

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 JANUARY 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, C.S. Moore, J. Mortimer, J. Quish, R. Satti, M. Zahariades

Not Present: N. Austin

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

C. NEW BUSINESS

VOTE BY MARCH 9, 2023

1. **21 Ford Street** (Zone R-12.5) Request for the board to accept an application for zone change without the submission site plan or special permitted as allowed by Section 10.1.2.

Attorney Curseaden addressed the board. He stated he was presenting the board with a request rather than an application because the expense of a fully engineered plan set that was contingent on a zone change represented a great expense with an uncertain outcome. He said a full presentation would be prepared if the zone change was approved.

Mr. Moore asked about the last time the board accepted such a request; **Mr. Sulkis** said it had been done several years ago for 990 Naugatuck Avenue. **Mr. Satti** asked for clarification of how the property would fit with abutting uses; **Attorney Curseaden** reviewed the development of nearby restaurants and other commercial properties on that side of Ford Street with this one property remaining a single-family residence. He also noted that it is the only property not zoned CDD-2. **Mr. Sulkis** confirmed no other properties would be affected by the change. **Mr. Castignoli** confirmed with **Attorney Curseaden** that the house previously on the lot was demolished.

Mr. Satti moved to approve as presented the petition of Kevin Curseaden, Esq. for a request for the board to accept an application for zone change without the submission site plan or special permitted as allowed by Section 10.1.2.

Second: **Mr. Castignoli** seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **497 Bic Drive** (Zone HDD) Petition of John Knuff, Esq. for Site Plan Review for a warehouse and parking lot expansion at Map 51, Block 936, Parcel D7 of which CDH Holdings, LLC is the owner.

Attorney Amy Souchuns, Hurwitz, Sagarin, Slossberg & Knuff, LLC addressed the board. She described the lot as being zoned HDD and having 3 parcels with a building on one of them. She said National Floral Supply is relocating their wholesale flower business from Orange and noted the company has been in business over 100 years and has 30 employees. She said approximately 10 trucks leave the site each day to distribute flowers to local florists and supermarkets.

Luke Sofir, engineer, John Paul Garcia & Associates, Bethany, reviewed the proposed improvements. He said the uses on site would be warehousing, floral distribution, and office space; the previous use was a gas company. He said the plan added a steel frame addition to store flowers, 46 additional parking spaces to the back lot including handicapped spaces, and an improved storm drainage system with catch basins. He said rainwater would be harvested to water flowers with any overflow draining into the sewer system on Shelland Street. He emphasized that all department approvals had been granted and noted that the site would be converted from a septic to a sewer system. He reviewed plantings to be added to the site and said a lighting study had been undertaken to avoid adverse effects to abutters. He said the only entrance to the site was from Bic Drive assuring minimal traffic impact. He underscored that all zoning regulations for this parcel were met.

Mr. Satti asked if additional traffic would affect Bic Drive; **Mr. Sulkis** noted that a building already exists on site with the only change being a small addition. **Mr. Hirsch** asked if traffic would have any impact on Plains Road. **Mr. Sofir** said there would only be one truck arriving in the morning, then 9 leaving, as well as the employees coming and going. **Mr. Sofir** further said the site would feature only a small showroom, not a retail space. **Mr. Mortimer** confirmed that the trucks are vans, not large trucks. **Mr. Moore** asked about emergency vehicle access; **Mr. Sofir** said the driveway was 25' wide. **Mr. Hirsch** asked if a retail use was envisioned in the future; **Mr. Sulkis** said that would require a new site plan review due to parking ratio changes. **Attorney Souchuns** noted that retail is not permitted in the zone. **Mr. Kader** asked if any electric vehicle charging facilities were planned in the new parking lot expansion, but this was not included with the current site plan.

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 JANUARY 2023, 7:00 PM

Mr. Sulkis read his administrative summary, which was consistent with the presentation. He noted the applicant will need to file easements for the drainage system on the land records because part of it is technically on another parcel. **Mr. Hirsch** suggested adding language about the easement to the motion.

Mr. Hirsch moved to approve with the following modifications the Petition of John Knuff, Esq. for Site Plan Review for a warehouse and parking lot expansion at Map 51, Block 936, Parcel D7 of which CDH Holdings, LLC, is the owner subject to filing appropriate easements for the drainage system with the City Clerk.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

3. **38 Golden Hill Street** (Zone MCDD) Petition of Nadeem Khalid for a Coastal Area Management and Site Plan Review for construction of a 2-family dwelling at Map 044, Block 390, Parcel 8A, of which 67 Grand Village, LLC is the owner.

POSTPONED BY APPLICANT

4. **71 Milford Point Road** (R-7.5) Petition of Justin Falco for a Coastal Area Management Plan Review for construction of a single-family dwelling at Map 06, Block 84, Parcel 21A, of which Justin Falco is the owner.

Mr. Falco addressed the board. He said the plan was to demolish the existing nonconforming single-family residence and replace it with an elevated, zoning-compliant structure. **Mr. Satti** noted that he and the applicant knew each other, but that he did not consider it necessary to recuse himself. **Mr. Mortimer** confirmed that the new house would be fully zoning compliant, and **Mr. Hirsch** confirmed that the new structure would comply with flood mitigation standards in the VE14 flood zone.

Mr. Sulkis read his administrative summary, which was consistent with the presentation with no adverse coastal impacts anticipated and no sidewalks required by the City Engineer.

Mr. Satti moved to approve as presented the Petition of Justin Falco for a Coastal Area Management Plan Review for construction of a single-family dwelling at Map 06, Block 84, Parcel 21A, of which Justin Falco is the owner.

Second: Mr. Mortimer seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY FEBRUARY 7, 2023; VOTE BY JANUARY 20, 2023

- 1) **Proposed Regulation Change 22-10** Petition of the Planning and Zoning Board for a change to Milford Zoning Regulations Article III Section 3.1.1.7 regarding Accessory Apartments.

Chairman Quish asked Regulation Subcommittee Member Satti to review the proposed regulation change.

Mr. Satti summarized the process. In short, the units could be income-producing, the occupant needn't be a relation, the 800-sf limit size would remain, and it was recommended that units be incorporated into the main dwelling unit.

Mr. Sulkis said before the public hearing was opened, he wanted to read into the record names of those in support/opposed:

#22-10 Accessory Dwelling Units – citizen correspondence – as of 1/3/23 1:25pm

Date	Name	Status
1/3/23	Pallas Garcia	In support
1/3/23	Alice Garlock	In support
1/3/23	Donna Garlock	In support
1/3/23	Samuel Garlock	In support
1/2/23	Sarah Aaron-Bromley	In support
1/2/23	Joseph Simoncek	Concerned
1/1/23	Gayle Hoffman	In opposition
12/30/22	Donna Dutko	Request to add verbiage
12/29/22	Diane Brown	In support
12/29/22	Albert May	In support
12/29/22	Callie Merva	In support
12/29/22	Joseph Merva	In support
12/29/22	Rachel Merva	In support

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 JANUARY 2023, 7:00 PM

12/29/22	Sarah O'Brien	In support
12/27/22	Therese Eke	In support
12/27/22	Marianne Jensen	In support
11/15/22	Sarah Aaron-Bromley	In support
11/15/22	Gail Haas	In support
11/15/22	D'Arcy Jeffery	In support
11/15/22	Callie Merva	In support
11/15/22	Audrey Moore	In support
11/15/22	Nadine Padowicz	In support
11/15/22	Michele Steinlauf	In support
11/14/22	Bev Byer	In support
11/14/22	Kimberly Gerlander	In support
11/14/22	Rev. Matt Lindeman	In support
11/14/22	Debra Mason	In support
11/14/22	Joseph Merva	In support
11/14/22	Rachel Merva	In support
11/14/22	Dorothy Osanitsch	In support
11/14/22	James Rude	In support
11/14/22	Grace Schwartz	In support
11/14/22	Diane Brown	In support
11/11/22	Laura Mutrie	In support

Communications submitted after 1:25pm on the day of the meeting will be available for review on the website.

Chairman Quish invited public comment.

FAVOR

Ben Blake, 110 River Street, said he generally refrains from speaking at meetings regarding regulation changes, but noted that last August he had urged the board to opt out of the state proposal and consider revising the existing Milford Zoning Regulations on this topic. He said he had reviewed the draft regulation and thinks it's appropriate and balanced. He wished the board the best in their deliberations and thanked its members for their service to the community.

Bruce Barrett, 47 Point Beach Drive, spoke in support, saying that Milford is desirable and that it has become expensive. He said ADUs will provide housing, using market forces to ease the expense of both renting and home ownership. He said trusting people in the community to rent to others is a positive force.

Patricia Hauser, 6 Westland Avenue, said she has friends who have been forced to move due to rent increases. She said she is concerned about the housing crisis. She said most successful municipalities welcome diversity. She said this manner of increasing density represents a "gentle density increase" because not everyone on any given street will use the new rule. She said she read statistics about the increase of ADU use in Portland, OR, with a conclusion that the practice doesn't substantially increase the number of parked cars on streets. She said AARP studies show the success of this type of non-intrusive infill development.

Rachel Merva, 90 Dart Hill Road, shared a zoning map showing Connecticut municipalities that allow income from renters that aren't relatives. She also shared examples of towns that allow ADUs as of right and some examples of ADUs. She said 100-130 ADUs currently exist in Milford and noted that the City's task of managing them is onerous. She suggested the addition of ADUs increase property values for the homeowners, and tax revenue for the City. Insurance is managed under the property owner's homeowner's insurance policy, with tenants requiring renter's insurance for their contents.

James Rude, 141 West Main Street, said he is a resident and business owner. He noted a connection to All in for Milford. He thanked the Board, especially the regulation subcommittee. He said the amendments are modest and reasonable. He noted the existing regulations were created in 1973 which was a different time. He said it would not fix the housing crisis, but it would help. He listed other communities that currently support it.

Charles Montalbano, 30 Revere Place, has an in-law apartment, thanked the subcommittee, and praised the regulation. He believes this change will offer affordable housing for entry level workers and encourages a vote in favor.

Donna Dutko, 236 Buckingham Avenue, said she felt the apartments should be deed restricted as affordable to ensure those occupying the ADU are truly in need of an affordable home. She read an email she had submitted.

Therese Eke, 47 Point Beach Road, thanked the board for time and effort, particularly the regulation subcommittee. She believed ADUs are not Airbnbs. She reviewed the benefits to homeowners and renters. She referred to Emmeline Harrigan's experience as a

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 JANUARY 2023, 7:00 PM

Planning and Zoning office employee in Fairfield who advised there are still only 300 ADUs there. She noted reduced paperwork for City and homeowners. The owner-occupied requirement is the biggest safeguard for the community.

Sarah Bromley, 27 Norway Street, said she appreciated the Board and subcommittee. She said having more housing options would help her family but would also help make Milford more vibrant. She said she works in childcare and the employees can't afford to live where they work. She said that she could not spot the ADUs, and she didn't find any ADU with cars on the street in the evening for those she drove past.

Greg Harless, 2 Anchorage Drive, stated a Board of Aldermen affiliation. As a citizen of Milford, he thanked the board for their hard work.

OPPOSED

Joe Simoncek, 61 Governors Avenue, is concerned about limited street parking availability in many Milford neighborhoods, and about parking on sidewalks or grassy areas. He asked the Board to require adequate parking spaces on the ADU property. He is concerned about Airbnb rentals causing issues in residential neighborhoods and asked for provisions that renters must rent for 6 months or longer, and that the only renters allowed be those on the lease for the unit. He questioned why the lot compliance portion of the original regulation was removed. He is concerned about residential density considering the number of apartment units which have been constructed recently. He is not in favor of the amendment as written.

Mr. Satti acknowledged **Mr. Griffith's** efforts on the proposal as well. **Mr. Satti** stated he serves as a liaison with SCRCOG and noted that other towns allowed for larger units. He said Fairfield added a deed restricted affordable component and asked this be considered by the Board. He said we can have a question-and-answer session with **Mr. Sulkis** at the appropriate time. He appreciated participation and efforts of members of the community.

Mr. Castignoli asked for clarification of whether an accessory unit can be used as an Airbnb.

Mr. Sulkis said an ADU must be in the same structure as the main home. How that unit is used is subject to City regulations. The City does not regulate duration of rentals.

Chairman Quish said he would like to consider emails, deed restrictions, and parking.

Mr. Sulkis wanted to clarify a point. He checked with Emmeline Harrigan of Fairfield Planning and Zoning regarding affordability. She advised Fairfield does not require ADUs to be affordable. He also addressed the qualifications for Affordable housing. Per State statute, affordable housing under 8-30g must be deed restricted. Further, the property owner must provide the City with income information for each tenant, and an annual income report for each tenant must be filed with the City to show they still qualify for affordable housing under 8-30g. Deed restrictions under 8-30g allow the City to get points toward a 10 percent affordable housing stock. Once that 10 percent is reached, the City could no longer have a developer come in and override zoning under 8-30g. **Mr. Satti** said the documents he reviewed indicate there is a deed restriction in Fairfield and that it became effective in 2021. **Mr. Hirsch** asked if the Chair is advocating going back to the subcommittee to make additional changes; the Chair said the Board would be able to make decisions regarding adding text to the existing proposed regulation. **Mr. Satti** said vote should be postponed. Wanted to keep hearing open. **Mr. Mortimer** agreed. **Mr. Kaligian** objected. **Mr. Moore** objected strongly. **Mr. Sulkis** advised if the Board is contemplating changes to what is being proposed, keep the hearing open. If not, the hearing may be closed. **Mr. Kaligian** said he is ready to vote.

The Chair kept the hearing open. Thanked the Board for their continued participation.

- 2) **Proposed Regulation Change 22-11** Petition of the Planning and Zoning Board for a change to Milford Zoning Regulations Article V Section 5.1 Parking and Loading Regulations and Section 11.2 Definitions regarding electric vehicle charging stations.

Mr. Sulkis reviewed the State legislature mandate that municipalities come up with regulations for Electric Vehicle charging stations. For properties with more than 30 parking spaces, the Statute says at least 10 percent of the spaces should have a charging station. **Mr. Mortimer** asked if new applications would be subject to this; **Mr. Sulkis** explained only applications heard after the enactment of this regulation would be affected. He said large projects have often included charging stations as a smart property management decision.

DISCUSSION

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 JANUARY 2023, 7:00 PM

Mr. Moore asked if fees for use of the charging stations are included in the mandate. Mr. Sulkis advised zoning regulations would not dictate anything about fees. The State legislation did not include anything regarding fees.

Mr. Satti wished we did not have the upcoming rate increase on electricity but understands we cannot control fees or charges for use.

Mr. Mortimer asked about the different charging station requirements of volts vs kilowatts.

Mr. Sulkis said they are 2 different types of charging technologies the Statute wanted us to incorporate, and the language comes directly from the State legislation.

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

Mr. Satti moved to approve as presented the petition of The Milford Planning and Zoning Board for a change to Milford Zoning Regulations Article V Section 5.1 Parking and Loading Regulations and Section 11.2 Definitions regarding electric vehicle charging stations. **Effective Date: 1/27/23.**

Second: Mr. Hirsch seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. OLD BUSINESS—None.

F. LIAISON REPORTS—None.

G. SUBCOMMITTEE REPORTS—Regulation Subcommittee meeting 1/4/2023. POCD Subcommittee meeting 1/18/2023.

H. APPROVAL OF MINUTES—12/20/2022 minutes were approved unanimously.

I. CHAIR'S REPORT – None.

J. STAFF REPORT – Training opportunity 3/11/2023 by the CT Bar Association. Reminded Board members they now have statutory requirements for training. This session addresses all topics needed. Paid by City; Mr. Sulkis needs to be advised within the next 2 weeks of those planning to attend. This will be a Zoom meeting on Saturday 3/11/2023 from 9am-4pm. Training book will be mailed to each attendee prior to the Zoom meeting.

K. ADJOURNMENT was at 8:33.

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.