

**MINUTES FOR THE PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, AUGUST 19, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Acting Chair Kim Rose called to order the meeting 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, Kevin Liddy, Susan Shaw, Gregory Vetter, Victor Ferrante, Kim Rose, Acting Chair.

Not Present: KathyLynn Patterson, Jeanne Cervin, Chair.

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

Chair Rose: Welcomed, Emmeline Harrigan, the City's new Assistant City Planner.

Announced that the Public Hearing for 232-242 Boston Post Road, et. al., has been rescheduled for September 2nd.

C. CONTINUED PUBLIC HEARING; HEARING CLOSES BY 8/19/08

1. **26 HIGGINS DRIVE (ZONE ID)** Petition of Mary E. Stark for Special Exception and Site Plan Review approval to convert a 50' x 80' industrial building to a dog day care/boarding facility on Map 80, Block 810, Parcel 15D, of which D'Amato Investments, LLC is the owner.

Mr. Sulkis: Met with the applicant twice since the last Board meeting. Has not received the information in the form that was required. Hearing must be closed today. Has been informed they are in the process of hiring a new attorney and they would be coming back in the future with a new application that will hopefully meet all the regulations.

Chair Rose: Asked the applicant if she wished to say anything.

Mary Elizabeth Stark and Amy Matthews: Applicants came before the Board on July 19. Wanted to resolve some of the issues from the last meeting. The first problem was the survey. Since the last meeting they have contracted CCG Engineering to look at the facility. CCG visited the site and it was their opinion that the survey done in 1998 was completely unchanged from its current condition. Thought the survey could be updated with a new zoning table. The survey will take a few weeks to finish. The original survey had been approved by Mr. Crabtree. They were surprised to find out that a new one would be needed.

Number two was site plans. Had packets to distribute to the Board members. Hope

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these plans will be clear and sufficient to all the board members. Have included six different site plans for the current condition of the building; proposed changes for the building both inside and outside. They are clearer than the last one that was submitted. Hope it will be clear to the Board what they plan to do and what it currently looks like.

Ms. Rose: Asked if all the questions the Board had raised were completely addressed.

Ms. Matthews: Itemized the concerns that the Board had and that the packet would respond completely to all questions from the Board. A new Statement of Use is longer and more detailed than the previous statement. It addresses the concerns of the Departments of Health and Agriculture as to solid and liquid waste removal.

The final issue was the parking. A site survey of the street that shows the cul-de-sac, the employee parking spaces and the number of cars that are expected each morning, minimum and maximum.

A description of the drop off and pick up period was described. Summarized the five major issues they addressed as being the waste removal, parking, survey, site plans and statement of use.

Mr. Sulkis: Asked if the material submitted tonight was the same material that had been submitted to him.

Ms. Matthews: All but the new statement of use. Also, the bollards were added to the site plan, the number of bollards, their height and dimensions.

Mr. Sulkis: Stated the information that was submitted to him was not adequate. The floor plans were improved but there is no true site plan.

Discussion ensued between Mr. Sulkis and the applicants as to what had been required in the new site plan and what was missing from it, along with the issue of bollards that had been added to the site plan.

Chair Rose: Interjected this was not the forum to be arguing back and forth with the City Planner.

Mr. Bender: There appears to be a miscommunication and something is missing if the City Planner does not believe the Board members should have this information.

Chair Rose: Asked that the information the applicants prepared be distributed to the Board members.

Ms. Matthews: Stated she believed the site plan was done accurately.

Mr. Ferrante: Asked, "What is a bollard?"

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Ms. Stark: A cement filled cylinder that is placed every four feet along the sides and width of the fence, so that a car cannot go through the fence.

Mr. Ferrante: At the last meeting there was a question as to where the runoff went or where it was hooked up to, i.e. sewer, dry well, etc., and who oversees or approves where the waste goes.

Ms. Stark: Into a dry well. Departments of Health and Agriculture state the feces had to be picked up and disposed of through the sewer system. The dog urine is considered sterile and can be washed off.

Ms. Matthews: Indoors would not be an issue. Only a few dogs would be kept outside for approximately a half hour at a time.

Mr. Vetter: Asked about the number of kennels for the dogs and asked how many would be needed.

Ms. Stark: Explained that the kennel is actually a crate, one crate per dog according to the Department of Agriculture.

Mr. Vetter: Asked about the number of dogs for drop off.

Ms. Matthews: Stated how many they would be starting with and how it would be if the business grew.

Mr. Vetter: Stated the floor plan did not appear that it could accommodate the number of crates for the area.

Ms. Matthews and Stark: Explained how the crates could be placed.

Mr. Vetter: Asked about the parking. Stated the traffic flow was not depicted.

Ms. Matthews and Stark: Described how they anticipated the drop-off and pick up of dogs would take place.

Ms. Rose: Stated the application has been determined to be incomplete by the City Planner and declared the public hearing closed.

Mr. Ferrante: Asked why the hearing is closed. He wanted to make some inquiries as to why the application is incomplete, what are the standards and does not want to put form over substance. A state department issues their license and covers many issues that the Board is looking at. Moved to allow the applicants to put in whatever information they want at this point.

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Mr. Sulkis: The public hearing has to close tonight. The information they provided can be accepted tonight and reviewed by the board members. Tonight is the statutory end to the time limit of the application.

With regard to Mr. Ferrante's questions, the application is in dispute because of its substance. They did not provide a site plan to the standards specified in the Milford Planning and Zoning Regulations for the permits they are seeking.

Ms. Rose: Recommended the Board vote to deny the application without prejudice and let them come back with an application in the proper format.

Mr. Sulkis: Whatever information they have to submit must be submitted tonight. No matter how many meetings have been held, they have not submitted the proper information in accordance with Milford's regulations for a Special Exception. It does not matter what the State requires, in this instance the Board creates the rules. The regulations do not prohibit the use but it does not expressly allow the use, thereby leaving it to the Board's discretion as to whether it wants the use to go through and in what form it wishes it to go through. In all instances, an A-2 survey and site plan are required and this application does not have either.

Ms. Shaw: Made a motion to deny the application without prejudice, so the applicants could back with a complete application as soon as they have it prepared.

Mrs. Golden: Second.

Mr. Bender: Said that the Board should get all its questions out tonight rather than have them keep coming back to answer questions.

Ms. Stark: Stated they have tried to comply with the requirements and believed that the survey they submitted was correct and had not changed in the last ten years since the survey was originally done.

Mr. Liddy: Remarked that upon reviewing the State sec. 22.3.44, the information is confusing. Requested that the applicants show that the state regulations for the number of dogs, dog runs, etc. fit into the site plan.

Mr. Ferrante: Stated he did not think the Board had to be concerned about the State regs concerning the way dog kennels are run. If their application is granted, conditions can be made. The State licenses this aspect and they should have jurisdiction in this area.

Ms. Shaw: Without a site plan, it is not fair to the Board. Suggested the applicants come back fresh to the Board with a proper site plan and with answers to all the questions the Board has.

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Ms. Matthews: Asked what exactly would be needed on the site plan? Stated she thought they had incorporated everything that was necessary in the site plans they submitted.

Ms. Shaw: Stated the Board had many questions concerning traffic on the street for pick up and drop off, other traffic on the street, kennel locations, etc. which would be addressed by means of a site plan. Mr. Sulkis could tell them exactly what was needed.

Mr. Ferrante: It is not Mr. Sulkis' job to do the site plan for the applicant. The professional who is hired by the applicant has that job.

A vote was taken: Seven members voted in favor of the motion to deny the application without prejudice. Mr. Ferrante abstained. The motion passed.

D. PUBLIC HEARINGS; HEARINGS CLOSE BY 9/23/08

2. **40 QUIRK ROAD (ZONE LI)** Petition of Westcott and Mapes for a Special Exception and Site Plan Review to renovate an existing building for use as a private Montessori elementary school on Map 91, Block 706, Parcel 2X of which Agro Properties is the owner.

Ray Macaluso, President and Principal, Westcott and Mapes, Inc., 142 Temple Street, New Haven, appearing on behalf of the applicant New England Montessori School, LLC and the property owners Agro Properties, 46 Quirk Road.

Introduced John Wicko, Architect; Mark Davis, Project Engineer; Fred Martin, Environmental Design for the playscape. Here for a Special Exception for the Montessori School. Described the location of the building via a displayed site plan. The existing building has been occupied by the Alternative Ed School of the City of Milford who moved out to a new location at the former Milford Academy. They had an enrollment of 90 students.

Ms. Maria Zullo, the headmaster of the current New England School of Montessori has been operating a school at 301 Brewster Road, approximately 1000 feet from the subject location. Presently she is licensed from the CT Department of Public Health for 64 children. The new location will allow her to expand to 80 students. The school at Brewster Road has been in operation for eight years.

The present Montessori education programs are ages 3-9 years. There will also be before and after school programs. Daily operation is from Monday to Friday, 7:30 a.m. to 6:00 p.m. There are 8 or 9 full time school staff with staggered hours who arrive between 7:30 and 8:30 a.m. Parents will drop off at a designated parking space. Hours will be staggered throughout the day. Parents will drop off children at a designated parking space. Teachers come out to meet the student and escort them to the school. The same procedure is followed for the children's pick-up at the end of the school day.

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The building's façade will not be touched. Via displayed site plan showed the layout of the school, the new play area for the children, parking area and relocation of the dumpsters onto a concrete pad. Not touching the drainage, increasing the impervious surface of the parking area. There will be 16 parking spaces. A stockade fence will be installed and the entire area will be enclosed for the children.

All department heads have approved the application. Police Department recommended striping for the handicapped spaces. Very minor recommendations were made which will all be complied with.

John Wicko, Architect, 50 Broad Street, Milford. The building was a former school. Building is staying. Partition relocations of the interior which satisfied the program for the Montessori school. Addressed building code issues. Adding a few egress doors, which are required for this type of use. Adding a ramp for handicapped ingress and egress. Adding another door exiting from the toddler room into the play area. The building is laid out well and works well for this type of use.

Fred Martin, Environment Design, 45 Kenmore Lane, Milford. Two areas for play; one for toddlers and one for ages 3-5 because the age groups are kept separate. Described the design and materials for both play areas. Meets the guidelines of the CT Playground Safety Commission.

Mr. Martin noted his experience and qualifications in designing the playground systems.

Mr. Macaluso: The location is in a light industrial zone. Everything complies with the City of Milford regulations. Not asking for any waivers or exceptions.

Mr. Goodrich: Plan does not show kitchen or refrigeration facilities.

Mr. Wicko: The facility is there to house and store their snacks and food that the children bring in. There is a refrigerator and a microwave mainly for staff use. There is no lunch program.

Mrs. Golden: Asked if a nurse would be on staff.

Maria Zullo, NE School of Montessori, 301 Brewster Road. A nurse comes on site just for children under three, one day a week and checks their records. That is all that is required by the State Public Health Department.

Mrs. Golden: What if a child gets sick or requires medical attention during the day?

Ms. Zullo: All the staff is first aid and CPR trained for infant children. Only one person needs to be on site at all times, however, all the staff is trained. Medications are administered only in emergency situations.

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Mr. Vetter to Mr. Sulkis: Stated there were recommendations by the Engineering departments and Inland Wetlands. Were these comments addressed?

Mr. Sulkis: This was in regard to the raised play area where the weep holes were not shown for drainage. The plans were revised and the City Engineer has found the changes acceptable.

Upon review of the Inland Wetlands letter, Mr. Sulkis stated it was the standard acceptance letter.

Ms. Rose: Asked Mr. Sulkis for his comments.

Mr. Sulkis: Stated this application was a textbook example of the way an application should be presented for a Special Exception. He described how this application met all the requirements for such a permit where the previous application had not. It contains all the information the Board needs to make an informed decision. He stated he had no objections to the proposed use of the building.

Mr. Bender: Stated there is a gentlemen's club within a short distance of this building. Asked if this created a compliance issue with the regulations.

Mr. Sulkis: There is nothing in the regulations that prohibits a school from being located near a gentlemen's club.

Mr. Macaluso: Stated this school will be 1000 feet further away than the previous school from the gentlemen's club.

Mr. Liddy: Questioned City ownership of the property.

Mr. Sulkis: Corrected him stating the property was never owned by the City, but was leased to the City by Agro Properties, for the school's use.

Mr. Vetter: Questioned the parking and drop off plan for sixty cars.

Mr. Macaluso: Explained that under the zoning table of C1, it stated how many parking spaces are required for the amount of children who will be attending the school, as well as the employees. Sixteen spaces are required and the application is in compliance. Explained the different sessions during the day and the parking spaces are not used by the employees for the entire day. The teacher picks up the student from the drop off point and the parent leaves. This will not take more than 5 minutes per child.

Mr. Liddy: How soon would the school open?

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Mr. Macaluso: Asked for the Board's approval tonight so that the permit and building paperwork process could begin. Ms. Zullo is under a time constraint to leave her current premises.

Ms. Rose: Asked if the Statement of Use was different from the one the Board had received in the mail.

Mr. Macaluso: It is the same.

Chair Rose: 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)

Declared the Public Hearing closed.

Mrs. Golden: Stated she liked the application and its use. Made a motion to approve the request for a Special Exception for use as a Montessori elementary school.

Mr. Ferrante: Second.

All members voted in favor. The motion passed unanimously.

3. **232 AND 242 BOSTON POST ROAD, 64 CLARK STREET AND 86 PLAINS ROAD (ZONE CDD-1)** Petition of John Knuff, Esq. for a Special Permit and Site Plan Review to construct a 16,000 SF retail food store on Map 53, Block 304 Parcels 81, 81F, 81D and 81A, of which TVJL, LLC is the owner.

Application will be heard at a Public Hearing to be held on September 2, 2008.

E. NEW BUSINESS

4. **301 ORONOQUE ROAD (ZONE R-18)** Petition of the Knights of Columbus Club of Milford for a Site Plan Review in order to sponsor a carnival from August 21 to August 24, 2008, on Map 74, Block 925, Parcels 6 and 6A, of which Christ the Redeemer Roman Catholic Church is the owner.

Gennaro Barbieri, member of the Knights of Columbus of Milford. Application for the Knights of Columbus to sponsor a carnival that will take place this coming weekend. The carnival is a fundraiser for the Knights of Columbus to install Ten Commandments statues in the Catholic churches of Milford.

Mr. Sulkis: Met with Mr. Barbieri on Friday. It is a temporary use. The church is on a large open space with adequate room for such a use. No full formal site plan had been

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presented. Requested that in the future a standard site plan be presented, even for a temporary use.

Ms. Rose to Mr. Sulkis: Asked why this application is coming before the Board when other such events, i.e. St. Mary's carnival does not come before the Board.

Mr. Sulkis: Explained that for a first time special event as a temporary use, the Board reviews it and if the event occurs each year, approval is done administratively if all the information is the same.

Mrs. Golden: Lives nearby. The church has a lot of land and this is a great idea. Asked why there are rides sitting on the property at this time.

Mr. Barbieri: The rides had to be moved from Milford Center or go back to storage. The Church gave its permission for the equipment to be kept there.

Mr. Ferrante: Is there a section in the regulations for such temporary uses?

Mr. Sulkis: No. That is why there is this process.

Mr. Ferrante: Stated his concern about the Board or the Planning & Zoning office approving such applications without the other city departments' prior approval. Does not want the Board's approval to indicate in any way that they have seen to it that the other departments had given their okay. Asked about the Fire Department.

Mr. Sulkis: Although the Planning and Zoning Department does not have a formal process for this, the police, fire and health departments do. The Board's approval does not override anything that is under the other departments' jurisdiction. The Board looks at the event in relation to the property in question and its surrounds. The other departments monitor traffic for the event, as well as the public's safety as to fire, health, and possible danger.

Ms. Shaw: When a first use impacts a neighborhood, is there a way to communicate to the neighbors that such an event is to take place?

Mr. Sulkis: Not through Planning and Zoning directly. Neighbors will complain if they are unhappy. If there is a problem, the following year the event does not have to be approved.

Mrs. Golden: Made a motion to approve the Knights of Columbus to sponsor a carnival at Christ the Redeemer Church for the time period August 21 to August 24th, 2008.

Mr. Liddy: Second.

Mr. Ferrante: Amend the motion subject to the approval of all other city departments.

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Mr. Bender: Second.

Mr. Vetter: Stated he is a member of the Knights of Columbus and it will be a small carnival.

Mr. Goodrich: The amendment making approval subject to City departments' approval is redundant.

Mr. Ferrante: Withdrew his amendment.

Mr. Vetter: Withdrew his second.

Mr. Liddy: At this time there is only one motion on the table.

All members voted in favor of approving the carnival at Christ the Redeemer Church. The motion passed unanimously.

F. PROPOSED REGULATION CHANGES

Mr. Sulkis: The public hearing to approve all the proposed regulations should be scheduled for the November 18th meeting.

Discussed the newest proposed regulation change submitted to the Board which was pertinent to the CDD-5 zone. This text change will make it consistent to allow a liquor permit with a minimum 2000 SF of restaurant space. It will also make the liquor regulations the same in each of the CDD sections.

G. LIAISON REPORTS

Ms. Shaw: Distributed the booklet Milford Favorite Walks and Trails. Handed out to the Board members.

Ms. Rose: Asked the Assistant City Planner, Emmeline Harrigan to update the Board as to the last Regional Planning Commission meeting. The proposed zoning regulation text changes in Milford, submitted to the Regional Planning Commission, were approved as having no municipal impacts or adverse impacts to Long Island Sound.

The new Plan of Conservation and Development has been adopted by the Regional Planning Commission and is on the SCCRCG website.

H. PLANNING COMMITTEE - None

I. APPROVAL OF MINUTES – (7/15/08)

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Mr. Goodrich: Motion to approve.

Mr. Bender: Second.

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

J. CHAIR'S REPORT

Acting Chair Rose said she spoke to the Mayor about televising the Planning and Zoning Board meetings on MGAT, in response to calls on this matter that she has received from her constituents. The Mayor advised her that the budget for this purpose is limited.

Mr. Ferrante: Stated that the Planning and Zoning meetings are not well attended by the public and the money that would be needed to televise the meetings could be better spent in other areas.

The members briefly discussed their views on televising the planning and zoning meetings.

K. STAFF REPORT

Mr. Sulkis: Officially introduced Emmeline Harrigan, the new Assistant City Planner. Ms. Rose said she worked with Ms. Harrigan on the Regional Planning Commission and stated how impressed she was with her work in redesigning the Plan of Conservation and Development for the Regional Planning Commission.

Mr. Liddy: Asked what was taking place at the newly built Dunkin' Donuts on West Main Street. There appeared to be problems with the parking area.

Mr. Sulkis: Stated they could not get their Certificate of Occupancy because the site has not been built properly. There are large issues that have to be rectified before they will be allowed to open.

Mr. Bender: Made a motion to adjourn.

Mr. Vetter: Second.

The meeting adjourned at 9:00 p.m.

Phyllis Leggett, Board Clerk