

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, MAY 20, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the Public Hearing of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. ROLL CALL

Members Present: Frank Goodrich, Mark Bender, Kathy Patterson, Kim Rose, Kevin Liddy, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair, Janet Golden (7:39)

Not Present: Gregory Vetter, Sr.

Staff: David Sulkis, City Planner, Phyllis Leggett, Board Clerk

Mme. Chair: Announced that the second scheduled public hearing for tonight's meeting for 141-159 Merwin Avenue would not be heard tonight.

C. PUBLIC HEARINGS

1. **63 WASHINGTON AVENUE (ZONE CDD-1)** Petition of Thomas Collucci for Special Permit and Site Plan Review approval to construct a six unit multi-family building on Map 43, Block 331, Parcel 6, of which Thomas Collucci is the owner.

George Adams, Esq., Harlow, Adams & Friedman, PC, 300 Bic Drive, Milford, representing Thomas Collucci, the builder; Ron Wassmer, CCG Engineering and John Wicko, Architect.

Proposed is a six unit multi-family building which will include two affordable units as required by the regulations. The property is in the CDD-1 zone and the multi-family house, including at least 30 percent affordable units is a special use under Section 3.16.2.2 of the zoning regulations. The proposal meets all the requirements of the zone, except for the size of 40,000 SF for multi-family buildings. The application meets all the density requirements. The neighborhood is on a side street in a mixed-use zone. This property is not on the Boston Post Road. It is in an obscure street situated behind the rec building next to the parking lot for Washington Field. The uses that are permitted in the zone, i.e., stores, banks, fast food establishments, etc. would be inappropriate for the site. However, multi-family housing with affordable housing units are ideal for the site and are a bonus to the City. The site is bordered on two sides by City of Milford property. The house design is attractive and will be made only of materials of the highest quality.

Mr. Adams read Sec. 7.1.3.15 of the regulations which applies to the lot size for the proposed building and stated the Board could take into consideration the perspective character of the use, the interest of the City as a whole and the purpose and intent of the regulations when deciding the application.

He stated the current use of the site is not a permitted use and the proposed use for attractive and affordable units, which are needed by the City, outweighs any interest

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the City would have in requiring that a multi-use building only go on a site of 40,000 SF. Every other aspect of the regulation is met.

Materials that were obtained from Tom Ivers of the Community Development, who is also the Fair Housing Officer, were distributed and date-stamped into the record. The information indicates that currently the maximum rent to be charged for a one-bedroom unit would be \$961.00, inclusive of utilities.

The Consolidated Housing Community Development Strategy was also distributed, which states that the City has a goal to create additional affordable units for single person households. The proposed building is constructed of all one-bedroom units and ideally fits that goal.

John Wicko, Architect, 50 Broad Street, Milford. The building is designed to look like a larger, single-family residence measuring 70 x 41 feet, two story in the neoclassical design. It is a unique site in regard to its neighbors being the City of Milford. There is a three-family residence neighboring the building. The Boston Post Road is to the west of the property. On the other side of Washington Street is an R-10 zone, so it works in the transition between the commercial and residential zones.

Well within the setbacks in the zone. Meet the open space requirements. Residential districts on either side. No buffer requirements. Building height is 29.2 feet, much less than the allowable 40 feet, designing two stories instead of three stories. Parking requirement is 1.5 per unit. There will be ten spaces, as well as handicapped parking. All parking is within the requirements.

The landscape plan: Size of the lot is small enough that extensive landscaping is not required. However, plants and trees will be prevalent, especially in the open space area. An older street tree will be removed and a new one will be provided. A waiver is requested for the planting strip near the parking lot of Washington Field. Drawing submitted today of the trash enclosure, which is solid wall of clapboard style siding made of hardy board for the enclosure with a white gate. Described the lighting proposed. There is a minor light trespass on one side, which is lost in the adjoining commercially lit street.

Described the interior of the building, the stairway and the floor plan of the typical apartment. Larger building is in traditional styling. Materials are clapboard siding and hardy board, shutters on all sides the building, and an asphalt shingle roof.

Ronald Wassmer, PE, CCG Engineering, 158 Research Drive, Milford. Prepared the engineering plans, which were reviewed by the pertinent City departments. All department reviews were favorable. Described the utility plan, city sewer system and water drainage and erosion control via the displayed plans.

Mme. Chair to Staff: Anything to add?

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Mr. Sulkis: Everything is as described and appears to be in order.

Mr. Goodrich: Asked how the hot water tank could be accessed on the first floor.

Mr. Wicko: Removable shelves located on either side of the walls. Shelves will be lifted up to gain access.

Mr. Bender: This is a busy area, especially in the spring and summer. Asked how the building will be buffered on all areas

Mr. Wicko: Described the mature trees that will remain, those that will be removed that are damaged, and the new ones that will be planted.

Mrs. Patterson: To the right of the building is a park, will it block the view of anyone coming out of the park?

Mr. Wicko: No. There are no sight line issues. The City's traffic commission did not see a problem with it.

Mr. Bender: Sometimes the municipal parking gets full and there is an overflow. How will the parking lot be signed so that people don't park there.

Mr. Collucci: Stated he was aware of what takes place at the ball field nearby. Will post signs as necessary.

Ms. Rose: Min. lot size 40,000 SF. Why should this waiver be granted?

Mr. Adams: Stated he believed the waiver should be granted because it does not make good sense for the lot to have been in the CDD-1 zone to begin with. If the use of this property is weighed against what could be there, i.e., a bank, dry cleaning establishment or another store, all of which do not require 40,000 SF, it is more appropriate and more attractive for this building to be on the property, plus the bonus of two affordable units, which are desperately needed in Milford. Also, there is a house there now, so it is not as if the property was never used for a residence.

Mme. Chair: Anyone to speak in favor of the application? (No response)
Anyone to speak against the application? (No response)

Declared the public hearing closed.

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2. **141-159 MERWIN AVENUE (ZONE R-7.5)** Petition of Frank Perrotti for a Special Exception and Site Plan Review to approve the use of an existing nonconforming structure on Map 59, Block 739, Parcel 2, of which Milwood Properties, LLC is the owner.

Application withdrawn.

D. NEW BUSINESS

3. **715 EAST BROADWAY (ZONE R-5)** Petition of Tara and Robert Vercellone for a Coastal Area Management Site Plan Review to construct a single family residence on Map 22, Block 474, Parcel 13, of which Tara and Robert Vercellone are the owners.

Tara and Robert Vercellone, 43 Corey Road, North Haven, CT, the owners of the property, present to request approval of the CAMSPR for the construction of their new home, which will be in place of the existing dwelling.

Mr. Sulkis: They have a variance for the side yard setbacks on one side and front yard setbacks granted in May.

Mr. Goodrich: Questioned the map that showed the property was in Silver Sands Park.

Mrs. Vercellone: That is an error in the map, but the house is very close to the Park, on the other side of the sandbar.

Mr. Goodrich: Asked the location of the mean high water mark.

Mr. Vercellone: Stated there is presently a house on the property that will be demolished. The proposed activity will be approximately 17 feet westerly of the line. The existing house is closer to the mean high water mark than the new house will be.

Mme. Chair: Stated there is runoff from the property and could that be put back onto the property instead of going out to the water.

Mr. Sulkis: Stated the lots are very small in that area and the new house will be further back, so that issue would not create a problem. Spoke to Mr. Crabtree and he said there were no issues with this application.

Mr. Goodrich: Made a motion to approve.

Ms. Rose: Second.

All members voted in favor. The motion passed unanimously.

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4. **436, 446 and 450 NAUGATUCK AVENUE (ZONE CDD-2)** Petition of Iannini Development, LLC. for a Site Plan Review to construct five two-family homes on five lots located on Map 19, Block 12, Parcels 5, 6 and 7, of which Southwind Cove, LLC is the owner.

Leo Carroll, Esq., Stevens, Carroll & Carveth, 26 Cherry Street, Milford, representing Jim and John Iannini, the owners of the property who would like to construct five two-family houses on the site. Distributed renderings of the buildings: Three will face Naugatuck Avenue; one will face Matthews Street and the other will face Baldwin Street.

Described the property location, which was the site of the former Stop-Lite Deli in Devon, which previously received Board approval as a subdivision. The site has been cleared of its former use to make way for the purpose here tonight, which is for site plan approval for the property previously approved as a re-subdivision for the proposed use. No special permits are required. Asking for three waivers: Two have to do with patio distance to lot lines, which will be for lots 1, 2, 4 and 5, from 4-feet to 0-feet and patio distance to street lines will be for lots 2 and 4, from 15 feet down to 4 feet.

Also have to deal with Section 4.1.8 of the regulations for uniformity of setback along the City street. The houses on Matthew Street are existing. In order to comply with the zoning regulations, the proposed houses have to be in accordance with those that are existing. That is the reason for the waiver requests.

There were three curb cuts on Naugatuck Avenue, one on Baldwin Street and one on Matthew Street. Three curb cuts have been reduced to one. The three houses involved will be served by one common driveway with cross easements.

The plans include two story colonial-style structures, attractive in design. Going down Naugatuck Avenue in the CDD-2 zone, there are many commercial businesses. This project will add to the residential character of Naugatuck Avenue.

Mme. Chair: Asked for comments from Staff.

Mr. Sulkis: The application is dictated by the subdivision. There had been four lots that were existing. Could have been divided into ten lots. The Board approved five lots in a courtyard setting.

Mr. Bender: How will the driveway be owned?

Mr. Carroll: Through a condominium association. There will be legal documents and cross-easements

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Mme. Chair: Asked if the waivers would not be given, would the patio area be planted with grass.

Mr. Carroll: Yes, but the property would be enhanced with a patio made with block pavers.

Mme. Chair: That would leave no buffer from the patio to the street.

Jim Iannini, 19 Turnberry Road, Wallingford: Explained how the patio would be designed and stated there would be a four foot buffer to the sidewalk. Right now there is a 10-foot setback. Asking for a six-foot wide patio with a four-foot grassy area with shrubs.

Mr. Carroll: There will also be four-foot wide sidewalks all around the property.

Mr. Liddy: Asked about the stamped decorative driveway.

Mr. Iannini: Explained that they did not want to use asphalt.

Mrs. Patterson: Asked for clarification about the patio lines at the various sites. Patio lots on 2, 3, 4 and 5 are 0 to the property line. Lots 2 and 4 would go from 15 feet to 4 feet.

Mr. Iannini: On the street side only. The regulations are met on the neighbors' side. Patios are very desirable. Esthetically, it would be more pleasing for everyone's property to be matching. Better to have all condominiums with patios rather than a few with patios walking out to grass, who might want to change things at a later date.

Mrs. Patterson: If there were no patios, could there be a common space for use as a grill area?

Mr. Iannini: No, because they are individual lots.

Mr. Liddy: If each building has two units, how will the property be divided?

Mr. Carroll: All the property will be owned by the condominium. All the owners will have rights to all of the land, as in any other condominium.

Mr. Iannini: The association fees will take care of maintenance of the grass, snow plowing, etc., at each condo plus the common area.

Mr. Ferrante: Asked about parking.

Mr. Carroll: Twenty spaces, two for each unit. Parking is within the regulations.

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Ms. Rose: Stated she lives on Naugatuck Avenue. Residential buildings are welcome. However, the potential of subdividing this property into ten lots is frightening.

Mr. Sulkis: In the CDD-2, minimum lot size is 2,000 SF.

Ms. Rose: Motion to approve the plans for 436, 446 and 450 Naugatuck Avenue.

Mr. Bender: Second.

Mr. Goodrich: The five-lot subdivision had been approved. There do not appear to be any changes from those subdivision plans.

A vote was taken: Mrs. Patterson – Against; Mr. Ferrante – Abstain; Seven members voted in favor of the motion. The motion passed.

E. CONTINUED PUBLIC HEARING FROM 4/15/08; exp. 7/11/08

5. **180 MELBA STREET (ZONE RMF-16)** Petition of Stephen Studer, Esq. for a Special Permit and Coastal Area Management Site Plan Review to construct nine townhouses in three buildings on Map 38, Block 533, Parcel 1, of which Acquisition Trust LLC is the owner.

Mme. Chair: Advised the Board the renovation of the existing building was not being discussed. The construction of three additional townhouses, with a request for a waiver to increase the allowable number of bedrooms from 64 to 82, which will be an additional 18 bedrooms. When the Board grants waivers, it is incumbent upon them to prove that it is in the best interest of the immediate neighborhood, the City as a whole, and that it serves the purpose and intent of its regulations. The question before the Board is: Does the increased density meet these requirements?

Ms. Rose: Happy about renovating the apartment house into condos. Not sure the neighbors were aware that there were two separate projects being sold. Recently, the Board asked that a proposed condominium complex slice off a portion of a building to increase the green space. Would not be in favor of giving another developer permission via a waiver to add six more units.

Mr. Ferrante: The additional bedroom quota is unnecessary in light of the area. It would be way too dense.

Mme. Chair: Agrees with Ms. Rose. Does not recall an attorney or representative for the applicant soliciting the neighbors and gathering petitions. Mr. Studer did not explain to these people exactly what the Board was being asked to vote on. Believes it was an insult to the Board as to how this was approached. Not in the City or neighborhood's best interest to grant the density waiver. Liked the design of the buildings and the condominium renovation design is very attractive.

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Mr. Goodrich: The length of the building is over 200 feet. If it was a blank property it would be a much smaller building. Providing more than required in parking and in open space. Because there is such a large existing building, they have more bedrooms and more units.

Ms. Shaw: This is a very dense area. The attorneys pointed out the condos in the area are dense as well. The area will not benefit from the density bonus of nine additional units.

Made a motion that the property at 180 Melba Street, petition of Stephen Studer for a Special Permit and Coastal Area Management Site Plan Review to construct nine townhouses in three buildings be denied without prejudice.

Mrs. Patterson: Second.

Mr. Sulkis: Explained the difference between a denial and a denial without prejudice.

Ms. Shaw: Stated she had not been aware of the difference. Asked to amend her motion by asking for its denial.

Mrs. Patterson: Second.

Mr. Liddy: Amendment to the motion to allow the application to be denied without prejudice, so as not to hold up its development for another six months to wait for another proposal.

Mr. Bender: Second.

Mr. Ferrante: Does not understand the amendment. The petition was for an increase in bedrooms. The project is not being held up because the original project is separate and had already been approved.

Mr. Liddy: They could come back with any number of changes. Does not seem fair to not allow them to come back to the Board for six months. for six months

Mr. Sulkis: Clarified that if they come back to the Board it would be for another density bonus. For most other reasons, their request could be handled administratively through the office. The Board should vote along those lines.

Mme. Chair: All those in favor of the amendment to deny without prejudice?

In favor of the amendment: Goodrich, Bender and Liddy.

Against the amendment: Golden, Patterson, Rose, Shaw, Ferrante, Cervin.

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Motion for the amendment to deny without prejudice was denied.

Mme. Chair: Main motion to deny the application.

Members in favor of denying the application: Golden, Patterson, Rose, Liddy, Shaw, Ferrante, Cervin

Opposed: Bender and Goodrich.

The motion passed for denial.

A recess was taken from 8:45 pm to 8:55 pm.

F. OLD BUSINESS

6. **995 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Andriopoulos Design Associates, LLC for a Site Plan Review in order to construct a partial two-story dry cleaners building on Map 43, Block 214, Parcel 41, of which 993 Bridgeport Avenue LLC is the owner.

Mr. Sulkis: The applicant has not provided the items the Board requested at the Public Hearing as yet.

Mme. Chair: Item will be tabled.

G. PROPOSED REGULATION CHANGES

5.4.1 Commercial Garage: Mr. Sulkis: Explained the wording change involved.

7.3 Special Exceptions: We use this format for Special Permits. Special Exception should use the same format.

3.1.4. Building Height: Clarification has been to make these sections clearer and non-contradictory with the definitions in the back of the regulations.

Mr. Liddy: Under the proposed regulations would the application of 715 East Broadway have been approved?

3.1.4.1. Schedule of Lot and Building Requirements for One Family Residential Districts

To remove the words "excluding basement".

Mr. Goodrich: Tonight's application at 715 East Broadway had breakaway walls. Is that considered a basement? Would that be counted as a floor?

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Ms. Cervin: This is a good example. Her understanding is if it is enclosed and had a floor it would be considered a basement or a garage. If it had no floor and no walls, it would not be considered a story.

Mr. Ferrante: Asked if under the proposed regulations that have been suggested, would this (714 East Broadway) comply?

Mr. Sulkis: Reviewed the plans for 715 East Broadway and stated they would not have complied with the proposed regulation change.

He explained how the proposed residence would have to be built if the regulation change goes into effect. Architecture will change because the living space will be lessened due to the flood area being counted as a story. Houses might start to be constructed on stilts.

Board members with Mr. Sulkis discussed the pros and cons of making the change in the number of stories allowed and change in building height.

Mme. Chair: If this will penalize those on the shoreline, what are the other options in terms of the Zoning Board of Appeals?

Mr. Sulkis: The point of ZBA is to have a hardship for a variance. Because of the small lot size, a hardship along those lines could be created. There has been no precedent for height or number of stories at this point.

Mr. Goodrich: Asked how many houses along the shoreline could be rendered nonconforming?

Mr. Sulkis: Stated this could be researched.

Mme. Chair: Told the Board it was time to make a decision as to whether they want to pass this on to the next step to the City Attorney and the Regional Council.

Mr. Ferrante: Nonconformance of a property does not appear to be an issue. Not sure of what the ill effects of passing this regulation would be. Will get shorter homes. Fear is that there will be short, fat houses, which may be worse than the height factor. Land effect has been changed because what had been seasonal property has become year-round property with all the uses of a permanent home. Not convinced this is a true solution to the problem.

Mme. Chair: This may not be *the* solution, but part of the solution. The Board has to know what it is getting into and what the consequences are if the change is put forward.

Mr. Liddy: Mentioned that housing values along the shoreline would be affected if this regulation change was to be put into effect.

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Mr. Sulkis: Agreed it would have such an effect and mentioned should a nonconforming property be destroyed, it would have to be rebuilt based on the new regulation.

Mme. Chair: Stated it was time for the Board to take some action on the proposed regulation changes.

Mrs. Patterson: Believes the building height regulation would be a good change and the Board should go forward with taking the next step in its approval.

Ms. Rose: Thanked Mr. Sulkis for his efforts and made a motion to go forward with the proposed change to Sect. 3.1.4.1, Sect. 5.4.1 and Sect. 7.3. to the necessary departments for review.

Ms. Golden: Second.

All members voted in favor.

Ms. Rose: Made a motion to move forward to make the regulation change excluding basements to the various departments for consideration.

Mrs. Patterson: Second.

All members voted in favor.

All the proposed regulation changes will proceed to the next form of acceptance of the regulation changes.

Mr. Sulkis: Reviewed the next round of text regulations to be considered for change. Stated the CDD-2 zone review will be very involved. Clarification of the cluster regulations. Researching affordable housing units.

Mr. Ferrante: Would not want to dismiss the 1.5 acre open space issue.

Mr. Sulkis: Stated he would give the Board copies of the open space map in perpetuity. The one acre zoned area of northern Milford has the largest amount of open space in the City.

Mr. Ferrante: Also stated he would prefer to look at the way the regulations count parking spaces.

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H. LIAISON REPORTS

Mr. Liddy: Memorial Day Period on Sunday, May 25th. 500 free balsam fir trees will be given out.

Mrs. Patterson: Police Department. Did a study on street signage. No change from four years ago.

Ms. Rose: Regional Council of Government. The Regional Plan of Conservation and Development is near completion. Very impressive.

I. PLANNING COMMITTEE

April 13th meeting was cancelled because Richard Platt did not have all the information he wanted to present. Believe he will have everything by the next scheduled meeting.

J. APPROVAL OF MINUTES – (5/6/08)

Mr. Bender: Motion to approve.

Mrs. Patterson: Second.

All members voted in favor.

K. CHAIR'S REPORT

Commended everyone for the good job they are doing.

L. STAFF REPORT - None

Mr. Bender: Motion to adjourn.

Mr. Ferrante: Second.

Meeting adjourned at 9:50 p.m.

Phyllis Leggett, Board Clerk