

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, MAY 21, 2013; AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the May 21, 2013 meeting of the Planning and Zoning Board at 7:33 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Ward Willis, Jeanne Cervin, John Grant, Edward Mead (Vice Chair), Dan Rindos, Michael Casey, Joseph DellaMonica, Mark Bender, Chairman.

Not Present: Benjamin Gettinger, Thomas Nichol

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

Chairman Bender: Announced that Item D4, Public Hearing for 400 Burnt Plains Road is postponed by the applicant to the next meeting on June 4th.

C. 1. 8-24 APPROVAL

580 BRIDGEPORT AVENUE - Request by Lewis K. Wise, Esq., on behalf of Key Hyundai of Milford, for approval under CGS 8-24 to lease a parcel of City-owned land abutting the northeast corner of 580 Bridgeport Avenue for parking purposes.

Mr. Sulkis: This is a parcel located adjacent to the site that is the subject for the next agenda item. It was previously used by the former tenant for parking. The applicant for the next agenda item is asking to use it for the same purpose for the improvement to the auto dealership that is located adjacent to this property. The contracts were approved by the City Attorney's office.

Ms. Cervin: Asked if the property in question was zoned Open Space.

Mr. Sulkis: Believed the property is owned by the City of Milford. Historically this parcel has been developed and used for the same purpose the applicant is requesting tonight.

Ms. Cervin: If this is an open space parcel and if it were to be approved, would the rental money go into the Open Space Fund?

Mr. Sulkis: No. The money would go into the general fund like any revenue that comes in the City. The applicant will be describing the improvements that will be proposed for public access to the City owned open space. Access to the parking that is currently non-existent.

Chairman Bender: Right now the parking area is a gravel lot.

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Mr. Rindos: Made a motion to approve the request by Lewis K. Wise, Esq., on behalf of Key Hyundai of Milford, for approval under CGS 8-24 to lease a parcel of City-owned land abutting the northeast corner of 580 Bridgeport Avenue for parking purposes.

Mr. Casey: Second.

Chairman Bender: Reviewed the CGS 8-24 procedure.

Ms.Cervin: Will vote against this because she thinks there should be further discussion as to where the money will go.

Chairman Bender: It is not within the Board's jurisdiction to dictate where the money goes.

A vote was taken: Six members voted in favor. Ms. Cervin and Mr. Willis voted against.

D. PUBLIC HEARING – Close by 6/25//2013; expires on 8/29/2013

2. **580 BRIDGEPORT AVENUE (ZONE CDD-3)** Petition of Cabezas DeAngelis for Special Permit and Site Plan Review approval to construct a new service garage For Key Hyundai of Milford on Map 25, Block 385, Parcels 14 and 14a, of which J & J Milford, LLC is the owner.

Lew Wise, Esq., Hartford, CT, representing the applicant, Key Hyundai of Milford. Due to the company's growing business and success, it requires more space. The Board approved the 8-24 request for the lease of City-owned property which will be used as a parking lot.

Via a display Mr. Wise showed where Key Hyundai is located, the areas that Key Hyundai uses and the parking area that was the subject of the 8-24 request. The parking area abuts a portion of the City's conservation area which has limited parking. Ten parking spaces will be dedicated to the public. There will be a gate separating those spaces from the area that will be used by the dealership. There will also be a public access easement through the parking area to those spaces. They are helping the City develop the conservation area for the public and to provide better access for that purpose.

They propose to demolish a former health club facility in the front and to erect a new garage, repair and service facility for the dealership that will be two stories and have 24 bays.

The tennis facility toward the rear of the property will remain. 580 Bridgeport Avenue is actually two lots which will be merged, the result of which will be one lot of approximatey two and a half acres.

Mr. Wise named the members of the team who prepared the application and will describe it for the Board. Jeff Merriam, a principal of Key Hyundai will introduce himself to the Board.

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Chris DeAngelis, Cabezas DeAngelis, Civil Engineers, Bridgeport CT. Showed the displayed site plan. There are four parcels that make up the business: 566, 570 (leased by applicant) and 580 Bridgeport Avenue, which is made up of two separate parcels that will be combined. Another area is the parking area off to the side. The new building will be located where the old health club now stands, but will be demolished.

The traffic signal at the driveway entrance will not be moved. Everything will be essentially new. New lighting, landscaping, drainage. The site will function more efficiently. He described how efficiently the car service area will work for the customer.

There is some separation between the tennis facility users. They wanted to make sure they had their parking spaces. He described the islands and signage that will create the separation between the tennis club and the auto dealership. He described the drainage system. The new footprint will be slightly larger than the former health club but will have less impervious space due to the enlargements of the planted areas.

Parking – No requirements for a tennis center. Health clubs have a high ratio. KWH Enterprises did a transportation report. They recommended a total of at least 18 required parking spaces be allocated to the tennis club building. He submitted the report for the record. Zoning requirements have two scenarios for determining the amount of required parking for automotive use, based on the number of bays or square footage of area. An analysis came up with 108 required for the proposed automotive use. Add that to the 18 parking spaces for the tennis club, 126 parking spaces required. The site can fit a total of 86 spaces. Therefore they have to look off-site for the balance of spaces. The off-site lot was used in the past for this purpose and that practice should be continued. This will be used by people who drop off their car for the day or for extended service. It will be like a valet parking lot. The lot will remain a gravel surface. At least 60 cars can fit on the lot.

He referred to the displayed that showed the existing City land. There are eight public parking spaces that will be used for the City's conservation area. They have not been used for some time. No handicapped accessible spaces. Propose to add two handicap spaces. The area will be paved and this is the only area that will be paved. Also propose to add an easement. (Shown on the display) It will allow people to have a dedicated right-of-way to actually get to the spaces. Presently there is no access to the conservation trails at this time. The applicant will add a gate to access the trails.

Received approval from the City Departments as well as the Conservation Commission with regard to the plan for the conservation area. All comments from the departments were addressed.

Aris Stalis, Aris Land Studio, 1450 Barnum Avenue, Bridgeport, CT. Described the landscaping, trees and added plantings to the site. The landscaping goes beyond the typical automobile dealership plantings. There are water quality swales that will allow more seasonal and variety of plantings.

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Michael Kozlowski, Claris Construction, Newtown CT. Via a display described the new building and the various ways it will accommodate the needs of their clients. The service area, customer service area, parking areas, offices, technicians area and customer lounge. First floor approximately 1500 SF and second floor approximately 1800 SF. The customer service area will be approximately 2500 SF and will include a lounge area, tables, café bar and a gym with restrooms and lockers. He described the height of the building and the materials that will be used.

Jeff Merriam, Principal, Key Hyundai of Milford – Third generation car dealers. He and his sister own and operate two Hyundai facilities; one in Milford and one in Manchester. Moved into Milford in 1996; renovated due to expansion in 2006 and continue to grow and need to expand at this time. The dealership bought the property that was the former Bally Fitness and tennis club and it has taken some time to decide how the property should be used. Will now have a beautiful state of the art facility.

Mr. Sulkis: The applicant represented everything correctly.

Chairman Bender: The traffic engineer's report stated 18-21 parking spaces would be needed. Could three more spaces to create 21 spaces be added?

Mr. Wise: Explained the comparison was made with tennis clubs that had a much higher usage than the one in Milford. So the range was made from 18 on the lower side to 21 on the higher side. The three additional spaces could be accommodated on the City owned property.

Chairman Bender: Asked if the tennis club had a long term lease.

Mr. Merriam: They have three more ten year options. They are good tenants.

Chairman Bender: Asked how the public parking spaces would be designated.

Mr. DeAngelis: There will be signage indicating "Public Parking – Trail Use Only". Drawing C-2 of the plans show a total number of required parking spaces of 126 and provided of 146, so there are an additional 20 spaces built in there.

Chairman Bender: Wants to make sure those parking spaces are protected for public use to the open space area.

Mr. Merriam: Their plan is to keep the two areas separated just for that purpose.

Ms. Cervin: Will there be an individual sign in each of the ten spots?

Mr. Merriam: It could be done to be cohesive to the trails.

Ms. Cervin: What is the lease term for the City owned property?

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Mr. Wise: Initially five years and four additional five year renewal options. Total 25 years.

Mr. DellaMonica: Asked if the public conservation could be accessed if Hyundai was closed on a Sunday.

Mr. Merriam: The conservation property will be accessible to the public at all times, even though there is a chain link fence.

Ms. Cervin: There is public access behind another plaza.

Mr. Merriam: His is the largest Hyundai store in CT, MA and RI based on new car sales.

Mr. Mead to Mr. Sulkis: Will it be a problem to combine the two lots with the mixed uses (Key Hyundai in the front and the tennis club in the back)?

Mr. Sulkis: No. They are pre-existing.

Chairman Bender: Opened the meeting to the public. Asked if anyone was in favor of the application? (No response) Anyone opposed? (No response).

The Chair closed the public hearing and the Board will vote upon the application at the June 4th meeting.

3. **199 CHERRY STREET (ZONE CDD-1)** Petition of John Knuff, Esq., for Special Exception and Site Plan Review approval to locate a medical walk-in clinic within the existing former Blockbuster building on Map 66, Block 813, Parcels 15B, 16 and 17A, of which Stoneham Milford, LLC is the owner.

John Knuff, Esq, 147 Broad Street, Milford, here on behalf of ASAP Urgent Care LLC, the applicant and tenant and Stoneham LLC, the property owner. Also present is Traver Hutchins, the CEO of ASAP Urgent Care. This is a Special Exception application for a walk-in health clinic in the former Blockbuster building located at 199 Cherry Street (commonly known as Bob's Plaza) in the CDD-1 zone. Walk-in clinics are neither expressly permitted nor prohibited in the CDD-1 zone. The building has been vacant for approximately two and a half years.

The required placards were posted on May 8th; one at each main driveway and are still there. All the departmental reviews have been submitted and there have been no issues raised by the review letters.

With regard to the use, professional offices and doctors' offices are permitted uses in the CDD-1 zone, subject to site plan approval. There are a number of doctors offices in the abutting development, Commerce Park. There is also a dentist's office in this same development approximately 100 feet away from the former Blockbuster space.

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A group of doctors could lease this space and build it out in a manner that is identical to the manner in which the applicant is proposing to build it out and it would not require a Special Exception. The zoning regulations do not recognize walk-in healthcare clinics. There is no definition for this type of use. He believes this is an artificial distinction created in the regulations that leads the applicant to a requirement for a Special Exception. Despite the distinction in the regs, this use will be the functional equivalent of a regular doctor's office. This facility will provide treatment for the exact same issues that patients go to their regular doctors for, but either they cannot get in to see their doctor because it's a weekend, later at night, or perhaps they do not have a regular doctor. Therefore, the tenant will treat cuts, burns, asthma attacks, allergy reactions, sprains, flus and colds. It will offer immunizations and vaccinations and will provide medical evaluations and physicals for schools and employers of the government. These are the same issues that you would see a doctor for. The only functional difference between this use and a regular doctor's office is that you do not need an appointment for the walk in medical facility. If there is a true medical emergency such as a heart attack, a serious accident or a stroke, you would not go to your regular doctor, you would go to a hospital emergency room. The same thing in this case. The clinic will not be geared for these types of emergencies, nor would they treat them.

The urgent care center will be more convenient than most doctor's offices. It will be open from Monday through Friday from 8:00 AM to 8:00 PM and weekends 9:00 AM to 5:00 PM. This type of use is not a large traffic generator; certainly less than Blockbuster was or any other retail use. It is estimated that there will be 4.5 patients per hour on weekdays and slightly less than 7 patients per hour on weekends. The current building is approximately 4,000 SF. The applicant is not proposing any expansion, or additional square footage. Some aesthetic improvements to make the building more inviting, but nothing else is changing on the existing building.

Some minor changes are being made to the site: Adding a handicapped space adjacent to the building. Designating the eight parking spaces that are closest to the building for use by ASAP patients and customers. Adding landscaping and doing minor grading to correct a minor drainage problem. Also adding a dumpster enclosure where none exists. The civil engineer and architects are present. This is a straightforward application for retenanting an empty building. Asked that the Board members speak if they have any questions or concerns on this application as seven votes are required for a Special Exception and two members are not present.

Mr. Sulkis: Mr. Knuff gave a fine summation of the application. He had nothing to add.

Mr. Grant: Noted there were eight parking spaces designated for the facility. Asked if a study had been done as to the number of people that would be using the facility at one time, such as a maximum?

Mr. Knuff: Approximately 4.5 patients per hour weekdays. Approximately 7 per hour on weekends. Expect the average visit to be approximately 45 minutes. The vast majority of those people can be accommodated in those eight spaces. To the extent that they have to park on the other side of the drive aisle, there is a cross-walk there.

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That is the same condition that existed when it operated as a Blockbuster. With parents bringing children in to pick out movies, and teenagers, as well, there were no issues. Should not be an issue with this facility. ASAP has every interest in keeping its patients and customers safe, even if they have to cross the drive aisle. There is a stop sign and a cross-walk and it is believed people can cross safely.

Mr. Grant: When Blockbuster was there a lot of the time the stop signs were not adhered to. Asked if there would be something added as a reminder there is a cross walk there.

Mr. Knuff: Thought it would be more helpful to supplement the existing cross-walk. It is not a standard cross-walk now. The painted lines are about the same width as a parking lot stripe that does not have the bold white lines. That could be added on as a measure of safety.

Ms. Cervin: Noted there is a parking spot right in front of the accessway. Today there was an SUV parked there. It's a tight fit and it would be hard to get to the cross-walk through that opening in the parking area. Thought it might be helpful to close off that one parking space.

Sees the cross-walk as a safety issue. She thinks there will be more people going to the Center than anticipated who will park across the driveway and walk through the bushes to get to the center faster. She suggested a fence of some sort be installed by the landlord.

Chairman Bender: Noted a similar situation came up recently and a highlighted cross walk was incorporated at the Milford Hospital medical center on Boston Post Road as a safety measure.

Ms. Cervin and Mr. Knuff reviewed the area to which Ms. Cervin was referring.

Mr. Knuff: Thought that made a lot of sense. Traver Hutchins, the CEO was amenable as well. Suggested a low and decorative fence that would also enhance that area. Also saw no problem in eliminating the parking space to provide better access to the cross-walk.

There will be five employees and they will be required to park in a remote area. There is more than adequate parking available in the plaza.

Mr. Mead: Suggested as an added safety feature some type of light be installed that could be activated when people are in the cross-walk.

Mr. Knuff: Thought that all the safety measures discussed would be sufficient.

Mr. Sulkis: Suggested rebuilding the cross-walk making it a raised cross-walk, which would make it safer for the pedestrians and act as a speed mitigation measure.

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Mr. DellaMonica: Stated the raised cross-walk suggestion was the best. In all his years on the police force, no pedestrian had been struck in that driveway.

The Board and applicant agreed the the raised cross walk, the sign and fence will address the safety factor.

Ms. Cervin: A low fence could be easily jumped over. Suggested a higher fence.

Mr. Knuff: Thought a four foot fence would be sufficiently high.

Chairman Bender: Opened the hearing to the public. No one to speak in favor No one to speak in opposition.

Mr. Sulkis: Suggested the public hearing be kept open in order for the applicant. to provide the details and plans for making the safety changes the board requested and submit them to the City Planner for his review.

Chairman Bender: Public hearing will be left open per staff's recommendation.

4. **400 BURNT PLAINS ROAD (ZONE RA)** Petition of Scott Farquharson for Special Permit and Site Plan Review approval to construct a church youth building on Map 108, Block 835, Parcel 8E, of which Grace Baptist Church, Inc. is the owner. **(POSTPONED TO NEXT MEETING ON 6/4/2013)**

5. **PROPOSED CHANGE TO PARKING CALCULATION TABLE, FIGURE 4:
MINIMUM OFF-STREET PARKING REQUIREMENTS – SEC. 5.1.4**

- a. Change to parking standards for multi-family residential in the MCDD and CDD-2 zones.

Mr. Sulkis: Explained the proposed changes.

Chairman Bender: Opened the hearing to the public. Asked if there was anyone in favor of the application.

Joseph Agro, 55 Brewster Road. In favor of this change. Would like to see more of this type of change. Crucial for the downtown residents and proximity to the railroad.

There was no one to speak in opposition to the regulation change.

The Chair closed this portion of the public hearing.

- b. To add the word "gymnasium" to health clubs and change the parking requirement from 1:50 SF to 1:125 SF.

Mr. Sulkis: Explained the proposed changes.

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Chairman Bender: Asked if anyone wished to speak against the proposed changes.

This portion of the public hearing was closed.

- c. To add **Health Clubs/Gymnasiums** to Article XI – Definitions section of the zoning regulations.

Mr. Sulkis: Explained the many different types of health and exercise use facilities not mentioned in the regulations brought about the need to insert this definition.

Chairman Bender: Asked if tennis clubs and/or a hockey ring would fall in this category.

Joseph Agro, 55 Brewster Road. In favor of this change. Noted there were changes in the types of facilities and the types of parking they require. Examples are large gym, stand alone buildings and other smaller, private type studios that are in mixed use areas.

No one was opposed to the change.

Chairman Bender: Stated he was still concerned about parking requirements for a use such as a tennis club.

Mr. Sulkis: Thresholds could be created for the larger facilities.

The Chair closed the public hearing.

Mr. Mead: Made a motion to approve the **PROPOSED CHANGE TO PARKING CALCULATION TABLE, FIGURE 4: MINIMUM OFF-STREET PARKING REQUIREMENTS – SEC. 5.1.4**

- a. Change to parking standards for multi-family residential in the MCDD and CDD-2 zones.
- b. To add the word “gymnasium” to health clubs and change the parking requirement from 1:50 SF to 1:125 SF.
- c. To add **Health Clubs/Gymnasiums** to Article XI – Definitions section of the zoning regulations.

Mr. DellaMonica: Second.

All members voted in favor of the three regulation changes. The changes will become effective June 6, 2013

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E. REGULATION SUBCOMMITTEE – Update

18 proposed changes will be presented to the board at the next meeting.

F. REGULATION CHANGES – Parking, Rear Lots, Variance – Discussion

Parking has been accomplished. Variance was taken care of at tonight's meeting. meeting and will be presented at the next meeting. Mr. Sulkis said a discussion was held with the City Attorney's office and they are still working on it. The Chair will follow up with the City Attorney on this.

G. LIAISON REPORTS - None

H. APPROVAL OF MINUTES – (5/21/2013)

Mr. Casey: Made a motion to approve.

Mr. Rindos: Second.

All members voted in favor of approving the minutes as recorded.

I. CHAIR'S REPORT - None

J. STAFF REPORT – None

Ms. Cervin: Watched the last meeting and stated she believes the Prospect Street issue should be addressed and the residents should be given a response. Asked that Mr. Sulkis take charge of this to see if there is anything the Board can do.

Chairman Bender: Mr. Sulkis had researched this information. At the last meeting the Chair left it that there needs to be more research on the issue. He is not certain what research that would be.

Ms. Cervin: What was done in the past was done. In terms of any other creative solutions to this from the planning perspective.

Mr. Sulkis: The existing land uses are what they are. Right now everything that is there conforms to the zone that is there. The change that took place in 2004 was to make what is there reflect reality. The thinking that turning the clock back to single family, as the analysis showed, you hardly have anything that would actually qualify as that. The properties that qualify are not contiguous with one another. Two are but two are not even contiguous with those two. For the two that are contiguous you would have to re-zone them and would allow the other two to be subdivided. Therefore, nothing would be accomplished.

Chairman Bender: Noted his plan was to review the minutes, see the actual concerns and write up specific questions that were raised or at least refuted and come up with answers or perhaps suggestions. There may be nothing, but he wants to make sure

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the Board went another step see if there were more answers or more research that could be given to them. There may be nothing, but he wanted to make certain of this.

Mr. Sulkis: To Ms. Cervin's request, he noted he had put the information in writing in his report to the Board, a copy of which was sent to Mr. Platt. He believes the Prospect Street proponents want to maintain the character of the street, but changing the zone will not accomplish this and protect the architectural character of the street. Because this is a commercial zone, there is Appendix B of the zoning regulations, which has some architectural provisions for new development. Those protections are not in place in the residential zones. Some of the properties could qualify to be an historic district. According to his report those are a handful of properties, but if they want to pursue this avenue, it is a process that is outside Planning and Zoning.

Ms. Cervin: Thought that might be worthwhile for them.

Chairman Bender: Said he preferred that the Prospect Street advocates be part of this type of discussion. He will work on this and hopes to address the matter at the second meeting in June. Would like to be as thorough as possible for the Prospect Street advocates.

Mr. DellaMonica: Made a motion to adjourn the meeting at 9:25 p.m.

Mr. Willis: Second.

All members voted to adjourn the meeting at 9:25 p.m. The next meeting will be held on June 4, 2013.

Phyllis Leggett, Board Clerk