

**MINUTES FOR ONE (1) PUBLIC HEARING OF THE
PLANNING & ZONING BOARD
HELD TUESDAY, SEPTEMBER 2, 2008; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

The Public Hearing meeting of the Planning and Zoning Board was called to order at 7:32 p.m. by Jeanne Cervin, Chair.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Frank Goodrich, Mark Bender, Janet Golden, Kathy Patterson, Kevin Liddy, Susan Shaw, Gregory Vetter, Victor Ferrante, Jeanne Cervin, Chair.

Not Present: Kim Rose

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

The Chair welcomed Assistant City Planner, Emmeline Harrigan, who was introduced to the Board in her absence at the last meeting.

C. 8-24 APPROVAL

1. **SANITARY SEWER EASEMENT FROM ADP, INC.** – Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval for acceptance of a permanent sanitary sewer easement from ADP, Inc., 205 Bic Drive, for the West Avenue Force Main Project.

Raymond Macaluso, President Westcott and Mapes, Inc., Consulting Engineers, 142 Temple Street, New Haven, representing the Sewer Commission and the Mayor's office. On June 17, 2008, the Board gave Connecticut General Statutes 8-24 approval to construct a second sanitary force main parallel to the existing force main on serving the West Avenue pump station.

Via the plan displayed, Mr. Macaluso explained that this pump station takes 60% of the sewage for the City of Milford. His office was designing the force main, which consists of 5700 linear feet from the pump station to be forced up to Caswell Cove and gravity fed down to the Housatonic River. The prior approval was for the entire sanitary sewer project. Tonight's request is for the easement from ADP, Inc. After the project was designed it was realized that a permanent easement would be needed at the area shown on the map displayed, copies of which the Board had previously received. ADP has agreed to the easement and the dollar amount to be paid.

Mr. Ferrante: Made a motion to approve Section 8-24 acceptance of permanent sanitary sewers easement from ADP, Inc., 205 Bic Drive, for the West Avenue Force Main Project.

Mr. Goodrich: Second.

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Mr. Liddy: Will there be additional easements requested on this project?

Mr. Macaluso: Not on this particular project.

All members voted in favor. The motion was approved unanimously.

D. PUBLIC HEARING; HEARING CLOSES BY 10/7/08

2. **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.

The Chair apologized to Mr. Knuff for delaying his public hearing which had been scheduled for the August 19th meeting.

John Knuff, Esq., Hurwitz, Sagarin, Slossberg and Knuff, 147 North Broad Street, on behalf of Aldi Inc. Introduced Steve Bowman of Aldi, Inc., James Cerkanowicz, PE, BL Companies and Andy Grays, architect with BL Companies.

Requesting Special Permit and Site Plan approval to construct a 16,660 SF grocery store on the parcel located at 232 and 242 Boston Post Road. Parcel consists of slightly more than five acres and is located in the CDD-1 zone. Retail stores in excess of 10,000 SF are permitted use, subject to special permit approval. The property is the former location of the Gloria's Garden Center and Nursery. The loss of that store and the Gloria's grocery store are still missed. There are other retail uses on the site and those businesses, the property, and the City will greatly benefit by the redevelopment of that portion of the site that is vacant.

Despite the efforts of the landlord and the appeal of the site, it has been difficult to find a suitable tenant due to the constraints of the property, regulation requirements as well as retailers' reluctance to open new stores in the present economy. Aldi is the perfect tenant for the site from every perspective (square footage, architecture, parking, landscaping, drainage, traffic flow, as well as meeting regulation requirements. The site will be improved from every perspective. All City departments have reviewed and approved the application. The Tree Commission has also issued their approval for the landscaping requirements. The plan also complies with the Greening of Milford Boston Post Road Initiative. Aldi will be an aesthetic and economic benefit to the surrounding shop owners, the neighboring properties and the City.

Aldi is an innovative grocery store that can considerably lower a family's grocery bill. It is an extremely efficient operation that passes its savings onto its customers. Very attractive design of the building that will feature real brick, expansive windows, extensive landscaping and minimum signage.

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Mr. Knuff showed via a display the location of the proposed property in relation to the Boston Post Road, Plains Road and West Clark Street, as well as I-95. The area is commercially zoned with the exception of some non-conforming single-family residences along West Clark Street. 42,000 SF of retail space will be removed. The proposed plan displayed showed the portion of the Gloria's store that would be removed. The new Aldi store will be located toward the rear of the sites. Fourteen trees within the parking field will be added. Four trees will be added along the Boston Post Road in compliance with the Greening of the Post Road initiative. There will be a grassed area surrounding the entire building with another tree adjacent to the Aldi building. A number of evergreen trees will align the loading dock as well as the entrance. In total, 22 new trees, 28 pine trees, 50 shrubs, 120 perennials will be added. A significant amount of pavement will be removed along the Boston Post Road in keeping with the preference of the Board to have as much of the front setback area landscaped as possible. A curb cut will be closed which will help improve traffic flow on West Clark Street and that area will be landscaped as well. A fence and landscaping will be added next to Wines Unlimited in order to buffer the dumpsters. That is the only area in which the applicant does not comply with the regulations. A waiver is needed to allow a six foot fence which would be necessary to screen the dumpster. However, the fence will be located in the front yard setback. The impervious coverage will be decreased by a total of 20,000 SF. Storm water treatment is being added where none exists. The regulations permit 50% coverage but the building coverage is only going to be 22% and the maximum height will be 22 feet, where 40 feet is permitted.

A traffic report has been submitted, although it was not required. The report shows that on the adjacent roadway system, the level of service will not be lowered at any intersection.

Met with the City Planner on a number of occasions and the plan has improved as a result of these meetings. One issue that had not been addressed is the elevation of the side of the Wines Unlimited store, which is the south facing elevation.

Mr. Lambiase, an adjacent property owner has requested that a particular tree at a residence on the property line where his father lives not be removed. If the tree can be preserved and maintained it will remain. However, if it cannot be preserved, some pine trees will be added to block his father's view of the rear of the building. Nothing takes place in the rear of the building, so the view by the residents of the houses will be minimally affected.

James Cerkowicz Civil Engineer, BL Companies, 150 Trumbull Street, Hartford, representing Aldi. The existing parking area is being completely redone. Pavement is deteriorated and will be removed. The parking area will be regraded and repaved. The entrance to Plains Road is being shifted farther away from the existing residential properties. Some additional screening is being placed along that entrance and along the side of the loading dock area.

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The new layout will provide 198 parking spaces, and that exceeds the requirements of the regulations. The access point off West Clark Street will be closed and that will help as it was very close to the intersection of West Clark and Route 1. There will be a large landscaped island in the parking area. Storm water treatment is being added where none existed before. The dry wells at the existing site will be left in place as a secondary backup measure.

Parking lot lighting will be redone. The former wall pack lighting that was on the facade of the building will be replaced with 20-foot high light poles in compliance with the regulations. No glare or trespass will come off the site. The placement of utilities services was indicated on the site plan display.

Andrew Graves, Architect, BL Companies, 355 Research Parkway, Meriden, CT
Via the displayed illustrations, he described the design of the Aldi building, the modifications that are proposed for the Wines Unlimited store, as well as the demolition and exposed wall that will be left as a result of the renovations. In siding the building it was important to make sure the building addressed the parking lot as well as the street, which sometimes can be difficult. The loading area will be around the rear of the building and will not be visible from the street or the parking area. The dumpster is set back and fully enclosed near the loading area. The loading area is relatively small compared to other grocery stores. Utilities are all underground. The brick veneer wraps all four sides of the building. Pilasters, as a decorative element, are on all four sides of the building. There are expansive windows at the front and back of the building. Photographs of a similar Aldi site, both interior and exterior, were distributed to the Board and date stamped into the record. Signage is modest and integrates into the facades. There is a proportioned fin entry cornice that wraps the front facade tower and acts as protection for people. This is a nice addition to the plaza. The project is in compliance with all the architectural regulations of the City.

Mr. Graves distributed a rendering of the exterior views of the Wines Unlimited store, along with photographs of two views of the subject plaza, which was date stamped into the record. He described the existing architecture of the plaza as not having any strong architectural elements to be repeated in the new building. It was decided that the Aldi store would be sided with brick, pilasters and a mansard roof, which would tie it with the Wines Unlimited store.

Mr. Knuff: Aldi will be a terrific addition to the site. It was difficult to find the perfect tenant; one who would make the necessary improvements and not be too large for the site.

Mme Chair: Asked for the City Planner's comments.

Mr. Sulkis: Stated he had no comments.

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Mr. Liddy: Asked where Aldi supermarkets are located.

Steve Bowman, Director of Real Estate, Aldi Inc., 828 Sullivan Avenue, South Windsor, CT. Named the locations of existing Aldi stores and the two Aldi stores that will be under construction in the next two months in New Haven and West Haven.

Mr. Goodrich: Stated he noted encroachments on residential properties and asked if agreements had been made with the property owners for access to their property.

Mr. Knuff: There was a lease arrangement between the landlord and the abutting property owner for parking for employees. That will not be necessary now as the site will stand on its own in terms of parking. The project is in compliance with Milford's parking regulations without the abutting property.

Mr. Goodrich: Asked if the parking lot shown on the plans that abuts the neighbors' property will still be used and is there an agreement.

Mr. Cerkanowicz: There might be a slight encroachment of the existing pavement. Not proposing to park any vehicles there. That area will be striped out as no parking.

Mr. Goodrich: There is a vacant lot near the access area at Plains Road. Will that be combined with this parcel or will it be left alone to become something else in the future?

Mr. Cerkanowicz: That parcel is currently vacant. There are no plans to develop anything there at this time.

Mr. Goodrich: Is this part of the Gloria's parcel or is it a separate lot?

Mr. Knuff: There are four separate tax parcels. All the property that is shown within that property line was conveyed by means of one deed some years ago. Whether it still retains its existence as a separate lot does not really matter. The site, as it stands overall, is still below many of the standards in the regulations. Should the site be developed in the future, it would have to stand on its own to meet the requirements of the regulations. The plan that is before the Board tonight does not include development of that vacant lot.

Mrs. Patterson: Police Report had noted that the rear of the building might not be able to be patrolled. What will be done for security purposes?

Mr. Cerkanowicz: Once the police sergeant was advised there would be no exit or emergency door in the back, no loading or delivery area, he realized there would be no reason for security patrol. The area will be landscaped and there will be no lighting. There is an option to add a swing gate at the fence lines at either end of the building if it became necessary for security purposes.

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Mrs. Patterson: Asked the location of the 6' fence proposed on West Clark Street.

Mr. Cerkanowicz: The existing area between Wines Unlimited and West Clark Street is unsightly. The pavement will be removed and the area will be landscaped and fenced.

Mr. Knuff: David, James and Fire Marshall Cooke came up with the solution that the fence and landscaping will still provide the necessary access for the fire department.

Mr. Vetter: Describe the changes with the abutting properties.

Mr. Cerkanowicz: Described what will change and what will remain intact in relation to the abutting properties.

Mme. Chair: Where will the dumpster for Aldi be located?

Mr. Cerkanowicz: Within the loading area. Showed on the diagram where the dumpster, screening and plantings would be.

Mme. Chair: Unclear about the wall at the side of Wines Unlimited?

Mr. Knuff: The combination of brick work and landscaping will be a little more interesting.

Mme. Chair: How have the Tree Commission suggestions been incorporated?

Mr. Knuff: The species within the parking area have been varied. Described the locations as to where landscaping and trees, in particular, to landscape the front setback area, which exceeds the requirements of the regulations in the parking field and other areas. Concerned that if there are too many trees in that area, all views toward the other shops will be blocked.

Mme. Chair: Asked about the trees for the Boston Post Road streetscape. Regulations ask for one tree for every forty feet. Can another tree be planted?

Mr. Knuff: Will add another tree, however, Mr. Wing stated the plans were in compliance with the Tree Commission.

Mme. Chair: Asked that another tree be planted.

Asked if all the comments made by the City Engineer had been addressed.

Mr. Knuff: Submitted an email from Bob Brinton today that concludes the exchange with BL Companies that all his issues had been addressed.

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Mme. Chair: Is State DOT approval at the Boston Post Road still needed?

Mr. Knuff: A left hand turn lane is being added. A permit from DOT will be needed.

Mme. Chair: Asked about the signage.

Mr. Knuff: There is an existing multi-tenant sign that is coming down. The new sign will be less obtrusive than the existing sign. There will be a low monument sign at the second street frontage.

Mme. Chair: Asked that five-inch street numbers be put on the signs.

Mr. Liddy: Have energy conservation measures been taken for this project?

Mr. Knuff: Aldi is a very energy efficient company. They are smaller than most supermarkets, so their energy use is less. They encourage the reuse of grocery bags.

Mr. Graves: All the lighting is compact fluorescent. There is an energy management system, which minimizes the energy costs in the building. Insulation is rated high. Although the store is small, it exceeds the energy requirements by 3-4%.

Mme. Chair: The Board cannot require this, but are encouraging new construction to be green wherever possible.

Mr. Graves: As a LEADS professional he agrees and encourages its use whenever possible.

Mme. Chair: Asked if there was anyone to speak in favor of the application?

Leon Smith, 66 Fairfield Street, Milford. He shops at Aldi in Wallingford. Very reasonably priced retail store.

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

Mr. Knuff: Summarized the attributes of an Aldi Food Market in Milford. Stated the conditions that the Board had discussed: 1) New elevation of Wines Unlimited, 2) Addition of evergreen trees and protection of the existing tree along Mr. Lambiase's property, 3) the addition of another street tree, which would be five along the Boston Post Road.

Asked if the Board could take a vote on this project tonight.

Mr. Goodrich: Questioned who owned the property on the Plains Road side where the monument sign would be going.

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Mr. Knuff: Stated the monument sign will be located on the property that is owned by TVLJ, the owner of the entire parcel of this project.

Mme. Chair: Declared the public hearing closed.

Stated if the Board members thought they needed additional time to look at the plans, the project could not be voted on tonight.

Mr. Liddy: Excellent presentation. Everything appears to be in order, but two weeks is not too long to wait for a project that will be around for many years.

Mr. Ferrante: Asked that Staff prepare a motion for the next meeting that will incorporate the conditions discussed.

Mme. Chair: Made such a request of Mr. Sulkis. Conditions will include: The request for a waiver; tree to be added on the Post Road street frontage; work on saving the tree on the neighbor's property.

A short recess was taken from 8:30 to 8:35 p.m.

E. NEW BUSINESS

3. **192 MEADOW STREET (ZONE R-10)** – Petition of Alfred D. Watts for a Minor Amendment to a Special Permit to allow the Cornerstone Christian Center to establish an after school program on map 76, Block 917, Parcels 3A and 3G, of which Cornerstone Christian Center is the owner.

Akiva Watts, Youth Director, Cornerstone Christian Center, 192 Meadow Street, with Ruth Barberi, Director of the Cornerstone Learning Center After School Program. Requesting the Board's permission to establish an after school program to service up to 40 children, ages 5-10. Religious services are on Sundays between the hours of 8:00 p.m. and 2:00 p.m. and Wednesdays between 6:00 p.m. and 9:00 p.m. The proposed program would operate Monday through Friday 2:30 to 6:00 p.m. Will not coincide with any other church services. Children will come from the Milford area schools. They will be transported by vans to the school. Parents will pick up their children. Pickup and drop off will take place at the rear of the building. Will use one wing of the Fellowship Hall to be used solely for this purpose. No renovation or structural changes will take place. Bathrooms are attached to this wing. There is a kitchen that will be used for water, but no snacks or food of any kind will be served.

Church will operate the program in the existing 1400 SF, which meets the State code required for children. Have received approvals from the State agencies and the necessary City departments. Handed out photographs and schematic drawings of the layout of the building which were date stamped into the record. Would like to start the program as soon as possible.

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Mme. Chair: Asked Mr. Sulkis for his comments.

Mr. Sulkis: This is an application that is before the Board because it falls under the category of a daycare center according to our regulations.

Mme. Chair: Need to verify there will be no outdoor activities for the children.

Mrs. Watts: There is no playground area and there will be no outdoor activities.

Mr. Liddy: Asked about the fire department's report concerning fire extinguishers.

Ms. Barberi: That was the preliminary report. The fire department's requirements were updated and there is was a certificate circulated to the Board that gives clearance on this issue. City departments and the State of Connecticut will conduct annual inspections as necessary.

Mr. Bender: Made a motion to approve the petition of Pastor Alfred D. Watts to allow the establishment of an after-school program

Mrs. Golden: Second.

All members voted in favor. Motion approved unanimously.

F. PROPOSED REGULATION CHANGES

Mme. Chair: Public hearing for approval of the proposed regulations will be held November 18th. Has more regulations for the Board to review after the upcoming process.

Mr. Sulkis: The public hearing in November will also include proposed regulation changes on signage initiated by Milford Progress. The Board will receive the information in time for these changes to be included in the November 18th meeting.

G. LIAISON REPORTS –

Mrs. Patterson: Went to the Police Commission meeting. In response to Mr. Liddy's comments last month about parking vehicles on the sand at the beach, they have referred the matter to the Public Works Department.

H. PLANNING COMMITTEE - None

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I. APPROVAL OF MINUTES – (8/19/08)

Mr. Bender: Motion to approve.

Mr. Vetter: Second.

All members voted in favor to approve the minutes as recorded.

J CHAIR'S REPORT

Mme. Chair: Commented on two articles that appeared in last week's CT Post and New Haven Register. Stunned at Mr. D'Amato's assumption that he had a right to special treatment as a developer in this city. Happy with Mr. Sulkis' response, which was clear that he follows the regulations.

Mr. Sulkis: Happy he was accused of doing his job correctly.

Mme. Chair: Noted it was also said that the zoning regulations were outdated. The Board must hold a public hearing for Special Exceptions when the proposed project is a change of use in a particular zone.

Mr. Bender: Stated his opinion that the Board should not compare a large business' application with that of a small business. A small business should be able to obtain the Board's approval (when they meet the requirements), without going to the same level a large business might go to.

Mr. Ferrante: Agreed with Mr. Bender's sentiments. He clarified for the Chair the context of Mr. Bender's statement in relation to the two Special Exemption applications that were heard at the last meeting.

Ms. Shaw: Had a problem with the headline in one of the articles that had to do with construction, which has nothing to do with planning and zoning office.

Mr. Goodrich: The Board has to accept all criticism as being constructive.

K. STAFF REPORT – None.

Mr. Liddy: Asked if Dunkin' Donuts obtained a CO, which had been discussed at the previous meeting.

Mr. Sulkis: Stated they had complied with what was necessary and had obtained a CO.

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The Chair asked the Board for their input as to whether they wanted to pursue Ms. Rose's suggestion that the Planning and Zoning Board meetings be televised.

The board members discussed this issue.

Mme. Chair: Wanted to take a vote before the vice chair continues in active pursuit of televising the meetings. Due to the diverse opinions, will hold off on a vote. Money would not come out of the P & Z budget. Would be up to the Board of Aldermen to appropriate the funds.

Mr. Bender: Motion to adjourn.

Mr. Goodrich: Second.

The meeting adjourned at 9:05 p.m.

Phyllis Leggett, Board Clerk