

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, JUNE 17, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called the meeting of the Planning and Zoning Board to order at 7:32 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Victor Ferrante, Susan Shaw, Kevin Liddy, Kim Rose, Kathy Patterson, Frank Goodrich, Mark Bender, Jeanne Cervin, Chair.

Not Present: Janet Golden, Gregory Vetter

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

Mme. Chair: Asked if Mr. Macaluso could present all three 8-24 approval requests at one time.

Mr. Macaluso: Yes, he can do that.

C. 8-24 APPROVAL

1. **INDIAN RIVER INTERCEPTOR SEWER REPLACEMENT** - Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval to replace a portion of the Indian River Interceptor.
2. **EAST BROADWAY PUMP STATION REPLACEMENT** – Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval to demolish the existing East Broadway and Mayflower Pump stations and construct a new pump station at the Mayflower Pump station site, in addition to other construction changes at the two station sites.
3. **WEST AVENUE PARALLEL FORCE MAIN REPLACEMENT** – Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval to construct a second sanitary force main parallel to the existing force main service at the West Avenue Pump Station.

Raymond Macaluso, President, Westcott & Mapes, 142 Temple Street, New Haven. Consulting engineers for the Sewer Commission of Milford.

First project is the Indian River Interceptor Sewer Replacement. Will replace a portion of the Indian River Interceptor sewer from the intersection of New Haven Avenue and Old Gate Lane to Pond Point Avenue through an easement west of residents along Shadyside Lane to the Gulf Pond pump station and a portion of the 8" sewer along New Haven Avenue. This will reduce inflow and infiltration, provide better access to the sewer and increased capacity and future flows. Once the sewers are installed the

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surface features, (pavements, lawns, vegetative areas) will be restored to their original condition. A CAM report has been submitted. This is now part of the \$92.2 million facility plan that was approved by the DEP over five years ago.

The second project is the East Broadway Pump Station replacement. The existing East Broadway and Mayflower pump stations will be demolished and a new one will be constructed at the Mayflower pump station site. The portion of the pump station that will be demolished was described and what will be constructed. Important to get this project going because wastewater is being maintained in it. The Board has received the CAM report as well as the map of the sewers and easements. Awaiting approval by the State and Inland and Wetlands. Surface features will be restored to their original condition. This pump station is badly in need of replacement. The City is obtaining the easement through the State of Connecticut and the City is waiting for the sign off on this. Will proceed as necessary once the approval is obtained.

The West Avenue force main replacement project is the installation of a second force main that will provide redundancy in the event of failure of the existing force main. This force main takes 65% of the sewage into the West Avenue pump station. Should this system go down, most of the City's sewer system would be affected. The force main replacement will alleviate such a situation. This project does not require a CAM, just Board approval.

Ms. Cervin: Do precautions have to be taken around the area of the Iroquois pipe line at the East Broadway pump station?

Mr. Macaluso: Considerable precautions will be taken.

Mr. Liddy: Asked if there would be other 8-24 sewer projects coming before the Board?

Mr. Macaluso: These are part of a six-year capital improvement plan, so, yes, other projects will be brought before the Board.

Mrs. Patterson: Asked if there would be new sewer piping going on in the New Haven Avenue area between Brewster and Merwin Avenues.

Mr. Macaluso: The small portion that is not sewered is in the Capital Improvement Plan.

Mr. Goodrich: Made a motion to approve the three 8-24 sewer projects.

Mr. Liddy: Second.

All members voted in favor. The three 8-24 requests were unanimously approved.

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D. PUBLIC HEARING

4. **85-89 GOLDEN HILL STREET (ZONE MCDD)** Petition of Thomas Lynch, Esq. for Special Exception and Site Plan Review approval in accordance with the provisions of Sect. 7.3.5 to extend legal nonconforming use to recognize four dwelling units on Map 43, Block 389, Parcel 5, of which Nicholas Baranowsky is the owner.

Thomas Lynch, Trembecki & Boynton, 63 Cherry Street, Milford. Representing George and Nicholas Baranowsky, the owners of the property in question. Before the Board for Special Exception approval to legitimize the current four family use of the property, which has been so since 1979. Property is located at the end of Golden Hill Street, near the Milford Hospital at the end of the strip center at Bridgeport Avenue. Property is approximately 10,000 SF. The property has a beautiful Victorian structure built in 1890. There is a large garage with a carriage house in the rear of the property. Mr. Lynch described the layout to the Board via a survey, which also shows the off street parking on the site.

Property is located in the MCDD district. With the change in zoning regulations, multi-family is considered a special use. This is a nonconforming use. Prior to the zoning change it had been in a Residential Office district. It has been used as a multi-family dwelling since the house was constructed. Minimum square footage of the regulations can be met. Handout was distributed showing the square footage of the four units. The size of the dwelling units meet the requirements of the MCDD zone, except for the two apartments on the second floor. The regulations are for new construction. This property is existing nonconforming.

All City departments responded favorably. Should the application be approved, the City will not be responsible for picking up refuse at a four-family multi-family residence. The Fire Department has fire code recommendations due to the age of the house and the owners are working with Assistant Fire Chief Cooke on this issue.

In 1982 there was a serious flood in Milford and a lot of the City's records were destroyed. The best compilation of information available at this time are old assessor's records. The 1968 assessor's card showed the house as a three family dwelling. The next assessor's record from 1979 shows it as a 4-5 family dwelling. The 1990 assessor's record up to the current time shows the property as being a three-family dwelling. Based upon the assessor's records, the size of the floor plans of the apartments, it should be used as a four family house, as it had been in the 1970's. Over the years there have been inconsistencies with regard to the number of families permitted to live in this house. Would like to have the Board's approval as to what the number of legal dwelling units will be allowed. The square footage is large enough to comfortably accommodate four residential units.

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Mme. Chair: Are there plans to change the structure, just legalization of the number of units?

Mr. Lynch: Correct. Mr. Baronowsky is attempting to comply with the requirements of the Fire Department's memo.

Ms. Cervin: It is a beautiful structure, but not in good condition. Will efforts be made to repair and/or remodel it?

George Baranowsky, 87 Golden Hill Street, Milford. It has been painted. No plans right now to refurbish the house.

Mr. Lynch: The house will be put up for sale and a new owner may choose to refurbish it.

Mr. Crabtree: In the process of making up the report and will distribute it prior to the next meeting.

Ms. Rose: Asked if permits had been taken out to create the four apartments. The assessor's records don't show this and are only used for tax purposes. In 1968 the property was listed as 87-89, which would lead one to believe it was possibly a two family at that time.

Mr. Lynch: Now there are four postal addresses for the property; 85, 87A, 87B and 89. He stated that many records were lost in the 100-year flood. The building permit rules as they exist now did not follow the same procedure many years ago.

Mr. Crabtree: Sometimes when a property is re-evaluated and they look at what is there, it does not mean permits have been taken out.

Mr. Liddy: Asked how this situation happened to come before the Board now, after all this time.

Mr. Goodrich: Asked about a possible fifth apartment over the garage based on the 1979 tax assessor's card. It is stated there is a furnace in that area.

Mr. Lynch: The owner has stated there is a room over the garage but there is no kitchen, bathroom or plumbing. There is no intention at this time to make that area into a dwelling unit.

Mr. Liddy: Asked how long the two apartments have been on the second floor.

Mr. Lynch: Mr. Baranowsky bought the property in 1992. It has been that way since he bought it.

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Mr. Liddy: Asked how this situation came to light.

Mr. Crabtree: Complaints were made about the number of cars that were being parked on the property. There were also complaints from the residents that morphed into a more serious situation. This will be addressed in his memo.

Mr. Ferrante: It appears that the second floor has a lot of bedrooms jammed in. The way the rooms are cut up created some very narrow bedrooms. Some of the rooms have no windows and it looks like the rooms were cut in half. Asked about the number of parking spaces.

Mr. Lynch: Eight, which meets the requirements.

Mr. Crabtree: The number of cars that were parked and stacked on the property that were not owned by the residents created a problem.

Mr. Lynch: Stated that Mr. Baranowsky is a car broker at times, which led him to have cars on his property. The cars have been removed.

Mme. Chair: Asked if there was anyone to speak in favor of the application? (No response)

Asked if there was anyone to speak against the application? (No response)

The Public Hearing will remain open to await the presentation of Mr. Crabtree's report on the history of this property.

E. NEW BUSINESS

5. **1638 BOSTON POST ROAD (ZONE CDD-5)** Petition of Samuel Gardner for a Minor Amendment to a Special Permit and Site Plan Review for a storage mezzanine in the Skewer Churrascaria Restaurant on Map 109, Block 804, Parcel 9, of which CBL & Associates Properties is the owner.

Samuel Gardner, Architect, Gregg Wies & Gardner, 151 East Street, New Haven.

Petitioning for the owners of the Skewer Churrascaria restaurant, with the permission of the Milford MarketPlace to construct a storage mezzanine above the restaurant's kitchen. The restaurant will be 5,000 SF. There is a hardship, in that there is no basement and no site space available for storage for the restaurant. Proposing a second level to be constructed over the kitchen. The restaurant itself had previously been approved via a Special Permit and this application is for a minor amendment to that Special Permit. The Special Permit had approved two restaurants to go in that end of the shopping center, however, only one restaurant (Churrascaria) is going in. The other space will revert to retail use.

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Mr. Gardner: Showed and described the floor plan of the restaurant and the proposed storage area to the Board.

Ms. Cervin: There appears to be a question concerning parking for the added space.

Mr. Sulkis: The increased square footage requires parking for the total square footage of the restaurant. But in this case, the storage area is not being used and has no impact on the parking.

Mr. Ferrante: Questioned whether there would be enough parking based on the fact the approval was for two restaurants.

Mr. Gardner: The plan submitted with the parking calculation indicates the parking assigned to the restaurant spaces

Mr. Sulkis: Approval had been given for two restaurants for a total of 9,000 SF at this end of the shopping center. Parking was approved for the extra 4,000 SF and the mezzanine will be less than 4,000 SF, so there will be no impact.

On Site Plan C-5, spaces A1 and A1A are combined to equal 9,210 SF of approved restaurant. The proposed restaurant is 4,772 SF, adding in 1,197 SF for the storage area. In total it will be less than the 9,000 SF approved and no impact on the parking.

The remainder of this space will not be used as a restaurant, but as retail space, which requires less parking area.

Mr. Goodrich: Asked what happens if all the other stores come in for storage mezzanines.

Mr. Sulkis: The Board has to act on what is brought before them tonight. What is brought before the Board in the future will be taken care of at that time.

There was a discussion as to how this application for an amendment to a permit affected the Milford MarketPlace and the individual tenants within the MarketPlace, should they want to come before the Board for various other changes.

Ms. Rose: Made a motion to approve the application for a Minor Amendment to the

Mr. Goodrich: Second.

All members voted in favor. Motion passed unanimously.

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F. PROPOSED REGULATION CHANGES

Mr. Sulkis: Circulated Mr. Crabtree's memo, which explained the proposed suggested change in Section 6.2.6 Restoration and how it will affect reconstruction.

Mr. Bender: Believe this will end in an interpretation of "destroyed".

Mr. Crabtree: Explained how the situation would work at the beginning of the process, rather than the end of the process, when it becomes too late to change anything. Should there be problems, variances would have to be obtained at the beginning of the proposed construction.

Ms. Shaw: As it concerns the waterfront homes, with regard to coastal damage, insurance costs, etc., how will this change affect these properties if they are destroyed.

Mr. Sulkis: This change is intended to stop a problem before it starts as in the case of someone rebuilding a portion of their house through a zoning permit, and they overwork the permit by constructing a whole new house, which is discovered upon P & Z's final inspection.

Mr. Crabtree: Gave examples of these situations, especially as they pertain to reconstructing an old house vs. building new. This is evident when bids come in and it is less costly to tear down and rebuild rather than reconstruct a percentage of the house. When you rebuild as new, modern technology, building materials and other factors can be incorporated.

Mr. Bender: Asked if there is ever a problem with what is 50% and what is not.

Mr. Crabtree: Explained how he works with these situations.

Mr. Goodrich: In favor of this change. Closes a loophole.

Mr. Crabtree: This regulation does not affect the foundation, only the shell of the house.

Mr. Ferrante: This section seems to be written in terms of destruction. Asked if this covers natural disasters, fires, etc.

Mr. Crabtree: This refers to all issues where rebuilding would be necessary.

Mr. Ferrante: Moved to approve this change and include it with the other proposed regulation changes to be sent through the regulation change process.

Mrs. Patterson: Second.

Seven members voted in favor. Mr. Bender voted against. The motion passed.

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The members discussed possible regulation changes and will continue to work on the list that Ms. Cervin previously distributed.

G. LIAISON REPORTS

Ms. Rose: Regional Planning Council putting finished touches on the Regional Plan of Conservation and Development. The Council did an outstanding job on this document.

Mrs. Patterson: Went to the Police Commission meeting. They sent her reports to review, which were very helpful to her.

H. PLANNING COMMITTEE - None.

I. APPROVAL OF MINUTES – (6/3/08)

Mr. Bender: Motion to Approve.

Mrs. Patterson: Second.

All members voted in favor.

J. CHAIR'S REPORT - None

K. STAFF REPORT

Mr. Sulkis: Suggested the Public Hearing for July be held at the July 1st Planning and Zoning meeting and not hold a second meeting on July 15.

If the Board decides to hold a meeting on July 15, it will be determined at the July 1 meeting.

Mr. Bender: Motion to adjourn.

Ms. Rose: Second.

All members voted in favor of adjourning at 8:46 p.m.

Phyllis Leggett, Board Clerk

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