

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD  
TUESDAY, 2 APRIL 2019, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

**Members Present:** Nancy Austin, John Grant, Jim Kader, Brian Kaligian, Peg Kearney, Scott Marlow, Carl S. Moore, Tom Panzella, Jim Quish, Robert Satti

**Not Present:**

**Staff:** David Sulkis, City Planner; Meg Greene, Board Clerk

**C. OLD BUSINESS**

**Extension granted for VOTE BY April 2, 2019**

- 1) **0 and 990 Naugatuck Avenue** (ZONE HDD) – Petition of Jeffrey Gordon, for a Change of Zone from HDD to WDD, on Map 40, Block 300, Lots 2 and 3B; of which Recycling, Inc. is the owner. (CLOSED January 15, 2019)

**Chairman Quish** briefly reviewed the history of the public hearings for the petition, stating that the hearing had been closed. He said discussion was limited to comments by the board with the ability to question staff. He expressed his personal support for the project as it will allow more people to enjoy a beautiful waterfront area. **Mr. Grant** read from page 19 of the Plan of Conservation and Development (POCD); the referenced passage anticipated that industrial areas would feel pressure from abutters to convert to residential use and stated that such pressure should be resisted as industrial uses are often unable to be relocated. **Mr. Grant** noted that this property is the last industrial zone in the City which is not fully developed and it might mean forgoing new light industrial projects and potential tax revenue. **Mr. Satti** said he agreed in principal with Chairman Quish's opening remarks, but disagreed with him about this particular project. He went on the record as having reviewed the Milford Government Access Television YouTube videos of previous relevant meetings. He said he agreed with the City Planner's remarks at the previous hearings about the project being in conflict with the POCD. He acknowledged the sentiments of the abutting residents and the abutting utility company. He said he had a serious concern about potential future issues involving affordable housing and spot zoning. He said that at the January hearing he was unimpressed with the legal arguments presented and with what he characterized as veiled threats, saying approving the project did not ensure resolution of current problems at the site. He referenced a 12/19/2018 letter from the CT Department of Energy and Environmental Protection (DEEP) warning that such action would be problematic and recommending withdrawal of the application. He said he recognized that Caswell Cove as a beautiful area and said he understood the neighbors' concerns. He agreed with Mr. Grant about preserving current industrial zones and wanted to avoid pressuring current industrial zones. He said he also opposed the regulation change because he did not think the height and parking-spaces changes should be implemented across all WDD zones. **Mr. Marlow** echoed Mr. Satti's concerns. He spoke to the risk of making the zone change without considering the regulations attached to it, and expressed concern that changes to building heights and densities would affect any locations with the same zone. **Mr. Kader** said he supported the zone change because he did not want to see another transfer station coming in, but that he, too, was concerned about density and height changes. In addition, he expressed concern about limiting public access to the waterfront. **Chairman Quish** asked to display the WDD zone near Walnut Beach on the large auditorium screens. He noted that the proposed language was meant to apply only to industrial uses. He said a motion to approve could contain a condition that the waterfront be made easily accessible to the public. He said industrial use of water transport is outdated. **Mr. Grant** said if regulations are changed, the proposal could also be easily changed; that there is no guarantee that the presented project would be implemented. He noted that there is also railroad access besides water access. **Chairman Quish** stressed the superiority of the residential use to a transfer station. He cited the applicant's other projects were beneficial and worried that the City would assume cleanup liability for the site at some future date. **Mr. Grant** said the present state of the property should not be factored into the decision facing the board.

**Motion: Mr. Quish** motioned to approve.

**Second: Mr. Kaligian** seconded.

**Discussion:** None.

**Vote:** The motion failed with Mss. Austin and Kearney, and Messrs. Grant, Kaligian, Marlow, Moore, Panzella, and Satti voting against the motion; Messrs. Kader and Quish voted with the motion.

- 2) **Proposed Change to City of Milford Zoning Regulations:** Article 3, Section 3.13.2.3 Special Uses, 3.13.3 Building Requirements and 3.13.4.3 Accessory Uses, Multiple Family Dwellings, in the WDD Zoning District, proposed by Jeffrey Gordon as agent for applicant Primrose Companies/Recycling, Inc. (Tracking #29-18) (CLOSED January 15, 2019)

**Motion: Mr. Quish** motioned to approve.

**Second: Mr. Kaligian** seconded.

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**Discussion:** None.

**Vote:** Motion failed with all members voting against the motion.

**D. NEW BUSINESS**

**CLOSE BY May 21, 2019; VOTE BY June 25, 2019**

- 1) **63 Chester Street** (ZONE R-7.5) – Petition of Kevin Curseaden Esq. for a Coastal Area Site Plan Review on Map 38, Block 536, Parcel 8 of which Bjorklund Properties LLC is the owner. (Continued from January 2, 2019)

**Attorney Curseaden**, Curseaden & Moore, 3 Lafayette St., addressed the board. He described the single family house and that no house could be developed further out on the street due to the wetlands.

**Mr. Grant** asked about curbs and sidewalks versus fund, not decided as yet. **Mr. Sulkis** clarified the concept of the sidewalk fund, saying ordinance would govern this requirement.

**Motion:** **Mr. Grant** motioned to approve.

**Second:** **Mr. Marlow** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 2) **15-23 River Street** (ZONE MCDD) – Petition of David Fernandez for a Site Plan for Additional Floor on Existing Building on Map 54, Block 393, Parcels 6 & 7 of which LouisePaul LLC is the owner.

**Mr. Fernandez**, 15-23 River St., addressed the board. He said he planned to add 4 apartments by reconfiguring the second floor and adding a 3rd floor to the site. **Mr. Sulkis** said the request was to grant parking adequacy, as is typical of downtown developments, based on there being sufficient public parking to offset private parking requirements. **Mr. Satti** confirmed with Mr. Sulkis that no additional issues existed.

**Motion:** **Mr. Satti** motioned to approve.

**Second:** **Mr. Grant** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 3) **41-43 Cherry Street** (ZONE RO) – Petition of Robert Smith, MetroStar Properties for a Site Plan Review for mixed use office building on Map 66 Block 0817 Parcel 15, of which MetroStar Properties is the owner.

**Benjamin Gettinger**, Lynch, Traub, Keefe & Errante, P.C., 52 Trumbull St, New Haven, addressed the board. He said the request was for parking adequacy; he introduced John Wicko and Ron Wassmer to provide detail on the project.

**John Wicko**, AIA, architect, 58 Prospect St., described the project as being residential above, with offices below. He said the objective was to share parking between 2 uses, saying 20 spaces were provided by the plan, but noting a zoning requirement for 23. He referenced a traffic industry standard, which puts the requirement at 17. He described the plan for the deep lot, saying the tree in the front would be preserved with the building pushed toward the rear of the lot. He showed a plan for a second building, a barn type structure. He reviewed the entrance locations and sidewalks, as well as other architectural details, affirming that all regulations had been met. He said the landscaping was generous and included foundation plantings and arbor vitae for screening. He said trees and shrubs would serve as a buffer to the abutting cemetery. He noted low intensity lights for parking. He reviewed floor plans for the business and residential portions, including 1-bedroom units in the main building and efficiencies in the barn. He showed elevations, pointing out historic style details.

**Ron Wassmer**, PE, land surveyor, 158 Research Dr., said he had presented a satisfactory storm drainage study to the City Engineer and that other public safety departments had also approved the plan.

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**Mr. Marlow** asked about snow removal. **Mr. Wicks** pointed out a snow shelf area on the plan, but said the policy would be to remove excessive amounts of snow to another site.

**Motion:** **Mr. Satti** motioned to approve.

**Second:** **Mr. Grant** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 4) **Gulf Street Stabilization Project** (ZONE R-18) - Petition of City of Milford, for a Coastal Area Site Plan Review for a Stabilization project on Map 028, Block 584, Parcel 1 of which Joseph J. Blichfeldt III is the owner.

**Steve Johnson**, Open Space Agent and Acting Assistant Director of Public Works, addressed the board. He said the project was being submitted for permitting, but that funds had not yet been located to do the work. He said CT DEEP deemed the project prudent and unavoidable.

**Mr. Sulkis** said the City proposed installing the following: an approximately 260 foot stone revetment, an approximately 230 foot concrete retaining wall, and a 230 foot vegetative bank to stabilize the unprotected portion of Gulf Street. He said it was located between two existing revetments, and is subject to storm damage and erosion.

**Motion:** **Mr. Grant** motioned to approve.

**Second:** **Ms. Austin** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**E. PUBLIC HEARINGS**

**CLOSE BY May 21, 2019; VOTE BY July 25, 2019**

- 1) **65 Woodmont Road:** (zone LI) Petition of Thomas B. Lynch, Esq. for Special Exception with Site Plan review for a Doggie Daycare on Map 90, Block 811, Parcel 15 of which Investment Planners Associates is the owner.

**Mr. Kaligian** recused himself from this item.

**Attorney Lynch**, 63 Cherry St., addressed the board. He noted the presence of Melissa Marter, owner of Who's Your Doggie Daycare. He said she had been on a disappointing search to relocate her business to a new location, but after getting approvals, she learned the building wasn't connected to the city sewer system. He said she had now found a suitable place at the Woodmont property, which was part of a 7-building industrial site that formerly housed a school. He said no additional construction would be added, and that 3 dog runs would be placed inside and one on the outside. He said the use was neither a permitted or special use and thus required a Special Exception. He noted city departmental approvals. **Mr. Kader** and **Mr. Satti** asked about waste management and proximity to wetlands. **Attorney Lynch** clarified that the near-wetland unit Mr. Kader asked about was not the target site and that waste is directed into the sewer system.

**Mr. Sulkis** described the use and number of dogs expected on the site. He said the closest neighbor was a cable company equipment building.

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

**Motion:** **Mr. Panzella** motioned to approve.

**Second:** **Mr. Moore** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

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- 2) **311 Old Gate Lane**: (Zone ID) Petition of Lowe's of Milford, CT, Store #2658 for Special Permit with Site Plan review for a fenced-in area selling plants for approximately 2 months on Map 79, Block 810, Parcel 13G of which BVS Jai Alai LLC is the owner.

**Tim Arvanitidis**, Store Manager, Lowe's Milford, CT #2658, 311 Old Gate Ln., addressed the board. He said he'd like to construct a temporary fence in front of the garden center to house plants to display for customers. No selling would be done in that area.

**Mr. Sulkis** described the area as 40' x 60'. **Mr. Grant** asked about locating it on the side of the store. **Mr. Arvanitidis** said it was placed on that spot last summer but customers disliked that location. **Mr. Moore** asked about the safety of the fence. **Mr. Arvanitidis** said it would be secured and that by the middle of June, the temporary garden area would be removed; that it is intended to support business during the peak growing season.

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

**Motion: Mr. Satti** motioned to approve.

**Second: Mr. Marlow** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 3) **263 Cherry Street** (ZONE CDD-1) Petition of Thomas Lynch, Esq. for a Special Permit with Site Plan Review and Lot Consolidation for a car wash expansion, on Map 66, Block 813, Lot 22 of which 263 Cherry Street is the owner.

**Attorney Lynch**, 63 Cherry St., addressed the board. He reviewed the project's progress through a zone change, variances, and up to the current application. He said this would be the final step to expand the car wash, which has been in business for 40 years. He noted how the new setup would eliminate the traffic lanes backing up in the car washes current configuration. He noted the elimination of detailing operation. He said his client had purchased the property at Ross St., which would allow more cars to await the carwash off street.

**Ron Wassmer**, 158 Research Dr, reviewed the 2 parcels. He said the size of the car wash would remain the same, but the approach aisles would be expanded. He said all zoning requirements were met. He reviewed the landscaping plan which included some shade and buffer trees. He said some storm drainage had been added. He said waste water would be conducted to underground galleys, which was closed reviewed by the City Engineer.

**Mr. Satti** confirmed that 2 lanes were going into the building, but the building would not be enlarged. He asked about storm water management and maintenance requirements laid out in the City Engineer's review; **Attorney Lynch** said the City Engineer recommended that the storm drainage changes be made a condition of approval. He also noted the disabling of a LED sign to reduce light emissions.

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

**Motion: Mr. Satti** motioned to approve with conditions that 1.) the applicant provide calculations in support of the proposed storm-water mitigation; 2.) that the applicant make a contribution to the sidewalk fund in the amount of \$3407.76; and 3.) that a maintenance and operations plan for storm-water treatment and mitigation system be prepared by a licensed PE .

**Second: Mr. Marlow** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 4) **Proposed Change to City of Milford Zoning Regulations**: Article 5, Section 5.8.13 Specific Standards: 5.8.13.3 Manufactured Mobile Homes (VE Zones); proposed by the P&Z Board (Tracking #49-18)

**Mr. Grant** said the change represented a correction of previous sections and wording.

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

**Motion: Mr. Grant** motioned to approve, effective 4/26/19.

**Second: Mr. Panzella** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 5) **Proposed Change to City of Milford Zoning Regulations:** Article 7, Section 7.1.3 Site Plan Review: 7.1.3.5 Landscaping and Screening; proposed by the P&Z Board (Tracking #52-18)

**Mr. Grant** said there was a word deletion and the previously referenced section did not apply.

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

**Motion: Mr. Satti** motioned to approve, effective 4/26/19

**Second: Mr. Kader** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 6) **Proposed Change to City of Milford Zoning Regulations:** Article 10, Section 10.4 Pending District Changes; proposed by the P&Z Board (Tracking #53-18)

**Mr. Grant** said there was a wording deletion needed because statute doesn't authorize the board for the action described.

**Chairman Quish** asked for comment.

**Donna Dutko**, 234 Buckingham, Ave., asked for clarification. **Mr. Grant** said map changes would be suspended until the language was corrected regarding how the Zoning Enforcement Officer issued permits affected by the zone change. **Mr. Quish** clarified that there is no moratorium on zoning map changes.

**Chairman Quish** closed the hearing.

**Mr. Satti** commended Mr. Grant and the subcommittee for his work on the complicated work of amending the regulations.

**Motion: Mr. Grant** motioned to approve, effective 4/26/19.

**Second: Mr. Marlow** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- 7) **Proposed Change to City of Milford Zoning Regulations:** Article 7, Section 7.3 Special Exceptions: 7.3.4; proposed by the P&Z Board (Tracking #54-18)

**Mr. Grant** said this again involved a wording deletion needed because statute doesn't authorize the board for the action described.

**Motion: Mr. Grant** motioned to approve, effective 4/26/19.

**Second: Mr. Marlow** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously, effective 4/26/19.

The board revisited assigning an effective date of 4/26/2019 to Article 5, Section 5.8.13 Specific Standards: 5.8.13.3 Manufactured Mobile Homes (VE Zones); proposed by the P&Z Board (Tracking #49-18).

**Motion: Mr. Grant** motioned to approve an effective date of 4/26/19.

**Second: Mr. Marlow** seconded.

**Discussion:** None.

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**Vote:** Motion carried unanimously, effective 4/26/19.

**F. LIAISON REPORTS**

**G. REGULATION SUBCOMMITTEE**

**H. APPROVAL OF MINUTES 3/5/2019 – unanimous.**

**I. CHAIR’S REPORT** Chairman Quish shared that the City Planner had done an administrative extensions for an 8-30g application from Tom Lynch, consistent with the statute. **Mr. Sulkis** said he would provide short reports on these actions in the future.

**J. STAFF REPORT**

**K. ADJOURNMENT** was at 8:56.

Attest:

M.E. Greene, Board Clerk