

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 3 AUGUST 2021, 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, J. Kader, B. Kaligian, P. Kearney, C.S. Moore, J. Mortimer, J. Quish, R. Satti, M. Zahariades

Staff: J. Griffith, DPLU Director, D. Sulkis, City Planner; M.E. Greene, Rec. Sec'y

Chairman Quish announced that if anyone had joined the meeting with an interest in the proposed 126 Smith Avenue AKA 0 Smith Avenue zone change, that item had been moved to the Wednesday, 8 September, meeting. He repeated this announcement several more times during the meeting.

C. NEW BUSINESS

VOTE BY SEPTEMBER 23, 2021

- 1) **CGS 8-24 – 167 Hilldale Road and 38 Hilldale Court** Request by the City of Milford pursuant to CGS Section 8-24, for the acquisition of two (2) certain pieces or parcels of property and three (3) seawall construction, grading and maintenance easements as depicted on a certain map entitled "Topographic Survey, 167 Hilldale Road, prepared for Phyllis Boynton, a.k.a. 167 Morningside Dr. – Parcel B" dated 7/20/15 and revised 5/10/21 by Codespoti and Associates, P.C.

Steve Johnson, Assistant Public Works Director, said the board had reviewed this project previously and it was now being finalized, including acquisition of several pieces of property to reinforce a seawall—a feature which the neighbors also supported. He said the project was funded by the state's Community Block Grant Fund, and that the city was anxious to move forward with it. He said the bluff in this area is eroding and its deterioration is impacting the Army Corps of Engineers' wall. **Chairman Quish** asked if there will be access to property by the public; **Mr. Johnson** said after the revetment is constructed, there will be public access to the top of bluff including a walking area plus seating for viewing the Sound. **Mr. Satti** asked about the nature of several parcels as they related to construction of revetment. **Mr. Johnson** confirmed that no housing will be developed there.

Mr. Satti moved to approve as presented; the Request by the City of Milford pursuant to CGS Section 8-24, for the acquisition of two (2) certain pieces or parcels of property and three (3) seawall construction, grading and maintenance easements as depicted on a certain map entitled "Topographic Survey, 167 Hilldale Road, prepared for Phyllis Boynton, a.k.a. 167 Morningside Dr. – Parcel B" dated 7/20/15 and revised 5/10/21 by Codespoti and Associates, P.C.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY OCTOBER 7, 2021; VOTE BY NOVEMBER 11, 2021

- 1) **126 Smith Avenue AKA 0 Smith Avenue** (Zone R-7.5) Petition of Thomas Lynch, Esq. for a Zone Change to allow subdivision of property on Map 13 Block 134 Parcel 4 of which JMAK Properties, LLC is the owner. **POSTPONED**

E. OLD BUSINESS

VOTE BY OCTOBER 7, 2021

- 1) **1015 Bridgeport Avenue** (Zone CDD-3) Petition of Alex Rakaj for construction of an outdoor covered patio on Map 043, Block 214, Parcel 40, of which ALTAMA, LLC is the owner. (Continued from 7/20/21)

Mr. Sulkis reviewed a summary of the proposed changes. He said the City Engineer required additional information for underground infrastructure, and that hours of operation should be made conditions of approval.

Raymond Lemley, representing Mr. Rakaj, said Mr. Rakaj intended to legalize all aspects of the project, but that he had continued work on a patio built by a previous restaurant, which he had assumed to be part of the original permit.

Mr. Satti compared the application to a recent submission by Fratelli's Restaurant, saying it did not seem as substantive. He asked Mr. Sulkis if the new outdoor dining rules pertain to food, not to a bar and lounge. **Chairman Quish** said alcohol service was permitted under the new law. **Mr. Sulkis** said the new law goes into effect March 30, 2022, and that Milford Regulations mirror the Executive Order and will be in place until March 30, 2022. **Mr. Satti** and **Mr. Lemley** discussed the definition of outdoor dining. **Mr. Sulkis** shared Halloran and Sage's summation of dining regulations. **Mr. Satti** was concerned that an area with a roof negates the area being considered outdoor dining and made a distinction between drinks being served outdoors rather than brought from an

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indoor bar. **Mr. Satti** was also concerned about the previous unpermitted work. **Mr. Griffith** drew a distinction between outdoor dining with a roof, but with no walls. **Mr. Castignoli** asked if enough of the structure being renovated to convert it to outdoor dining. **Mr. Griffith** confirmed this and said that no Certificate of Occupancy would be issued without DPLU, Fire Marshall, and Health Department signoff unless necessary steps are taken.

Chairman Quish asked if the board was ready to make a motion. After several refinements that were accepted by both the maker of the motion, second to the motion, and applicant, the following language was voted upon:

Mr. Castignoli moved to approve with the following modifications Petition of Alex Rakaj for construction of an outdoor covered patio on Map 043, Block 214, Parcel 40, of which ALTAMA, LLC is the owner.

Conditions: The applicant shall address to the satisfaction of the City Engineer the issues in his 7/30/21 letter, which were subsurface issues; and in accordance with the new state statute, the hours of the outside dining should be declared and approved by the Planning and Zoning Board, those hours shall be no later than 11:00pm.

Second: **Mr. Moore** seconded.

Discussion: Mr. Satti expressed concern that the outside area would be turned into a lounge. **Mr. Castignoli** stated that if the restaurant is not serving food until 11:00, it was no longer outdoor dining, but a bar and should be closed.

Vote: Motion carried with 9 in favor and Mr. Satti voting against the motion.

F. **LIAISON REPORTS**—None

G. **SUBCOMMITTEE REPORTS**— **Chairman Quish** said both subcommittees would meet Wednesday, 8/11.

H. **APPROVAL OF MINUTES**— **7/20/2021** minutes were approved unanimously.

I. **CHAIR'S REPORT** — **Chairman Quish** said he was looking forward to a review of the new legislative regulation changes on affordability, requiring energy efficiency measures, accessory structures, and other items.

J. **STAFF REPORT** — **Mr. Sulkis** said there will be an overview of interpretations of the latest legislative changes at the next meeting.

K. **ADJOURNMENT** was at 8:00.

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.