) were open for the purpose of receiving public comment.

Mr. Satti asked why materials were being submitted so close to the hearing that board review was challenging. Attorney Curseaden said there had been revisions due to comments from the city planner, but that the changes were not substantive.

Chairman Quish invited the public to comment.

Mayor Richard Smith, 59 6th Avenue, said the city's success depends on its ability to adapt, noting several years of economic change due to the pandemic, as well as evolving life-work-shopping habits. He also emphasized that the need for office space has declined, resulting in vacant buildings. As with the mall, he urged that spaces be reimagined to adapt to new circumstances. He stressed that the site is close to the highway and presented no impact to schools or other public services. He said he was involved with creating the nature trails on Mondo Ponds in 1991. He said the city faces high costs and must look for new businesses and tax revenue streams. He asked the board to approve the plan.

Anticipating a long hearing, **Mr. Kaligian** urged suppression of applause to optimize the best use of available time.

Bill Piacitelli, 37 Blair Street, said he approves of the plan.

Rudolph Castro, 31 Hemlock Drive, said he has children at JFK school and is disappointed about the impact on the environment. He said he bore no ill will to FCP Euro and thought the business would be great for Milford but said he could already hear trucks and trains. He said he doesn't want to lose the scenery and trees near his home. He said he has seen the industrialization of Stamford and is concerned Milford will go the same way.

Simon McDonald said he represents the Regional Chamber of Commerce and wished to extend strong support for the project. He said FCP Euro is a good corporate citizen with community involvement and support. He said he foresaw the creation of more jobs and economic growth, increased tax revenue, and the ability to attract more businesses in future. He said the company is environmentally responsible.

Lisa Tryon, 1425 Windward Road, spoke against the proposal as a retired science teacher and lecturer with environmental credentials. She said Mondo Pond's greenspace is featured in the POCD along with many other references, including the CT DEEP natural diversity database. She said it is home to endangered species of birds, bats, and other animals and urged protection of

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 8 NOVEMBER 2023, 7:00 PM

them. She said the company reuses chemicals, that trees will be removed, and that effects of the proposed changes will dry out existing habitat. She said noise and particulate matter will degrade natural areas. She listed zoned industrial areas that could provide an alternative to the proposed location. She asked board members to walk the trails and then picture a huge warehouse nearby. She urged the board to reject the plan.

Bruce Jackson, 8 Westminster Court, said he approves.

Paul Estok, 38 Hemlock Drive, asked about hours of operation, height, and pole lights before being told that the hearing's goal was to accept comments, not answer questions.

Alan Koller, 29 Audubon Close, said he rejects the proposals and received permission to distribute handouts. He provided an 18-page document and noted a 302-signature petition submitted in opposition. He described the diverse and abundant wildlife of Mondo Pond, urging its protection. He noted the prevalence of environmental accidents and said that the Scinto company can't assure that no bad outcomes will occur. He said a single pint of oil can cover 1 acre of water surface. He asked why the project must be located near a nature preserve and stressed the need to value open spaces.

Kevin Cook, 77 Thompson Street, said he is a member of the Economic Development Commission and approves of the plan. He praised the company for its growth as it contributes to the city's grand list and for its potential for job creation. He noted that the company sponsors a Boys and Girls Club fundraiser.

Julie Nash, Milford Economic Development Director, said the consolidation of 2 of the company's current locations streamlines operations and can create jobs. She described the company's growth and its dedication to the community. She said the search for a new site had been conducted with the goal of not disrupting the 230 current employees at this location with more anticipated in the years ahead. She said her office met with other companies interested in these properties. She referred to the POCD as a guide for decision making, acknowledging that conversion of office space to residential space can be preferable in the absence of other uses. She said the IWA had carefully reviewed and then approved the project. She stated that industrial uses make contributions to city's wellbeing, noting the company's commitment to corporate social responsibility. She called plan a win for Milford and CT.

Karen Eastman, 1421 Naugatuck Avenue, said the issue is emotional for people who live in the area. She expressed concern about truck traffic with a facility that operates 24/7 in an area that already has heavy truck traffic. She said no trucks observe the posted 25mph speed limit and that she anticipates air and noise pollution, as well as traffic safety issues.

Gary Peluchette, 1425 Windward Road, said he is opposed and concerned about the safety of students with a truck facility being placed near a school. He asked if an air quality study had been done as students will breathe it playing outdoor sports.

Peter Cozzolino, 31 Gulfview Court, Economic Development Commission member, said he is a strong supporter of the environment, CEO of Napa Auto Parts regional office and has witnessed the critical role of the auto parts industry. He said the company is engaged with community and that the project is a common-sense win for the city. He said RD Scinto is trying hard to improve the Subway location.

Paige Miglio, 9 Highwood Road, Economic Development Commission member, Milford Arts Council president, said the company supports the community and its commitments. She said truck traffic is already there and the building consolidation will reduce it. She said worker commutation already existed at Subway and that the city lost a big philanthropic force when Subway left. She said FCP Euro will help replace that loss.

Kashsur Sunkavalli, 16 Zurko Farm Road, said he has children at JFK school and was concerned about the safety of children in proximity to truck traffic. He was also worried about impacts to the forest and strongly opposes the plan.

Kathleen Pontin, 1313 Naugatuck Avenue, said Subway was a good neighbor except for some snow removal issues. She said tractor trailer noise and fumes were unacceptable on a site surrounded by residential neighborhoods.

Maria Vaspasiano, 287 West Avenue, said her son goes to JFK and recalled that his class's first field trip was to Mondo Ponds. She was skeptical about predicting numbers of workers, given the prevalence of remote work. She said she wants the company to stay in Milford, just not in that area. She said 20 tractor trailer bays and traffic will depreciate property values.

Thomas DeMatteo, 5 Audubon Close, said his condo abuts the path around Mondo Pond and that he can see Subway headquarters

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 8 NOVEMBER 2023, 7:00 PM

from there. He submitted a new petition aimed at creating a supermajority vote requirement. He said that if a protest is filed that has been signed by 20 % of owners in a 500' radius, project approval requires 7 votes. He submitted the petition with related maps. He said he was impressed with FCP Euro and thinks the company is good for the city's economic base, but none of the benefits will positively affect the surrounding neighborhoods; rather all the effects to abutters will be negative. He said that allowing the tax base to dictate quality of life in city is wrong. He urged the board to protect the quality of life for Milford's citizens, not companies. He said there is no "right" to a zone change, and that such a change must be in accordance with comprehensive plan and POCD. He said existing uses in the area do not include warehouses. He said there are areas for warehouses including some on Bic Drive.

Richard Daigle, 61 Cheryl Ann Drive, said he lives in the north end of Milford and can already hear truck traffic on I-95. He expressed concern for environmental accidents, saying mitigation is never foolproof. He said he expected negative impacts on JFK school. He said it bothers him to hear about concerns for not disrupting the company's 31 Milford-resident employees, but a seeming unwillingness to consider diminished quality of life for schoolchildren and residents of the surrounding area.

Diane Prior, 5 Audubon Close, said she opposes the project and sees it going against the best interests of Milford. She said she understands the company's need to move into a new space, but that there is similarly sized empty warehouse space available on Bic Drive. She said FCP Euro is a good company, and she would be glad to have them stay in Milford, just not at the expense of the nature preserve and surrounding residents. She said there is economic value in improving the tax base, but also great value in the nature preserve as a place of relaxation or recreation. She described the creative enjoyment her grandchildren experience when visiting Mondo Pond. She said she bought her home knowing that warehouses were not allowed nearby.

Janet Eposito Daigle, 61 Cheryl Ann Drive, said she agrees with previous speakers in opposition. She said stewardship of the natural environment is a responsibility and that this plan degrades the quality of life. She referred to the author Barbara Kingsolver's contention that maintaining a balance with nature is what will benefit people the most. She said she respects those in favor, supports the financial health of the city, but that in this case, a hard decision is required.

Tim Phelan, 95 Kings Highway, read statement by anni kelly of economic development council in support capped previous positive description of project.

Debra Estok, 38 Hemlock Drive, asked if study on the environmental impact of air quality had been done. She said the trees proposed are shorter than in the regulations and that they help control pollution. She was also concerned about children breathing pollution. She said the hours of operation are a concern and additional trucks will add accidents. She expressed concern that that the zone change will attract other Limited Industrial uses into the area.

Chris Oser, 29 Audubon Close, thought people were speaking in support because it's their job to do so whereas those in opposition value natural resources.

Paul Montfre, 26 Manor House Lane, said he opposes this location and wants peace and quiet.

Laura Palmieri, 1313 Naugatuck, said she walks to the pond each day and will lose the peaceful sounds of nature to the constant sound of trucks. She was upset by imagining seeing a big warehouse and 20 trucks while visiting the pond.

Paul Miller, 14 Seaview Avenue, said he had dealt with RD Scinto in the past and approves of the project as he anticipates Mr. Scinto will meet or exceed requirements.

Joseph Bogdan, 3 Audubon Close, reviewed history of zoning changes that had not delivered solutions. He said he is not in favor of the regulation change, saying reminded longtime residents of the assurance years ago that "Jai Alai will solve our tax problems."

Regine Randall, 4 Audubon Close, said she is very concerned about unintended consequences and opposes the project.

At this point, the chair allowed those who felt they were unable to complete their comments to do so.

Alan Koller, 29 Audubon Close, referred to the handouts previously distributed, saying that FCP Euro collects used engine oil and that he saw plastic bottles containing it on their website. He asserted that this is carcinogenic material. He was certain that some of the used engine oil would end up in pond due to a system failure or spill.

Thomas DeMatteo, 5 Audubon Close, said the topic was emotional and intended no disrespect to the board. He referred to the

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 8 NOVEMBER 2023, 7:00 PM

POCD, noting that it says changes in mixed uses should evolve in response to changing market demands but a balance must be maintained to protect the character of established uses. He said the project fails to lessen congestion, will increase traffic safety issues, will create noise and exhaust, and that its massive dimensions will diminish light and air such that quiet use and enjoyment of property is diminished. He said noise has been documented to adversely affect children's ability to learn.

Lisa Tryon, 1425 Windward Road, revisited the comments on Jai Alai prediction, noting that the building that once housed it is a derelict site near I-95. She said she is not against the project but is against where it's being proposed.

Alice Avery, 17 Audubon Close, said she is against the project because the nature trail is beautiful, and an environmental spill can't be rectified once it's happened.

REBUTTAL

Attorney Curseaden disputed one of the speaker's understanding of petitions submitted as protests under state statute 8-3, saying such signatures must be obtained from 20% within 500' of all OD-zoned lots throughout the city. He reviewed the historical background of the property, asserting that it was created by excavation during the construction of I-95. He said the original stewards were the New Haven Water Company, then the Regional Water Authority, and that these entities deeded the property to the city with the understanding that Milford would protect Mondo Pond. He said he has used Mondo Ponds and that he understands the concerns expressed, but that his client is not proposing changes to Mondo Pond. He said the current site uses drainage implemented in the 1990s, and that if updated to current top treatment technologies, water quality will improve. He reviewed the process of identifying trees to be preserved, noting that a tree survey revealed some were infected with disease and had to be removed. He said trees plantings were meant to protect IWA-identified habitat. He said the neighbors' comments about future environmental damage are speculative. He said the property doesn't abut JFK school and truck traffic already passes through the area. He said with the new proposal, traffic would come off I-95 and go straight to the facility. He argued that the change will not increase traffic and shared an estimate of 6-12 trucks arriving per day. He said the truck drivers turn off their engines when the truck is docked. He said that all the current facilities border residential uses now.

Mr. Scinto added that he values the beauty of Mondo Pond. He said he called neighbors who expressed opposition to the project during the IWA application review. He said he offered to plant trees and discuss with the neighbors improvements he wants to make. He said he hadn't gotten a response from the neighbors he contacted.

REBUTTAL OF REBUTTAL

Allan Koller, 29 Audubon Close, said there can be no guarantee that oil would never get into Mondo Pond.

Karen Eastman, 1421 Naugatuck Avenue, said she had heard similar assurances about no increase in truck traffic during another application, but that she hears the trucks constantly. She said truck drivers take a shortcut from exit 36 and drive down Naugatuck.

Thomas DeMatteo, 5 Audubon Close, said he appreciated the phone call, but the issue isn't the trees, it's the warehouse. Trees wouldn't change that. As to 8-3 interpretation, he said the entire presentation was focused on this site, not the entire OD zone, and therefore, the submitted petition should be considered relevant.

Joseph Bogdan, 3 Audubon Close, said Bic Drive was supposed to be the only route for truck traffic but it is still there. He said all southbound trucks are going to Bic Drive via Plains Road and the problem must be solved. He said most trucks don't have commercial GPS systems because they are costly.

Attorney Curseaden stood by his interpretation of the 8-3 petition and that stewardship had multiple meanings. He asked the board for its support.

Noting the hour, **Chairman Quish** announced that 25 Shell would be moved to the November 21st meeting.

Mr. Satti said looking he needed more time to review all the materials. **Mr. Castignoli** agreed. **Chairman Quish** asked if the board wanted to make a motion to table. **Mr. Kaligian** asked to close the public hearing. **Mr. Sulkis** argued against closing the hearing due to a need to review the submitted petitions, which might affect the nature of the vote.

Mr. Hirsch asked Attorney Curseaden to provide more detail on the number of people on site, how many staff the inventory shift and why 20 bays were needed when the trucks may sit for a few days while being loaded for delivery. **Chairman Quish** asked about the scope of the oil products, **Mr. Snyder** said products would be received inside the facility, then sent to a waste management

company. **Chairman Quish** and **Mr. Snyder** discussed the nature of the oil that is accepted and the logistics and quantities involved in receiving and returns—it was disclosed that the facility receives approximately 200 gallons a day. **Mr. Sulkis** asked if state licenses are required for handling that amount of oil, but **Mr. Bauer** said the quantity was under the threshold. **Mr. Sulkis** asked for specific amounts and was told that antifreeze and coolant constituted about 10 gallons a day. **Ms. Austin** stated that in her experience, used motor oil from repair shop customers significantly exceeded the amounts discussed. **Mr. Sulkis** asked if the site would accept in person drop off and was advised that it would. **Mr. Hirsch** expressed ongoing concern about the warehouse abutting a nature preserve, as is the case with several other car dealerships. It was noted that Subway still owns the property and has a contractual relationship with RD Scinto, that FCP Euro is the end user of the proposal, not the seeker of the zone change.

Mr. Satti asked for Mr. Sulkis's administrative summary. **Mr. Sulkis** strongly stated several times that the administrative summary he was about to read was not authored by him. He attributed it to the DPLU Office. He said he was still waiting for pending reports from these Commissions: Conservation, Sewer, Police, and Trees. He said he would then read the DPLU summary, which follows:

The applicant is proposing to redevelop the Subway Headquarters campus at 325 Sub Way into a 160,000SF warehouse. To accomplish this, a regulation change is being submitted along with a special permit, site plan review and a lot consolidation. This review is in 2 parts; the first is the regulation change and the second is for the Special Permit Site Plan Review.

The Proposed regulation changes:

The applicant is proposing to add a warehouse use to the OD (Office Design Zone) through amending the zoning regulations, Section 3.5, as detailed in the application. Warehouse use is a recognized industrial use that is found in the following Milford Industrial Zoned districts: LI (Limited industrial), ID (Industrial District) and HDD (Housatonic Design District).

Planning/Zoning considerations:

Industrial and Residential uses are generally incompatible use types in the same zone. Residential uses (other than night watchman) are prohibited in the zones that currently allow warehouse uses. Those zones, as mentioned earlier, are the LI, ID, and HDD zones. The OD zone allows for residential development.

The application was submitted under the 2012-2022 POCD. The POCD did not recommend any changes to the OD zone This application is consistent with the 2012-2022 POCD as it provides "concentration of development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse;"

The newly adopted POCD 2023-2032 recognizes that underutilized office parks on Bic Drive and Sub Way and near the intersection of Wheelers Farms Road and Wilbur Cross Parkway could "present an opportunity for new multifamily development." However, the POCD also recognizes these areas tend to lack some of the "infrastructure needed to support residential development" (Page 33 of the POCD). Section 3.5 of the current zoning regulations does not allow for multifamily development, and so implementation of these recommendations, to develop multifamily housing would require further amendment to the zoning regulations.

The proposed POCD encourages proposed development as "Business Industrial areas contain a mixture of uses that support Milford's economy and provide important contributions to the City's tax base. In addition to supporting well-established industries, the areas are also an excellent place for new or innovative businesses to incubate." And further expands: "The City will continue to support these activities in the areas. Going forward it is important that the standards in these areas evolve in response to changing market demands and that adequate protections are in place to maintain the character of these areas."

As graphically depicted in Figure 50, the proposed POCD specifically identifies the subject location as desirable to be transitioned from an Office District (OD) to a "Mixed Use" consisting of "Residential, Business, and Industrial" uses.

A requirement of CGS 8-2 Zoning Regulations:

"(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

- (1) Be made in accordance with a comprehensive plan and in consideration of the plan of conservation and development adopted under section 8-23;"*

As summarized above, DPLU finds this proposed regulation amendment and site plan/special permit consistent with both the current, 2022 POCD and the recently adopted 2032 POCD.

A review of the proposed regulation by the Regional Council of Governments is attached is the response from the Connecticut Metropolitan Council of Governments (Metro COG).

The Site Plan Review

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 8 NOVEMBER 2023, 7:00 PM

This application is to be considered by the board in two parts: the regulation amendment and the site plan review. The following site plan review is provided anticipating the board's approval of the regulation amendments.

Plans have been submitted to construct a 160,000SF warehouse including 4000 square feet of accessory office, with 175 parking spaces.

The applicant's statement of use has indicated that as many as 210 employees are expected to be employed, with their working on the site in two shifts starting at 6:00 and continuing until 10:00 PM. Statement of use establishes the 20 provided loading docks supporting an average of 12 trucks per day. Staff recommends clarification as to whether the "12 trucks per day" is 12 truck trips per day.

The proposed use will require that the 3 parcels (identified as 8E, 8F And 8G) that make up the Subway campus be merged into 1 parcel, which the applicant is proposing to do. The total size of the consolidated parcels will be approximately 10.51 acres as documented on the submitted survey.

In addition to the documents that have been submitted showing the application's compliance with 7.2.3(2) and 7.2.1 (2), the applicant has submitted a traffic evaluation letter prepared by Hardesty & Hanover, LLC, Transportation Engineers to assist the board in its determination that the application is not detrimental to or conflict with the flow of traffic in the neighborhood.

The following issues have been or will be addressed in the most recent plan submission and should be reviewed or may be identified as a condition of the board's approval:

- 1. The vicinity map on the cover sheet should show the highway exit ramp where it meets the street to match the proposed zoning text change of "access ramp."*
- 2. Average grade shown, but the plans do not show how average grade was calculated per the Grade plan, Average definition.*
- 3. A note is provided on SP-1 stating that 18 chargers will be located in a front parking lot, however as a condition of the board's approval, those chargers should be shown on the plan set that is to be reviewed for zoning permit.*

In summary: In anticipation of the board's approval of the amended regulations, the referenced site plans represent substantial compliance with the zoning regulations.

Submitted by the Department of Permitting and Land Use

Mr. Satti said if the petition is acceptable, the vote will change from 6 to 7, but the board has the record. He agreed with **Mr. Kaligian** in closing the public hearing.

Mr. Satti moved to **close the public hearing**.

Second: **Mr. Castignoli** seconded.

Discussion: None.

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

Mr. Hirsch asked for an opinion from the city attorney to confirm the number of votes needed. **Mr. Sulkis** said determining the extent of the petition would fall to him as city planner and to the assessor but agreed to consult the CAO. **Mr. Satti** said he was concerned about the lack of a replacement for the 10th member in light of the need for a full board.

CLOSE BY NOVEMBER 22; VOTE BY JANUARY 25, 2024

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 21, 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 FROM OCTOBER 3, 2023.**

E. OLD BUSINESS: None.

F. LIAISON REPORTS: **Mr. Satti** described a trip to see affordable housing sites with SCRCOG. He offered to document the trip.

G. SUBCOMMITTEE REPORTS: Next meeting to be scheduled. POCD subcommittee is disbanded.

H. APPROVAL OF MINUTES – 10/17/23 was unanimously approved.

I. CHAIR'S REPORT: None

J. STAFF REPORT: **Mr. Sulkis** described a training opportunity.

K. ADJOURNMENT was at 10:43.

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.