

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 20 JUNE 2023, 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, J. Mortimer, R. Satti, M. Zahariades

Not Present: J. Quish

Staff: D. Sulkis, City Planner; M. Greene, Rec. Sec'y

Vice Chairman Satti opened the meeting in Chairman Quish's absence.

C. NEW BUSINESS

VOTE BY AUGUST 24, 2023

- 1) **1 and 3 Chester Street** referral pursuant to CGS Section 8-24, to permit driveway access to these properties by way of Chester Street, on Map 54, Block 322, Parcel 4, of which the City of Milford is the owner.

Attorney Lynch, 63 Cherry Street, addressed the board. He introduced his client, Warren Field. He said these 2 lots were those remaining from the old Beachcomber pub parcel. He said the city engineer and inland wetlands officer had reviewed the proposal and expressed their approval. He said the regulations require that building lots front onto accepted city streets. He said that Chester is a paper street that will never be developed beyond these 2 houses but could be accessed by a shared driveway instead. He compared the project to a plan approved in 2016 on Westmoor Road. In submitted documents, Attorney Lynch included a letter of explanation which was also shared with the city attorney's office. He said a proposed driveway off Melba Street would be shared by both lots. He said that in return for releasing his client from the expense of developing a street that meets city requirements, no city services would be expected. He said the sewer was connected via an easement such that the underground utilities and sewer are already in place. He said that in a subsequent action, he would ask the Board of Aldermen to allow the driveway/road to be narrower than required; that the application was basically a referral indicating that the Planning and Zoning Board has no objection to the proposal prior to aldermanic review.

Discussion between Mr. Mortimer and Attorney Lynch confirmed that application to the Inland Wetlands Agency is not required, but that IWA Officer MaryRose Palumbo approves of the plan because a driveway has less impervious surface than a road.

Mr. Sulkis read his administrative summary which was consistent with the presentation.

There being no further questions, **Vice Chairman Satti** asked for a motion.

Mr. Mortimer moved to approve as presented a referral pursuant to CGS Section 8-24, to approve easements on to permit driveway access to these properties by way of Chester Street, on Map 54, Block 322, Parcel 4, of which the City of Milford is the owner.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY JULY 25, 2023; VOTE BY AUGUST 24, 2023

- 1) **333 Quarry Road** (ZONE ID) Petition of Thomas Lynch, Esq. for a Special Permit with Site Plan Review for a Pickleball Court Facility at Map 91, Block 809, Parcel 6D, of which DFC of Milford, LLC is the owner.

Attorney Lynch addressed the board. He said Shoreline Pickleball, LLC, owners Patrick Oliver and Brian Malia sought to create an indoor pickleball facility and had signed a lease with contingencies pending Site Plan and Special Permit approvals. He described the floor plan as supporting indoor-only play on 13,800 sf divided into 5 padded courts and small shower rooms. He said the facility would be open 7 days a week from 8am-9pm with a limit of 2-4 players per court, for a total projection of 24-26 persons, including staff, on site at any one time. He noted that pickleball is the fastest growing sport in the US and that demand is strong in Milford with the Recreation Department having converted some existing tennis courts to pickleball courts, created new courts, and started leagues. He said the applicants hope to open by fall. He noted that the facility is located in the Industrial (ID) zone, so the recreational use required a Special Permit/Site Plan Review. He said a site plan for the same building was done by Crossfit, a personal training tenant, so the document was updated for all users in building. He said the current parking regulations for recreational require 1 parking space for every 125 sf of space but noted that only 26 spaces would actually be in use. He shared

photos of parking on the site taken during the day at various times and showing very few cars. He contrasted the other recreational use (Crossfit), which is a one-on-one personal training use, to a traditional health club, where hundreds of pieces of fitness equipment could attract hundreds of participants at any one time. He underscored the difference in parking usage between such a health club and a personal training use or playing-court-restricted participant use. He reviewed floor plans, noted favorable departmental reviews, and noted that no exterior work will be done to the building. **Mr. Satti** initiated some discussion of the surfaces to be used; **Attorney Lynch** said these would be issues for meeting the building code. **Mr. Hirsch** confirmed that food and beverages would not be available at this time. Attorney Lynch noted that the applicants would have to come back for an amendment to add that feature, but that if the business is successful, more amenities may be considered.

Mr. Sulkis read his administrative summary which was consistent with the presentation but provided more detail on parking availability and requirements. He said the board can decide whether the proposed shared parking spaces plan will be adequate for the use.

Vice Chairman Satti asked for public comment.

FAVOR

Julie Nash, Economic Development Director, expressed support for the use and for the idea that the available parking would be adequate. She shared that she plays pickleball herself and agrees that it's a popular, healthful activity. She said the proposal would support year-round play for residents and create positive economic impact in the community. She noted that play tends to occur during the day.

Hearing no further comments, **Vice Chairman Satti** closed the hearing and asked for a motion. **Mr. Hirsch** asked to pause the closing to ask Attorney Lynch if there were tournaments planned; **Attorney Lynch** said the applicants were not anticipating tournaments. **Mr. Mortimer** asked Attorney Lynch to list the current other 3 businesses; **Attorney Lynch** said the building houses a boxing club, the cross-fit gym, and a sign shop—the pickleball center would be the 4th tenant.

Mr. Zahariades moved to approve as presented the petition of Thomas Lynch, Esq. for a Special Permit with Site Plan Review for a Pickleball Court Facility at Map 91, Block 809, Parcel 6D, of which DFC of Milford, LLC is the owner.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

- 2) **106 Merwin Avenue** (Zone R-7.5) Petition of Kevin Curseaden, Esq. for a Special Permit for Grading and Filling at Map 59, Block 737, Parcel 13A, of which 106 Merwin Avenue LLC is the owner.

Vice Chairman Satti asked if Attorney Curseaden if he wanted to present both items at once and vote them separately; he did.

Attorney Curseaden, 3 Lafayette Street, addressed the board. He said the proposal is a Special Exception because the applicant wishes to bring in fill and do grading at a low point that historically floods on Merwin Avenue near Sandpiper Crescent. He noted the presence of the marsh behind the lots, which are vacant and will remain so, as they will continue to be used for parking. He reviewed aspects of a dispute about water runoff on the street that has been the subject of a lawsuit with Cal Mooney, who developed 4 nearby lots. He said that a settlement should be achievable with a board approval of this proposal. He said the city engineer had signed off and that the Inland Wetlands Agency gave approvals. He said there is flooding in the street by some pipes not being maintained by the state of Connecticut. He confirmed with **Mr. Mortimer** that there are no plans for housing at this time; that the fill is only meant to alleviate flooding.

Mr. Sulkis read his administrative summary which was consistent with the presentation adding that the plan was also approved by DEEP. He said the Special Permit was required because the fill is not related to any building permit. **Vice Chairman Satti** asked why DEEP was involved; **Mr. Sulkis** said the property is low-lying so there was a concern about the coastal jurisdiction line. **Mr. Kader** confirmed that the reason for the Special Permit is that no houses are being constructed on the lots.

Vice Chairman Satti asked for public comment.

FAVOR

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Attorney Thomas Lynch, said he represents Cal Mooney and underscored that this proposal is a satisfactory solution to all parties which should result in the settlement of 2 lawsuits, including 1 with the city. He said the IWA had approved the plan and asked this board to do the same.

DISCUSSION

Mr. Zaharides asked if dismissal of the lawsuit could be made part of the approval and **Attorney Curseaden** advised that the board has no jurisdiction over civil lawsuits. He assured that his clients and Attorney Lynch's client would be able to proceed to settlement, which would also involve several more steps. **Mr. Hirsch** asked what would happen if there was more flooding; **Attorney Curseaden** reviewed the limits of appeal periods, noting that such an event would well exceed the appeal period for the ZEO's original decision. He said some further private action could be brought, but that the zoning appeal process is clearly defined. **Mr. Castignoli** asked if there would be danger of Mr. Mooney's property flooding under this proposal; he was advised that the plan is to divert excess water to the marsh and the street. **Mr. Mortimer** expressed concern about flooding the street. **Attorney Curseaden** said current flooding was due to the street not having proper drainage, which is not a function of the planned diversion. **Attorney Lynch** noted a gravel trench will be installed in front of property to catch water heading to street. **Mr. Hirsch** asked if there might be any effect on nearby condos but was assured that they are at a much higher elevation. **Mr. Mortimer** asked about possible effects on the lawsuits; **Mr. Sulkis** said the decision at hand was for an application to bring in fill, regardless of the reason.

Hearing no further comments, **Vice Chairman Satti** closed the hearing and asked for a motion.

Mr. Mortimer moved to approve as presented the petition of Kevin Curseaden, Esq., for a Special Permit for Grading and Filling at Map 59, Block 737, Parcel 13A, of which 106 Merwin Avenue LLC is the owner.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

3) 112 Merwin Avenue (Zone R-7.5) Petition of Kevin Curseaden, Esq. for a Special Permit for Grading and Filling at Map 59, Block 737, Parcel 14, of which Peter Dreyer is the owner.

Mr. Mortimer moved to approve as presented the petition of Kevin Curseaden, Esq. for a Special Permit for Grading and Filling at Map 59, Block 737, Parcel 14, of which of which Peter Dreyer is the owner.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. LIAISON REPORTS—None.

F. SUBCOMMITTEE REPORTS—None.

G. APPROVAL OF MINUTES—**6/6/2023** minutes were approved unanimously.

H. CHAIR'S REPORT – None.

J. STAFF REPORT – Mr. Sulkis said the Regulations Subcommittee will submit a new, proposed 6.4.2 by the 2nd meeting in July at which time reviewing referrals will have been returned. He said the POCD Subcommittee extended the period for public comment, delaying the submission of that draft. He anticipated the draft would be ready for full board review for the 5 July meeting.

K. ADJOURNMENT was at 7:51.

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.