

**MINUTES OF THE PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, JULY 1, 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

B. ROLL CALL

Members Present: Frank Goodrich, Mark Bender, Janet Golden, KathyLynn Patterson, Kim Rose, Susan Shaw, Victor Ferrante, Jeanne Cervin, Chair. (Kevin Liddy 7:35)

Not Present: Gregory Vetter

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

C. PUBLIC HEARING CONTINUED FROM 6/17/08; hearing closes by 7/31/08

1. **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.

Mme. Chair: Stated she appreciated the summary Mr. Crabtree provided to the Board, which has enlightened them as to the egregious history of this property and the violations that have taken place over the years. Due to these actions, this is a property of which the City of Milford cannot be proud. Advised the Board that the applicant is here under stipulation by court order.

Thomas Lynch, Esq., Lynch, Trembicki and Boynton, 63 Cherry Street, Milford, representing the Applicant, Nicholas Baronowsky. Reference was made to a report by Mr. Crabtree, which he did not receive.

The Chair asked Mr. Lynch if he would like to read the memo and continue his Public Hearing after the next agenda item. Mr. Lynch stated he would like to do this, as this is the reason the public hearing was continued.

Agenda item C1 was suspended at 7:35 p.m.

Agenda item C1 was continued at 7:52 p.m.

Mr. Lynch: The presentation was concluded at the last public hearing. It was left open for Mr. Crabtree to submit his report, which he has now read. Acknowledged there had been a long history of violations on the site. Became the Baronowky's representative

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approximately a year ago in the court case when a cease and desist action had been taken for the multi-family use. He and the assistant city attorney drafted a stipulation stating that the current assessor's card would remain in use until further action by the Planning and Zoning Board.

Mr. Crabtree makes recommendations and seems to come to a conclusion that it would be at the Board's discretion to improve the site as either a three or four family use. Asked that the Board review the evidence he presented at the last public hearing which shows a discrepancy in the assessor's office as to whether the property is a three family or four family. Since the zoning regulation change the property is now in the MCDD zone, which recognizes a variety of uses, one of which is a multi-family use through a Special Permit.

Mr. Crabtree also states in the past the property has been used as a boarding house. The size of the house lends itself to multi-family use. The matter was brought to court via a landlord tenant dispute. The City was able to obtain court transcripts of this matter and Mr. Baronowsky admitted a portion of the house was being used as a boarding house. Limiting the house to four family use can be made a stipulation of any approval and Mr. Baranowsky would have to adhere to that.

Fire Marshal Cooke had put together a three page memorandum outlining certain interior renovations which would have to be made to bring the property to compliance. This is referenced by Mr. Crabtree in his memo. Everything outlined in Mr. Crabtree's memo to bring the property into compliance can be made a condition of approval.

Reference was made to locking of the garage in the back. The site plan specified the number of parking spaces, which included the garage in the parking count. Another condition of approval could be that the garage be utilized for parking only, not for storage. Someone had the idea to put glass panels on the garage door.

This is the opportunity to correct the situation by permitting it to become a four-family residence. This is an eclectic area with a multitude of uses within it. The size of the house lends itself to multi-family use. The recommendations made by Mr. Crabtree to bring the house to four-family standards could be a condition of approval. Everything that Mr. Crabtree mentioned in his memo to bring it to the proper standards could be made conditions for approval.

Mme. Chair to Mr. Crabtree: Any further comments on this?

Mr. Crabtree: Suggested taking a panel out of the garage door and put a window in there for each bay to make sure the parking is really available.

Mr. Lynch: Reiterated Mr. Baranowsky has intentions of selling the property and getting permission to bring it into compliance can only help the situation when the property is sold.

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Mr. Liddy: There are so many violations. How can these be made right and how will the Board know that they have been complied with.

Mr. Crabtree: There could be a time stipulation, i.e. six months, to get the job done.

Mr. Lynch: That is why the Stipulation of Judgment was drafted to begin with, to have the matter come before the Board to obtain a Special Permit to make sure the owners get the property into compliance.

Mr. Ferrante: Asked the last time Mr. Crabtree inspected the property.

Mr. Lynch: Mr. Crabtree inspected the property in 2005 with Fire Marshal Lee Cooke.

Mr. Ferrante: Asked who is living in the property at this time.

Mr. Lynch: Mr. Baranowsky is living in an apartment on the first floor. There are two apartments on the second floor and there is one on the third floor.

Mr. Ferrante: It is being used as a four-unit right now even though it is under a Cease and Desist order.

Mr. Lynch: Correct.

Mr. Ferrante: There is nothing in the report that would indicate that Mr. Baranowsky intends to comply with anything. His idea of being in compliance is forcing the Board to agree with him.

Mr. Lynch: When the Cease and Desist Order came down, the property was being used as a four-family and simultaneously with the court action, the application for a Special Exception was initiated in order to recognize what the property was currently being used for.

In response to the previous question: The memo written by Peter indicates that he inspected the property with Lee Cooke on January 11, 2005.

Mr. Crabtree: Stated there is one advantage to considering the property as a three or four family unit. If it goes back to a two-family, the fire marshal does not get involved and you don't get the benefit of the fire codes applying to the property as they do when it is a three or four family residence.

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

Mme. Chair: Declared the Public Hearing closed.

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D. PUBLIC HEARINGS; hearing closes by 8/5/08

2. **46 ERNA AVENUE (ZONE CDD-1)** Petition of Milford Fabricating Company, Inc. for a Special Permit and Site Plan Review to construct an addition on Map 43, Block 304, Parcels 11, 13, 3F and 3G, of which Edward Pohl is the owner.

Ray Macaluso, President, Westcott & Mapes, 142 Temple Street, New Haven, CT. Also present, Mark Davis, Project Engineer, Dick Greenault, design builder, Mr. and Mrs. Edward Pohl, Jr., property owners.

Special Permit and Site Plan Review approval being requested for 46 Erna Avenue known as the Milford Fabricating Company. All the city departments have responded favorably to all aspects of this application. Via displays and photographs described the property as it exists today and explained the construction that is proposed for the site. Will attempt to keep it in the same harmony as the existing building. Photographs of the existing building were distributed to the Board and were date stamped into the record.

The property is in the CDD-1 zone. This manufacturing company has been in the Pohl family for the past sixty years. The site plan changes were described that will be made in the parking area which will make it conforming and in compliance with the regulations. The proposed 11,200 SF addition is on the adjacent property Mr. Pohl purchased approximately two years ago. Milford Fabricating employs 57 people who do sheet metal work. Their shift is from 7:00 a.m. to 3:30 p.m. Monday to Friday. The addition is for expansion for manufacturing purposes only. No additional employees are anticipated. There is a proposed second floor office and a loading area. At this time there is no room for trucks to turn around the parking area. The employees will use Strand Road to enter and park. There are some residences nearby, but there will be no interruption to that area.

The building will be very simple in design and white and black in color. Some of the existing signs will be relocated. The proposed material, split faced block and aluminum to be used for the building has been accepted by Mr. Sulkis. The plan was to keep the addition in the same harmony as the existing building.

Requesting a landscaping waiver in the area of the parking lot. Going from 10% to 2% in order to provide adequate employee parking and tractor/trailer access and fire access. Would like to bring the existing building up to today's regulations.

Also asking for a landscape buffer along the property line by means of a waiver from 10 feet to one foot, which is an existing condition in some areas. The landscape buffer between the entrance drive, parking waiver from 4 feet to 1.5 feet, which is to provide adequate employee parking and tractor/trailer access.

A landscape buffer adjacent to building waived from five feet to zero feet.

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The utility meter is existing and that waiver is also being requested.

The sections pertaining to these waivers are specified on the site plan.

The business has been in operation since the 1950's. It is a growing business and expansion is needed for automated equipment.

Mme. Chair: Comments from staff?

Mr. Sulkis: This will be a major improvement over the current conditions of the site. Nothing not to like.

Ms. Shaw: How much traffic is there for deliveries at this site?

Mr. Macaluso: Erna Ave. is a dead end street. The area is all manufacturing. Traffic is generated by Mr. Pohl's employees and materials that come in and out.

Ms. Shaw: There appear to be a lot of trees being removed from the property.

Mr. Macaluso: Mr. Wing, the landscape architect has tried to keep the trees in the front with some bushes. Tree Commission gave a favorable report. The parking lot area is all asphalt with no trees. Putting in more islands and an additional buffer.

Ms. Cervin: Asked if there would be entrances other than Strand Avenue.

Mr. Macaluso: Strand will be used for employees and dumpster pickup. No circulation from Strand Avenue going around the loading docks onto Erna Avenue. The Fire and Police Departments also requested this for emergency use access.

Mme. Chair: Referred to the departments that had comments on the application and asked if they had been addressed.

Mr. Macaluso: The department comments have all been addressed.

Mme. Chair: Anyone to speak in favor of the application?

Charles Lipps, 14 Whitney Avenue. Third generation Milford resident. Has always worked in manufacturing. Manufacturing job base has been dwindling away. Appreciate this company that has offered him a job. Milford needs to keep their manufacturing base going, especially in the "50's" age group who still have many years to work.

Mme. Chair: Anyone to speak in opposition to the application? (No reply)

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Mr. Macaluso: Asked if a motion could be made to approve the application tonight.

Mr. Liddy: How long will it take to construct the new addition?

Mr. Macaluso: Six months.

Mme. Chair: Declared the Public Hearing closed.

Ms. Rose: Made a motion to approve the application of Edward Pohl, Jr. to construct an addition to Milford Fabrication Company located at 46 Erna Avenue.

Mrs. Golden: Second.

All members voted in favor. The motion passed unanimously.

3. **141-159 MERWIN AVENUE (ZONE R-7.5)** Petition of Milwood Properties, LLC to construct a mini-storage warehouse on Map 59, Block 739, Parcel 2, of which Milwood Properties, LLC is the owner.

Dan Migliore, representing Millwood Properties, together with Ray Oliver of Architectural Services. Property had been acquired by Millwood Properties in 2003. It was a closed out eating establishment that is now the Beach House Restaurant. The back property, which is 159 Merwin Avenue was deteriorated and was used to store junk.

Since 2003, Millwood Properties has renovated the property. They would now like to do the same quality of work in the rear property. Worked with the City Planner to find an acceptable use for the rear property, which would be of the lowest impact. Believe that a mini-warehouse will provide a very good use. There will be no expansion of the property. There will be no alterations except some improvements and painting to the exterior. The lot will be paved.

Ray Oliver, Architect, 3 Lafayette Street, Milford, representing Millwood Properties. The rear building already exists, it will not be constructed. Renovations will only be in the interior to create the mini-storage units. No permanent staff, low traffic. Hours of operation will be from 8:00 a.m. to 5:00 p.m., which do not coincide with the hours of operation of the restaurant. There will be no bathrooms. Access to the building will be by card. There will be no permanent staff to operate the facility. Described how the site will look via a displayed site plan. Stucco on the exterior, upgrade windows and doors, small office with a sign. Two small air conditioning units to keep humidity down in the storage warehouse. Main change will be to the landscaping and site improvements. New curbs and walks around the restaurant and around the area that the warehouse is on. They will be installed to City standards. Trees and some small shrubs will be planted. Along Abigail Street a line of arbor vitae will be planted as a screen. There will be a new dumpster enclosure for the warehouse as well as for the restaurant.

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Would like to add seven outside tables on the Mark Street side of the building near the entrance. They would be surrounded by a low picket fence. The area around the restaurant will be landscaped and cleaned up. The gravel parking will be turned into a paved parking area. New site drainage will be installed with a new gallery system, new sewer connections and a grease trap that is currently serving the restaurant. Objective is to clean up the area, and to have a low impact use on the building and to keep the area developing in a handsome way.

Mme. Chair: Asked for staff comments.

Mr. Sulkis: Stated the area where the fence is proposed around the seating area is on City property and it cannot be installed on City property.

Mr. Oliver: Propose to ask the Board of Aldermen for permission. Cafe Atlantique has the same situation and they have a fenced in area.

Mr. Sulkis: Then the City would have to grant a license agreement to use the sidewalk, because that is what Cafe Atlantique has.

That being the case, the Board has no jurisdiction to approve something that is on City property. The fence should not have been depicted on the plans.

Some of the members were here when the application previously came before the Board. The building at 159 Merwin Avenue was brought before the board because the building was rehabbed without any permits. A cease and desist order was issued to prevent that building from becoming anything, which is why it has been sitting there for years. The use of the property had been stalled and a search for the lowest impact use was begun. It was suggested that the use proposed tonight would be of the lowest impact. Gave the example of Westies Storage Facility on the Post Road. The prior use of the building was storage, so this is a commercialization of a prior use, which seems more palatable.

141 Merwin Avenue actually goes over the property line. The applicant is researching this and they may have an update tonight. This is a very old building and when 141 Merwin was originally built and the streets were laid out, they thought it was on not over the property line.

Anywhere that 141 and 149 appears should be considered as one property. One of the conditions that will be recommended is that these parcels be merged. They have been merged by use and by utilities for many years. One of the addresses and one of the parcels will be eliminated as part of any approval on this property. It has always functioned as one property.

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Mr. Oliver: The property line goes right behind the restaurant. If the properties were not merged or had cross easements, there would be no parking for the restaurant.

Mme. Chair: Is there a question with the property line on the other side?

Mr. Oliver: There is an encroachment onto the State right-of-way with the building on that side which has been there for 30 years at least. It is a little corner of the restaurant building.

Mr. Goodrich: Asked how people will get key cards if there is no staff?

Mr. Migliore: Explained that warehouse users will receive key cards when they lease the space and further explained there will be a contact person for the warehouse at the restaurant.

Ms. Shaw: How will the lighting work? Will it be on for 24 hours?

Mr. Oliver: The lighting plan shows there is no spillage onto the residential properties.

Mme. Chair: The property borders residences. Asked about the chain link fences proposed. Stated there was enough room to create a four-foot buffer in that area between the property and the residences.

Also asked about the dumpster on the site plan and its proximity to the nearby residence. Asked if it could be relocated so as not to be offensive to the neighboring property.

Mr. Oliver: The dumpster enclosure is large and will be six feet high.

Mme. Chair: More concerned about maintenance and noise for the neighbors.

Mr. Oliver: Can look at relocating the dumpster and adding the buffer which will be helpful in this area.

Mr. Migliore: Stated Millwood Properties owns the house closest to this property. Can use some of this property to improve the buffer for the tenant who lives there.

Mrs. Patterson: Asked why it was necessary to create an office if there would be no employees.

Mr. Oliver: This is the area where the bill payment and other business transactions will be made.

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Mr. Migliore: Concerning the encroachment on City property, the matter is being discussed with the DOT and working on getting the matter corrected via an easement. The merging of the property has been noted on the site plan. Also have provided for accreditation for cross easements.

Mr. Ferrante: Asked if the footprint is exactly the same as exists now. Questioned the need for the chain link fence, which would be around the property owned by Milwood Properties, especially, in that it would affect the abutting residence. Asked about the location of the existing dumpster for the restaurant.

Mr. Oliver: No changes are being made to the footprint of the building. The existing dumpster has no single location at this time. When a pad is created for the location of the dumpster, when approved, it will be stationary.

Mr. Ferrante to Mr. Sulkis: Asked if the creation of outdoor seating would increase the number of patrons at the restaurant, thus creating a need for additional parking.

Mr. Sulkis: Replied that would be the case, but it is seasonal. Stated the applicant is trying to make the area better. It will become one parcel. The outdoor seating creates a pleasant ambiance for the neighborhood. There will be organized parking, which is more than there is now. Parking is already difficult in the area. More patrons would make the situation more difficult

Mr. Ferrante: Asked if the Board has jurisdiction over this.

Mr. Sulkis: If the license agreement is granted by the Board of Aldermen, the Planning and Zoning Board has no jurisdiction over this. However, if Planning and Zoning believes this would be injurious to the neighborhood, the approval of the application can be conditioned.

Mr. Ferrante: This is an almost 100% impervious site that is feet from LI Sound.

Mr. Sulkis: This is an existing, nonconforming property that goes back to the 1920's. The applicant is trying to make things better, but it is ultimately up to the Board.

Mr. Oliver: Stated there would be adequate catch basins and galleries under the asphalt, which would not cause any runoff or impairment to the Sound.

Mme. Chair: Remarked she had passed the restaurant last Saturday night and there were two big buses parked across the street with other cars parked there as well. This is a concern and a violation that will be cited. Would like to see a resolution to the parking problem.

Trees: There is a Bradford pear tree presently on the property. Will more be added?

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Mr. Oliver: Yes, in addition to other trees.

Mr. Migliore: Stated the Saturday night parking situation was a result of a Milford reunion and that situation was not the norm for the restaurant, although it can be busy on the weekends.

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

Wm. Mitchell, 163 Merwin Avenue. Property directly abuts Milwood Properties. The whole footprint of the property has been changed. The front porch has been added. The tin roof was put on with no permit and large pieces of ice fall from the roof onto his property. It is unsafe and dangerous and at least should have been shingled or have ice stops installed. The former owner had been notified but nothing was ever done. In between the warehouse and his house are the sewer connections, so there is no place to put any shrubbery as a buffer.

Jennifer Mitchell, 163 Merwin Avenue. This has been going on since 2004. The owner has done a number of things to the property without permits. The sign said there was a zoning change from residential to commercial being proposed. If the property is changed to commercial who is to say he will just keep storage there. The building should be torn down and be used as his parking lot. Have lived in an unsafe environment for four years and the children's lives have been endangered since the tin roof was put on. Glasses and dishes break when the ice falls. Reported all these incidences to the Mayor's office and was advised to hire a lawyer. The City should not allow this to go on.

(The Board members viewed the video the Mitchells had showing the ice dropping off the standing seam metal roof onto their property)

Mr. Liddy: Questioned the address of the Mitchell property because it appeared on the site plan as 162 Merwin Avenue.

(It was established that the Mitchell's address was printed incorrectly on the site plan)

Loreen Warner, 165 Merwin Avenue. Here about the parking issue. Has cancer. Does not have a driveway. Relies on parking in the city streets. There is very inadequate parking. Has to go to Adam Supermarket to park her car and then walk to her home. Mitchell's house is five feet from the rear building. Her house is next to the Mitchell's and she heard the noise and felt the impact of the tin roof. It is unacceptable in any city that a business can take precedence over human life. The restaurant had always been commercial but the building behind it was residential. Now they want to make it one property and put tables outside and dumpsters outside. What will happen to the residents' lives? Now will have to park farther away. If the property is improved and will be further improved, why are there three eyesores to look at every day? Also

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exposed to asbestos when a building was torn down without permits. Worry about the residents' standard of life. The footprint of the building has been changed. In a CT Post article from 2004 the City said if it was done without a permit, rip it down. The residents have been living under this nightmare.

Mr. Ferrante to Mr. Mitchell: Prior to the construction what was the size of the construction and was anything on his side or any other side changed?

Mr. Mitchell: The overhang off the front of the building towards the restaurant was all added on and a slab was put on. Otherwise the footprint has not been changed. Nothing was changed on his side or the other sides.

Mr. Liddy: How long has the ice situation been going on?

Mr. Mitchell: When the metal roof was put on in approximately 2004.

Mr. Ferrante: Asked about the sewer problem.

Mr. Mitchell: That problem has been corrected because the pipes were hooked up to the sewer but were not capped off in the building. All the methane gas was building up in the building.

Mr. Migliore: Some of the observations are disappointing. Apologized on behalf of Mr. Perrotti and Milwood Properties. If there are any hazards created by the roof, they will be remedied. Milwood Properties is a relatively new owner of the property. They own three houses on Merwin Avenue, all relatively recent, one was purchased six months ago. One house had been vacant, the other had been occupied and it took many months to clean it out. The other house was for the most part abandoned. They are eyesores now. The building permit process has been accomplished and construction will begin shortly on one of the houses.

Mme. Chair: Reminded Mr. Migliore he could only address what was raised by the opponents.

Ms. Rose: Asked if a permit had been obtained to replace the roof on the building.

Mr. Migliore: Stated he had not been a part of the project at that time, but as Mr. Sulkis had noted, everything was probably done without permits.

Mr. Sulkis: Confirmed that no permits were taken out for any work on that building.

Elizabeth Smith asked to speak in favor of the application, stating she had raised her hand previously but had not been seen to be recognized.

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Elizabeth Smith, 156 Merwin Avenue. Has lived at this property for ten years. Despite the fact there may be problems with the building and with people who live adjacent, she lives across the street from the property. Ten years ago the situation was different. There was garbage left outside the building. The property has been improved from what it was. Although parking is not good, it is improved from what it was. Both sides of the road were always blocked. Police were called because of parking and teenagers. Now that the buildings are empty, she and her husband are again chasing teenagers. If the permit is granted and there are restricted hours during the daytime, it would be an improvement over what they have had to live with in the past.

Mr. Ferrante: Asked the applicant if the hours of operation would be from 9:00 to 5:00.

Mr. Migliore: Yes.

Mr. Mitchell was asked to burn a copy of the CD he showed the board members to be entered into the Planning and Zoning file.

Mme. Chair: Declared the Public Hearing Closed.

The Chair called a brief recess at 8:55 p.m. The meeting resumed at 9:03 p.m.

4. **YALE AVENUE – LYNN ACRES (ZONE R-12.5)** Petition of George Adams, and a portion of parcel 11, of which Russell W. Watrous (lot 10B) and Robert and Alice Renzoni (Lot 11) are the owners.

George Adams, Esq., 300 Bic Drive, Milford, representing Devine Empire LLC, present with Patrick Devine, Mr. & Mrs. Watrous, 2.9 acre owners of the subdivision, Mrs. Renzoni, part owner of the rear property of the subdivision; Bob Wheway and Jeff Gordon, Codespoti & Associates, project engineers. Gave a history of the property. Property had been issued a subdivision into two parcels known as A and B, in 1992. The 1992 subdivision established the location of the road that is proposed tonight. Application to resubdivide the property into an eight-lot subdivision was denied without prejudice in December 2007. The reason for denial was cited as drainage issues. The project was given to Codespoti & Associates and has been redesigned. The reasons for denial without prejudice have been corrected and have been approved by the Engineering Department and Public Works Department.

The combined parcel includes Parcel A and the Renzoni rear yard consists of 3.23 acres, which are requested to be subdivided into eight conforming lots in the R-12.5 zone. Mr. Watrous, the property owner has always wished for this property to be used as a residential subdivision, even though the parcel is large and could be used for other purposes. Mr. Devine still wants to proceed with building the subdivision despite the current economic conditions and downturn in the real estate market.

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The developer proposes to make a payment in lieu of donating open space because the parcel is not large enough to allow for a meaningful open space parcel and there is no city-owned adjacent open space parcel abutting the property.

Not asking for waivers for not installing sidewalks. No inland wetlands on the site. Will save as many trees as possible during this construction, in accordance with the recommendation by the Tree Commission. Handed out a site plan of the trees showing the species and calipers of the trees that will be saved. Mr. Gordon will describe the species diversification recommended by the Tree Commission.

The drainage on the site will be improved by the development as proposed. All the drainage will be maintained on site. City Engineer and Public Works Director have approved the drainage plan.

There is a new sight line map that has responded to all the comments by the Traffic Division. They did not want a stop sign going down to Yale Avenue, which they felt would place an undue burden on Yale Avenue traffic. No stop sign is being proposed. The sight line area has been reconfigured and the developer is not requesting a sight line variance. The new sight line was distributed to the Board and stamped into the record. The map shows the 280 foot required sight line that has been achieved and no sight line variance is being requested.

Mr. Adams read a memo sent by the City Engineer, Bob Brinton, to David Sulkis on June 30, 2008.

Two variances are being sought:

- 1) Variance to Sec. 3.3.8.1, requiring a minimum 150 foot spacing between the intersections. A 150-foot distance between Linden and DeVine Place cannot be accomplished due to the misalignment of the roads after the property was subdivided in 1992.
- 2) Variance to the 25-foot minimum street line radius on Yale Avenue. It can be accomplished at the 132 Yale Avenue side (Watrous home), but this cannot be done at the 122 Yale Avenue side (Kee family property).

Jeffrey Gordon, Partner, Codespoti & Associates, 504 Boston Post Road, Orange, CT, site planner and licensed landscape architect. Had the responsibility to imatray the property, assess the trees and their condition, prepare the natural resources report which is required for all subdivision applications.

This property is devoid of any understory growth or plantings. There are approximately 40 trees but no shrubs or grass. At one time this land might have been a root farm. There are trees, but for some reason the soil has been compacted and cannot support plant life. Will try to save nine trees on the site. Referred to the Tree Caliper

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Calculations submitted for the record. The number of trees that will remain meet the requirements. Named the proposed variety of trees. Discussed some aspects of the Natural Resources Report. Approximately three-quarters of the trees on site will be removed. Trees that are off-site will remain. Handed out the drainage and grading plan that is proposed. Discussed the type of lighting that would be installed.

Mme. Chair: Any comments from Staff?

Mr. Sulkis: The drainage problem that had been present in the previous application has been corrected.

Mr. Crabtree: Commented the sight-line map should be made clearer to read. The information on the map would not be affected.

Mrs. Patterson: Are the adjoining parcels affected by the easements?

Mr. Gordon: No.

Mme. Chair: Anyone to speak in favor?

Alice Renzoni, 140 Yale Avenue. Very happy to be a part of this project.

Tom Williams, 4 Beach Road. Pat Devine built their home in 2003. They were very happy with his work. Neighbors were very happy during the construction. Excellent quality of work.

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

Mr. Liddy to Staff: Were there any negative comments from the City departments?

Mr. Sulkis: No major issues or defects other than the waivers, which have been described.

Mme. Chair: Declared the public hearing closed.

E. NEW BUSINESS - REQUEST FOR BOND RETURN

5. **55 SHELLAND AVENUE** – Request by James Mintz of CL&P for bond release in the amount of \$601,185.60, with \$66,798.00 to be withheld as 10% maintenance for one year, in accordance with the memo from Bruce Kolwicz, Director of Public Works dated June 20, 2008.

Mr. Ferrante: Not knowing about this and relying on Staff's recommendation, move to approve the return of bond.

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Mr. Bender: Second.

All members voted in favor. The motion passed unanimously.

F. PROPOSED REGULATION CHANGES

Mr. Sulkis: Editorial in the Connecticut Post from last Thursday was factually incorrect, especially as it pertained to building height and how building height is measured. He is in the process of responding to the article. There is a lot of misinformation going around and hopefully this can be cleared up.

Mme. Chair: Stated if the board members have questions on this regulation change, they should discuss it.

G. LIAISON REPORTS - None

H. PLANNING COMMITTEE - None

I. APPROVAL OF MINUTES – (6/17/08)

Mr. Bender: Approve.

Mr. Goodrich: Second.

All members voted in favor. Minutes were approved as recorded.

J. CHAIR'S REPORT

The will proposed regulations will be put on the City website.

Mr. Liddy: Brought up the matter of an email that was sent to the P & Z office and all the board members regarding the home built at 831 East Broadway was not in accordance with the original and approved site plan.

Mr. Sulkis: This message that was unsigned is not accurate. Many discrepancies in the statements made. The home was built in compliance with the site plan. He was present when the board approved this building. It has been built and inspected and there are no issues.

Mme. Chair: Stated she had responded to the email and had asked the person to identify himself. Has received no response.

The board members discussed this issue with Staff with regard to enforcement and response to such a message.

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Mr. Crabtree discussed with Mr. Ferrante and the other board members the depth of homes on the water, tidal wetlands, mean high water mark, flood hazard zones in these areas and other related issues.

Mme. Chair: Asked Peter Crabtree because of his tenure and experience, were there any regulations he would suggest for change.

Mr. Crabtree: Stated he would look into this during his last week before retirement.

K. STAFF REPORT

None.

Mr. Bender made a motion to adjourn.

Mr. Liddy: Second.

All members voted in favor.

The meeting was adjourned at 9:55 p.m.

Phyllis Leggett, Board Clerk