

**MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, JUNE 3, 2014 AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Terrence Copeland, Michael Dolan, John Grant, Jeanne Cervin (Vice Chair); Edward Mead, Carl Moore, Tom Nichol, Tom Panzella, Jim Quish, Benjamin Gettinger, Chair.

Staff: David Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner; Phyllis Leggett, Board Clerk.

Chairman Gettinger: Requested a two-thirds vote by the Board to add 535-537 Boston Post Road to the agenda as New Business Item F4.

Mr. Sulkis: Explained the reason for the request.

The Board voted unanimously to add the item to the agenda.

C. 1. 64 RIVERSIDE, LLC VS. CITY OF MILFORD PLANNING AND ZONING BOARD

Vote by the Planning and Zoning Board to grant the Plaintiff's request for Special Permit and Site Plan Review approval to construct a residential dock on its property, in accordance with Judge Matasavage's Memorandum of Decision dated May 27, 2014.

Mr. Sulkis: The judge has ordered the Board

Motion: To approve by Mr. Quish

Second: Ms. Cervin.

Discussion: Concerning whether conditions could be made with regard to conditioning approval and information presented at the public hearing. Mr. Sulkis stated approval was mandated by the judge, which was in accordance with the site plan and information submitted by the applicant.

Chairman Gettinger: There is a motion and second to approve according to Judge Matasavage's Memorandum of Decision.

Vote: All members voted in favor of approval.

Motion: Passed.

(A brief recess was taken to address technical difficulties in recording)

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D. PUBLIC HEARING – CLOSING BY 7/8/2014; EXPIRES ON 9/11/2014

2. **83 AND 93 POINT LOOKOUT– (ZONE 4-12.5)** Petition of Raymond A. Macaluso, for Special Permit and Coastal Area Management Site Plan Review approval for Flood Erosion Control Structures and Bluff Repair on Map 28, Block 583, Parcels 5 and 6, of which Patricia Sirowich and Arthur Haury, respectively, are the owners.

Ray Macaluso, President and Owner Westcott and Mapes, Inc., 142 Temple Street, New Haven, CT, here on behalf of both properties affected by Storms Irene and Sandy. Both property owners put in huge amounts of money after Irene but Storm Sandy came and did the damage all over again. Proposal is for a rip-rap type structure on both properties to prevent any future storm damage. Staff, DEEP and his engineers agree this is the best method to correct the problem. Mrs. Sirowich's property is vacant at 83 Point Lookout. There was a house prior to Storm Irene. Mr. and Mrs. Haury have a pool on their property, which is in danger of being undermined by slope erosion. Working with Mrs. Harrigan and John Gaucher on this project over a year. He received an email from John Gaucher of the DEEP, dated June 3, 2014, approving this project. He read Mr. Gaucher's entire email. The remediation will protect the properties. Last January John Gaucher appeared before the Board on behalf of two other Point Lookout properties which were in imminent danger of slope erosion.

Raymond Paier, PE, VP Engineering, Westcott and Mapes, Inc. Rip Rap revetment will protect and safeguard the residents in the future. If the pool goes it will take the residence with it.

The tempering of the rip rap was worked out with the State. All the work will be upward of mean high water. Slope stabilization. The slope is concave in fashion. Described how the slope will be built up. Four feet in depth atop of the fabric. The terminus of the revetment on 83 will not impact the neighboring property at 73 Point Lookout.

The Board members asked questions of the applicant and staff concerning the revetment process.

Chairman Gettinger: Asked if anyone was present to speak for or against the application. No one to speak for or against. The public hearing was closed.

Motion: Mr. Nichol

Second: Mr. Grant

Discussion: None.

Vote: All members voted in favor.

Motion: Approved

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E. PUBLIC HEARING CLOSED; EXPIRES ON 8/14/2014

3. **1556 NEW HAVEN AVENUE (ZONE R-7.5)** – Petition of Kevin J. Curseaden, Esq. for Special Permit, Coastal Area Management Site Plan Review and Site Plan Review approval for 8 residential units (2 existing), on Map 82, Block 787, Parcel 3, pursuant to Connecticut General Statutes Section 8-30g, of which Bella Properties Milford, LLC is the owner.

Chairman Gettinger: The record is closed. The Board will have discussion and potentially vote on the application.

Mr. Quish: Health and safety issues. Sees danger in blocking up the driveways. In favor of denying the application.

Ms. Cervin: Concerns about parking. Regulations can be waived but there are safety issues with parking. Two bedrooms and a loft that could be used as a third bedroom. No spaces allotted for guest parking. Since there is no parking on the street or in the vicinity, this will be an issue for this project.

Mr. Nichol: Safety issue with regard to getting emergency vehicles into the area. Too dense for a fire truck or emergency vehicles to come in.

Mr. Gettinger: Health and safety. Neighbors are in the best position to determine the traffic conditions. Trusts their evaluation of the situation which creates a health and safety issue.

Mr. Mead: Agrees as to the density that each apartment could contribute with two apartments and a loft; emergency equipment gaining access to the property and concern about the water and flooding in the area.

Ms. Cervin: Mr. Ivers has stated twice that the 8-30g Fair Housing application was insufficient.

Motion: Ms. Cervin made a motion to deny the application.

Mr. Panzella: Second.

Discussion: None.

Vote: All members voted in favor of denial.

Motion: For denial was approved.

F NEW BUSINESS:

4. **535-537 BOSTON POST ROAD (ZONE CDD-1)** – Petition of Branca Service Center for Certificate of Approval of Location for a used car dealership license on Map 65, Block 311, Parcel 10A, of which Connors Properties, LLC is the owner.

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Mr. Sulkis: Explained When there is a change in an auto dealership license, the Certificate of Approval of Location is required to be signed by municipal officers. Based on the Planning and Zoning Board's approval of the Special Permit on May 20, 2014 to conduct such a business at this location, they must approve the Certificate of Location for Auto Sales at 535-537 Boston Post Road.

Ms. Cervin: Motion to approve the Approval of Certificate of Location for Auto Sales at 535-537 Boston Post Road. Approval is in accordance with the Special Permit granted by the Board at its meeting held 5/20/2014.

Second: Mr. Gettinger

Vote: All members voted in favor of approval.

F. LIAISON REPORTS

Ms. Cervin: Very close vote by the BOA in the loss of the Assistant City Planner. The Board also rejected the addition of a building inspector. Very sad about this.

Mr. Grant: Regulation subcommittee. At tonight's meeting came close to a conclusion on the Marijuana regulation. Should have the proposed information out to the Board in the next couple of meetings. He encouraged the Board members to present any changes, additions or deletions to the regulations they might have. They should list the regulation section and what it relates to; the suggested change and the reason they would want the change and submit it to the Board secretary. The subcommittee will then review the information.

G. APPROVAL OF MINUTES – (5/20/2014)

Motion: To approve by Mr. Nichol

Second: Mr. Dolan

Discussion: None.

Vote: All members voted in favor of approving the minutes.

H. CHAIR'S REPORT

Moratorium has not officially been signed by the Governor.

I. STAFF REPORT

Mr. Mead: Made a motion to adjourn.

Mr. Grant: Second.

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All members voted in favor of adjournment at 8:20 p.m.

The next meeting will be held on June 17, 2014.

Phyllis Leggett, Board Clerk