

**MINUTES FOR THE PLANNING & ZONING BOARD MEETING
HELD TUESDAY, AUGUST 3, 2010; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Chair called to order the August 3, 2010 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Edward Mead, Mark Bender, KathyLynn Patterson, Robert Dickman, Kim Rose; Victor Ferrante, Susan Shaw, Chair, Kevin Liddy, Vice Chair (7:31)

Not Present: Janet Golden, Greg Vetter

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

C. PUBLIC HEARING CLOSED 7/20/10; exp. 9/22/10

- 1a. **401 OLD GATE LANE (ZONE ID)** - Petition of BL Companies on behalf of Gabrielli Truck Sales Ltd for a Zone Line Change on Map 79, Block 810, Parcel 6B (formerly 6C), to allow its entire parcel to be in the Interchange Commercial District (ICD) zone, of which Gabrielli Realty of Milford CT LLC is the owner.

Kim Rose: Made a motion to approve 401 Old Gate Lane for the zone line change for which they applied.

KathyLynn Patterson: Second.

All members present voted in favor.

- 1b. **401 OLD GATE LANE (ZONE ID/ICD)** – Petition of BL Companies on behalf of Gabrielli Truck Sales Ltd for Special Permit and Site Plan Review approval to construct a 41,131 SF dealership and 21,021 SF 26-bay service building on Map 79, Block 810, Parcel 6B, of which Gabrielli Realty of Milford CT LLC is the owner.

Mme. Chair: Reminded the Board three waivers were being requested as part of this application. Asked Mr. Sulkis for any additional information he might have.

Mr. Sulkis: Stated he spoke with Mr. Schmitz of BL Companies who emailed a proposed change in the landscape plan along the northern portion of the building. This change was made to address some of the concerns the Board had with the request to waive the five foot landscape area around the building. The plan that was sent showed a five foot buffer in place in the northern section of the building that does not have the multiple overhead doors, which is where the garage facilities are located.

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John Schmitz, Engineer, BL Companies, Meriden, CT. A site plan and landscape plan showing the proposed changes were shown to Mr. Sulkis. At this point the waiver request would be removed since this plan would meet the requirements.

Mr. Sulkis: Stated the waiver would be modified because the landscaping would not be around the entire building, just the portion where it can be done in the northern part. There would be a waiver for the southern portion of the building.

Mme. Chair: The public hearing was closed on this application. This is new information that is being presented, even though it regards the waiver.

Mr. Sulkis: This is in anticipation of the Board wanting to modify the plan. The applicant was proactive and astute in listening to the Board's comments prior to the hearing being closed and it was clear to them that there was a concern about the landscaping. Preemptively, they are offering this modification to the plan to address those issues.

Mr. Bender: How does the Board take more information once the hearing is closed?

Mr. Sulkis: The Board would modify the plan and in this case, the Board has the modification in front of them. The Board has the capacity to approve, deny or modify a plan. In this case the Board can approve it as is, deny it or modify it and make it a condition of approval. Ultimately, they would produce what they have already done in anticipation of the modification.

Mr. Bender: Asked if the Board recommends something they magically have it appear?

Mr. Sulkis: The Board modifies the plan and the applicant will more than likely be happy to produce those changes.

Mr. Bender: Does not want the Board to set a precedent where the hearing has been closed and additional things are brought in.

Mr. Sulkis: The nature of this modification has no impact on any neighbors. It is not a major change in any way.

Mr. Schmitz: The applicant would be amenable to have a five foot sidewalk and five foot landscaping adjacent to the building in the north and west side in the north and west side. Where the garage doors are located at the southerly end of the building there would be no landscaping. A five-foot strip of landscaping from the loading dock on the northeast corner, to the south to the first garage door. The previous three foot landscaping has been increased to five feet on another wall of the building on the south side. The landscape plan that has been submitted shows perennial plantings and fountain grass in that five foot strip. (The landscaping plan was shown and described via a large display)

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Mme. Chair: Reviewed the three waivers requested to allow the three canopy signs on the service canopy; the landscape plan, and allow the existing pylon sign.

Ms. Rose: Motion to approve the application of 401 Old Gate Lane for a Special Permit and Site Plan Review to construct a 41,131 SF dealership and 21,000 SF 26-bay service area, which will include the new landscape plan submitted to the Planning and Zoning Office.

Mr. Ferrante: Second.

Mr. Bender: Asked if it was necessary to include the waivers in the motion.

Mr. Sulkis: It was not necessary since the waivers were part of the application but the Board could do so if they wanted.

It was determined that the landscaping did not need a waiver, since the landscape requirement had been met with the new plan.

Mr. Bender: Amended the motion to allow the two requested waivers: Sec. 5.3.5.4 to allow canopy signs and Sec. 5.3.5.1 to allow the existing pylon sign to remain.

Mr. Dickman: Second.

All members voted in favor of the amendment.

All members voted in favor of the motion.

D. TABLED ITEM

2. WHEELERS FARMS AND WOLF HARBOR ROADS (ZONE R-A)

Request by AvalonBay Communities, Inc. for a five-year extension of a Special Permit/Site Plan for 160 Units of Age-Restricted Housing on Map 105, Block 914, Parcel 19, approved on January 17, 2006, of which AvalonBay Communities, Inc. or AvalonBay Milford II Development, Inc. is the owner.

Mme. Chair: This item will remain tabled. Awaiting the opinion from the City Attorney.

Mr. Sulkis: This is a complicated issue and the City Attorney is working on it.

E. PROPOSED REGULATION CHANGES – None to be discussed.

F. LIAISON REPORTS

Mr. Mead: Wetlands Commission – Tomorrow, (August 4) a public hearing is scheduled on subdividing property on Cedarhurst Lane which is owned by DeForest Smith.

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G. APPROVAL OF MINUTES – (7/20/10)

Mr. Ferrante: Made a motion to approve the minutes.

Mr. Mead: Second.

Mr. Sulkis: Stated he wished to clarify in Volume 51, Page 269 that he meant to say “a structure that projects into the side yard”, in place of “that projects on the side of the house”.

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

H. CHAIR’S REPORT

A new Director of Permitting and Land Use, Jocelyn Mathiasen, has been hired who will officially begin her position on August 16th. The Mayor issued a press release after his announcement at the Board of Aldermen meeting. The Chair read a portion of the press release.

The Chair stated she met with Fred Katen, the Chairman of the Zoning Board of Appeals. Mr. Katen and other members of the ZBA would like to speak when the public hearing is held with regard to changing the variance regulation.

I. STAFF REPORT – None.

Mr. Liddy: Asked how often the ZEO would be submitting a report.

Mr. Sulkis: The new zoning officer started in July and this report reflects her activities for the month she has been in this position. Future reports will be submitted quarterly, but is subject to change.

Mr. Ferrante: Moved to adjourn.

Mr. Liddy: Second.

All members voted to adjourn the meeting at 7:50 p.m. The next meeting will be held on August 17, 2010.

Phyllis Leggett, Board Clerk