

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 5 APRIL 2022, 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: N. Austin, J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, C.S. Moore, J. Mortimer, J. Quish, R. Satti, M. Zahariades

Staff: J. Griffith, DPLU Director, D. Sulkis, City Planner; M. Greene, Rec. Sec'y

Chairman Quish opened the meeting.

C. NEW BUSINESS

- 1) **94 Edgewater Place** (Zone R-12.5) Petition of Kevin Curseaden, Esq. for a Coastal Area Site Plan Review for a single-family dwelling at Map 45, Block 513, Parcel 40, of which TONA, LLC is the owner.

Attorney Curseaden, 3 Lafayette Street, addressed the board. He said the property has been vacant except for boat docks and that all relevant departments provided approvals. He introduced the design team. **Mr. Satti** asked about a discrepancy in the addresses; Attorney Curseaden described the practice of having a "0" assigned to vacant lots and that the ZEO had subsequently assigned to the lot the address number of 94.

John Wicko, Architect, 58 Prospect Street, reviewed the plans in detail, noting that all setbacks were met, and all road accesses were preserved. He said the plan featured a traditional design and highlighted access to boating. Mr. Wicko provided **Mr. Satti** with detail on the interior design.

Ron Wassmer, PE, LS, 158 Research Drive, reviewed the engineered site documents, noting that the plan conforms to flood mitigation standards and no adverse coastal impacts were expected.

Mr. Sulkis read his administrative summary which was consistent with the presentation. He discussed a prior letter from the city engineer asking for a condition of approval to require the applicant to improve the right of way, which was later superseded by documentation confirming that a city street is involved, and citizen improvement was not required.

Chairman Quish closed the hearing and asked for a motion.

Mr. Satti moved to approve with the following modifications the petition of Kevin Curseaden, Esq. for a Coastal Area Site Plan Review for a single-family dwelling at Map 45, Block 513, Parcel 40, of which TONA, LLC is the owner.

Conditions: The stairway on the southeastern side of the house will be reconfigured to be zoning compliant. The City Engineer's letter will be made a condition; the City Engineer's letter dated 4/1/22 be acknowledged by the applicant that the City will not improve or maintain the unimproved City Street known as Edgewater Place, and the applicant will not be required to make any improvements to Edgewater Place.

Second: **Mr. Castignoli** seconded.

Discussion: None.

Vote: Motion carried unanimously.

- 2) **240 Broad Street** (Zone MCDD) Petition of Thomas Lynch, Esq. for a Site Plan Review to add an apartment to an existing mixed-use, residential/commercial structure, at Map 44, Block 410, Parcel 27, of which Mia Casa Properties, LLC is the owner.

Attorney Lynch, 63 Cherry Street, addressed the board. He said his clients wished to renovate and improve the property. He noted that the building has fallen into disrepair, having been built in 1900. He said the building would be expanded to include a retail tailoring business on the first floor and two 1-bedroom apartments on the second floor, with 1360 sf on each floor. He said the MCDD zone prohibits vinyl siding, and the plans would be amended to reflect that restriction. He said the zone's parking adequacy can be zero noting Daniel Street as an example. He shared elevations of the proposed building and noted some requirements from the City Engineer. **Mr. Satti** ascertained from **Attorney Lynch** and **Mr. Sulkis** that the project was zoning compliant.

Mr. Sulkis read his administrative summary which was consistent with the presentation. He noted that the building is zoning compliant due to the MCDD regulations. He said a motion should reference parking adequacy despite no onsite parking.

Chairman Quish closed the hearing and asked for a motion.

Mr. Mortimer moved with the following modification the petition of Thomas Lynch, Esq. for a Site Plan Review to add an apartment to an existing mixed-use, residential/commercial structure, at Map 44, Block 410, Parcel 27, of which Mia Casa Properties, LLC is the owner; Modification: The board found parking to be adequate.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY MAY 10, 2022; VOTE BY JULY 14, 2022

- 1) **1500 Windward Road** (Zone WDD) Petition of Stephen Bellis, Esq. for a Major Amendment to a Special Permit with Coastal Area Site Plan Review to construct an expansion of Caswell Cove Condominiums at Map 40, Block 300, Parcels 100-3A thru 100-3D, of which Caswell Cove Condominium Association, Inc. is the owner.

Attorney Bellis, Pellegrino Law Firm, 475 Whitney Avenue, New Haven, addressed the board. He said the applicant is Primrose Development, which already has a contract to develop the units and then turn them back over to Caswell Cove. He handed out printed materials, which he reviewed. He covered the history of the project, saying 168 units were previously approved, had not been built, but could still be. He said the amendment was filed to request 44 units rather than the original 168. He said this project would represent the final phase of development. He presented copies to the board. He noted that Inland Wetland Agency approval had been granted, and that CT Department of Energy and Environmental Protection (DEEP) assessed that no negative impacts were expected on local species.

Jeffrey Gordon, landscape architect, Codespoti Associates, Orange, said the project involved an unusually long process. He said the original design featured more unit density that had been reduced. He described the townhome design and described the plan as a market rate development that reflects recent legislative changes to reduce parking requirements. He referred to a biofiltration basin to protect the river and noted a landscape plan that eliminated a lawn, replacing it with native plantings. He said a field biologist had suggested a meadow mix to avoid pesticides and fertilizer runoff into the river. He shared photometrics featuring minimal lighting. He said the architecture featured ranch style units for handicap accessibility. He said the buildings would be sprinklered for fire safety. He said the city engineer had asked about bulkhead and moorings, which Mr. Gordon was able to determine were likely built in the 60s. **Mr. Satti** asked if the legislative reference was in the submitted materials, including an opt-out by the city. **Mr. Hirsch** asked how many units exist and was told there are 204 today, plus 44 requested, all to be situated on 23.5 acres.

Mr. Sulkis read his administrative summary which was generally consistent with the presentation. He said erosion along the banks was noted by the city engineer and should be addressed.

Chairman Quish invited public comment.

Franklin Pilicy, Esq. 235 Main Street, Watertown, said he represented Caswell Cove, and that it was in support of the application, having conducted a vote of 86-0 in 2007.

Joseph Caruso, 1434 Windward Road, said that in 2007, the vote was not to approve a certain number of units, it was to extend the timeline of the project. He said many units were not currently owned by people who voted 15 years ago. He said amenities would be rendered inadequate with that number of additional units and access to the complex would also be inadequate. He said the bulkhead was the responsibility of the complex and the existing infrastructure would also be inadequate. He said the plan reflected poor planning and that wildlife now occupied the proposed development space and would be displaced.

Robert Cole, 1010 Naugatuck Avenue, said his property overlooks this one. He said the project was the work of greedy development. He also was concerned about the impact on wildlife.

Jonathan Walker, 221 Popes Island Road, said he is a designer and provided handouts. He said the development contained a great deal of hardscape and that current units were lower than the planned ones so vertical canyons would be created, obstructing the view of the river. He said this was not responsible development.

Dr. Lisa Tryon, 1425 Windward Road, shared handouts and reviewed the action of the board in 2019. She was skeptical of a possible future driveway connection crosses the railroad tracks leaving a single driveway is that is 24 feet wide, which is narrower than most Milford streets, thereby jeopardizing emergency vehicle access. She said current owners are not being represented by

the association. She noted contaminants in the complex cited by in a judgment in 2019. She said that testing was supposed to be conducted quarterly but was interrupted by the pandemic. She expressed concern that new construction would allow contaminants to be further dispersed if they were found on the proposed site. She said her questions should be answered before the board acted on the application.

Gary Peluchette, 1425 Windward Road, shared handouts and said the new parking configuration would create parking in non-designated areas, create runoff, and impact the Housatonic. He said erosion would affect the river and rusting bulkhead.

Kathy Duhon, 1414 Windward Road, said she was concerned with the safety of the deteriorating bulkhead on the property. She shared photos of erosion and said she felt they would be deposited in the river. She said no provision was made to stabilize the eroding riverbanks. She said the bulkhead is failing and will be overburdened with the additional units. She said she expected additions to the complex but wanted a more environmentally sensitive plan.

Frank Smith, 232 Second Avenue, said he is not a resident of Caswell Cove, but was speaking as a state representative and member of the state environmental committee. He said the project is the final phase of Caswell Cove, and said he is respectfully asking for additional examination of environmental impacts. He referred to the city engineer's documentation about further DEEP review.

Carol Lively, 963 Naugatuck Avenue, said the soil science report indicates the area is part of a wildlife corridor. She said the DEEP analysis said no listed species were in the area, but she noted several species she has personally seen. She expressed concern about harmful runoff from hardscape that is being made the responsibility of Caswell Cove.

Gregg Fedder, 1138 Windward Road, said condo owners had been promised that development would be consistent with and complimentary to the existing buildings. He said the new units will produce congestion and affect property values negatively.

Dottie Bateman, 632 Popes Island Rd, said she is a former president of the condo association and was involved in the project for 8 years. She said the concerns expressed had been addressed and the board worked hard on the project.

Tatianna Murphy, 538 Popes Island Road, spoke in support of the project. She said it would benefit the entire complex.

Mark Kuba, 514 Popes Island Road, said he is in favor of the project.

Leonard Liss, 726 Popes Island Road, said he was one of the original signers to permit the development and had followed its progress over the years. He said previous attempts to complete the development failed and he felt it is time to do it. He referred to the legislative bills on exclusionary zoning. He said the plan provided more than the required parking.

Wanda DeBreux, 621 Popes Island Road, said she understood the impact of the construction which would affect nearby residents, but she felt it would add quality to the whole community.

Henry Olszewski, 812 Popes Island Road, spoke in favor, saying he was involved throughout the project.

Rebuttal from Applicant

Attorney Bellis said the bulkhead is not part of the proposed development project, but rather that the condo complex owns the bulkhead problem regardless of the status of the project. He said the hope was that money from the sale of the new units could be allocated to any needed repairs. He said DEEP jurisdiction is riverward of the mean high tide and the city's jurisdiction is landward, therefore DEEP has no jurisdiction over the project. He said parking is more adequate than required. He said he appreciated the concerns raised but the board must consider the existing approval and that this proposal represents a reduction. He reiterated that this is already an approved project. He said all drainage issues have been addressed. He said the board must consider if the regulations allow the project. He said there is an emergency exit to a separate property. He said the other application referenced in comments is a separate project with separate owners.

Rebuttals from Floor

Dr. Lisa Tryon, 1425 Windward Road, said the development is too big, that the bulkhead is being ignored by the development, and that the city engineer said it was an area of concern. She described tidal wetlands activity that affect the bulkhead. She urged more environmental analysis. She said the 2007 vote was to give the board the right to expand, but that she only saw the proposed plans online and that the plans were never shared with other residents. She said she has asked for a new vote based on the plans.

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Jonathan Walker, 221 Popes Island Road, said there was a problem of transparency in sharing plans with residents of Caswell Cove. He said the plans are labeled 2020 and there was opportunity to share them.

Dottie Bateman, 632 Popes Island Rd, former association president, asserted that the board is transparent. She said the wildlife impact would not be major.

Joseph Caruso, 1434 Windward Road, said the entire project doesn't fit due to impact on the complex's amenities. He said transparency is lacking. He said a quorum of residents was not present to discuss this plan or an alternative. He asked for the item to be tabled.

Mr. Satti confirmed with Attorney Bellis that only 44 units were being built of the original 168 units originally proposed in 1992. He discussed soil science reports with Attorney Bellis. He said the materials submitted at the hearing weren't in the packets to permit adequate review. He the board has the authority to order an additional environmental and traffic report.

Mr. Castignoli said there was no time to read material submitted at the meeting and made a motion to table; **Mr. Mortimer** seconded. **Mr. Hirsch** had previously indicated he has a question but offered to ask it at next meeting if the matter was tabled. **Mr. Kader** asked if the condo owners vote that took place in 2007 could it be repeated. **Attorney Bellis** commented that the application does not expect the board to referee an internal dispute at Caswell Cove, that the opposition tends to turn up at such hearings and it could well be that the majority of owners is in favor. He said the association's Board of Directors is authorized to make such decisions. **Mr. Moore** asked if an emergency exit was contingent on another property; **Attorney Bellis** said a comment referenced an application regarding Recycling, Inc., saying that application wasn't this property and was not relevant. He said this property referenced in this application is owned by Caswell Cove Condominiums whereas the other applicant was adjoining property owner. A speaker off camera shouted a comment that the chair disallowed. There was discussion of whether further board questions should be raised at this point and the timing of submitted materials. **Chairman Quish** asked for further discussion of the motion. **Messrs. Hirsch** and **Kaligian** both said they disagreed with tabling and asserted that **Mr. Moore** should be able to ask his question. **Mr. Satti** said he supported tabling to look at the new material. **Mr. Moore** asked **Mr. Sulkis** to comment in on the application.

Mr. Sulkis read his administrative summary, which was generally consistent with the presentation. He said erosion on the banks of the Housatonic had been noted by the city engineer who said it should be addressed. After a question regarding closing the hearing or leaving it open, he reminded the board that no question can be answered by the applicant if the hearing is closed.

Mr. Castignoli moved to table the item.

Second: Mr. Mortimer seconded.

Discussion: See paragraph above.

Vote: Motion carried as follows:

VOTING WITH THE MOTION: N. Austin, J. Castignoli, E. Hirsch, J. Kader, J. Quish, R. Satti, M. Zahariades

VOTING AGAINST THE MOTION: E. Hirsch, B. Kaligian, C.S. Moore

2) 615 Plains Road (Zone LI) Petition of Kevin Curseaden Esq. for a Special Exception with Site Plan and Coastal Area Management Review for a school bus storage, maintenance, and dispatch facility with outdoor fueling station on Map 062, Block 928, Parcel 48 of which 615 Plains Road LLC is the owner. (Continued from March 1, 2022; Postponed to April 19, 2022)

E. LIAISON REPORTS—None.

F. SUBCOMMITTEE REPORTS—Chairman Quish said the contract with the POCD consultant was signed with the next meeting planned for a week from tomorrow.

G. APPROVAL OF MINUTES—**3/15/2022** minutes were approved with Chairman Quish's recusal.

H. CHAIR'S REPORT — Chairman Quish apologized for confusion during the public hearing. He said live meetings will continue unless otherwise instructed by the Health Department or if an individual board member requests a change.

J. STAFF REPORT - None.

K. ADJOURNMENT was at 9:05.

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.