

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Chairman Ludtke: Called to order the meeting of the Planning & Zoning Board at 7:35 p.m.

A. ROLL CALL

Members Present: Scott Willey, Anthony Giannattasio, Jeanne Cervin, Mark Lofthouse, Jack Jansen, Frank Goodrich, Nancy Seltzer, Chairman Ludtke, Kevin Liddy (7:40), Pat Champney (8:45).

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

Chairman Ludtke: Motion to reorder the agenda to allow the Public Hearings to be heard first.

Ms. Cervin: So moved.

Mr. Jansen: Second.

The motion carried unanimously.

D. PUBLIC HEARINGS

4. **22 MIDWOOD ROAD (ZONE R-10)** Petition of Noel and Mary Ellen Luth for a Special Permit to construct an accessory apartment on Map 38, Block 525, Parcel 14, of which Noel and Mary Ellen Luth are the owners.

Walter Piechota, Piechota Construction, Orange, CT, builder for Mary Ellen and Noel Luth, 22 Midwood Drive in Milford. Propose putting a second floor addition to the property. The dimensions will be 26' x 43' of which 732 sf will be used for an in-law apartment for Mrs. Luth's mother. Described the rooms of the in-law apartment and the main house. Reviewed the setbacks and roof overhang dimensions.

Mr. Goodrich: Questioned the 10-foot setback for the zone and the setback shown on the plans.

Mr. Crabtree: It is a partial second floor addition that does not go all the way across. He called attention to the dotted line on the site plan that showed the setback at almost 25 feet.

There was no one to speak in favor or opposition to the application.

The public portion of the public hearing was closed at 7:41 p.m.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
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TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

5. **989 BOSTON POST ROAD (ZONE CDD-1)** Petition of Blakeman Construction LLC for a Special Permit and Site Plan Review to construct a pharmacy greater than 10,000 SF with drive-up window service on Map 77, Block 825, Parcel 60, of which Blakeman Construction LLC is the owner.

Christopher Smith, Esq. Shipman & Goodwin, Hartford, CT. Resident of No. Branford. Present on behalf of the owner/applicant, Blakeman Construction. Applying for a Special Permit and Site Plan Approval at 989 Boston Post Road, for a CVS pharmacy with a drive-thru window service. Property is located at the former Gathering Restaurant site, which is now vacant. It is approximately 1.86 acres with no wetlands, in the CDD-1 district. Present tonight, the owner/applicant, James Blakeman and Pat Rose, architect, of the firm Rose Tiso.

Stated the Police Department's correspondence and a traffic study update was presented. Reviewed the packet of information that was submitted to the Planning & Zoning Board office, and the Board members. Appeared previously before the Board with two applications on this property. The prior applications contained two buildings with drive-thrus. Present application is for one building. Previously asked for allowable waivers under those applications. At this time no waivers are being requested for a Special Permit. Reviewed the responses from the City departments. Read the response from the Traffic Section of the Police Department. Reviewed Bruce Hilson's supplemental traffic report dated September 11, 2007. The information was updated to reflect the traffic based on one use on the property based on the ITE.

Via a site plan display, Mr. Smith described the ingress and egress of the property.

Received a letter from CVS dated March 29, 2007 as to the size of the building and the two drive-thrus. 11,800 SF building is the smallest store they can have. CVS receives approximately two warehouse deliveries per week. A copy of the letter was date stamped into the file. CVS has reviewed and approved the plans, so there would be not have to be any further changes. Mr. Smith reiterated: The bank use has been eliminated. Two drive-thrus instead of one drive-thru for the CVS and no requests for waivers.

Mr. Giannattasio asked about the statement that the 10-foot wide opening meets the regulations. Mr. Smith responded it was for a driveway. Mr. Sulkis asked where this is stated in the regulations

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CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Pat Rose, Architect, Rose Tiso & Co., Fairfield, CT. Resident of Milford.

Reviewed the parking for the facility via the entrances/exits from the Boston Post Road, Locust and Cherry Streets. Reviewed the drive-thrus for the facility. 71 parking spaces, three handicapped spaces. Building structure has been changed from clapboard to red brick. Rendering of the building was on display. Described the monument side that meets the regulations for signage. Landscape plan was reviewed and commended upon by the Tree Commission. Site lighting was described as 20-foot poles with a 400-watt low halo light fixture.

Ms. Cervin: Concerned about two drive-thrus and bypass lane. Some CVS stores have one drive-thru. Ten foot regulation in question.

Mr. Smith conferred with Mr. Rose on the issue and then stated a 15' wide travel lane could be provided. The building would have to be moved over a bit and a few parking spaces that are not needed for compliance, might have to be eliminated. The 15-foot wide travel lane could be provided as a condition of approval.

Ms. Cervin: Other CVS stores have one drive-thru. Why can't a store of this size have just one drive-thru?

Mr. Smith: CVS requires the two drive-thrus in all their new stores. They have reduced the size from 12,900 SF to 11,800 SF, but they require the two drive-thrus.

Ms. Seltzer: Would like to stipulate that no other business go in on the site.

Mr. Sulkis: This is a public hearing for a specific application and the Board's decision is to be made on the information presented and not on what could happen in the future.

Mr. Liddy: What about Locust traffic not going one way, but going both ways?

Mr. Smith: There will be stop signs and arrows pointing. This will be in accordance with the Police Department's correspondence requiring signage.

Mr. Lofthouse: Mentioned curb cuts on the plan.

Mr. Rose: They are existing curb cuts but will be removed. There will be a sidewalk around the property and no curb cuts.

Ms. Cervin: Asked if Mr. Sulkis had any comments on the widening of the travel lane.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
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Mr. Sulkis: Happy that this can be accommodated. Since parking is not an issue for this application, losing the three spaces will not matter. If the Board approves the application, would like to see that the layout in the front of the building works. Believes the applicant will not have a problem accomplishing this.

Ms. Seltzer: Asked that plans be submitted to the Board for their next meeting showing the changes discussed.

Mr. Smith: Asked that the Board approve the application with this one modification. Trying to accommodate CVS without losing them. They would like to be in by the end of this year. Asked that the Board not require them to come back again. Mr. Sulkis would ultimately be approving the plans with the change.

Mr. Lofthouse: Why was the size of the CVS building reduced?

Mr. Smith: So that no waivers would be required for the application.

Chairman Ludtke: Asked if anyone in the audience wanted a recess to review the site plan displayed. (No response) Asked if anyone in the audience wanted to speak in favor of the application. (No response) Asked if anyone in the audience wanted to speak in opposition to the application. (No response)

The public portion of the Public Hearing closed at 8:26 p.m.

B. PUBLIC HEARINGS HELD 8/21/07; exp. 10/25/07

1. **1200 BOSTON POST ROAD (ZONE CDD-5 AND R-18)** Petition of John Zyrlis, TPA Design Group, for a Special Permit to construct a 10,000 SF retail building and a Special Exception to expand the parking area within the R-18 zone, on Map 89 and portion of Map 87, Block 832, Parcel 10, of which 217 State Milford LLC is the owner.

Ms. Cervin: Made a motion for approval as submitted by Staff.

Mr. Goodrich: Second.

Mr. Liddy: Asked if the motion took into consideration the zone change.

Mr. Crabtree: The minutes stated the zone change would be brought about by the City with other map changes in the near future. Not related to the motion.

Mr. Liddy: Questioned the landscaping and report by the Tree Commission not being included in the motion.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Crabtree: Read the letter from John Zyrilis to Steve Wing wherein he outlined and fully described the landscaping and trees that would be planted, and the new site plan that would be submitted to Mr. Sulkis for approval. Mr. Crabtree stated this letter was referenced in the motion to approve.

Mr. Lofthouse: Said he saw no mention of dumpsters or enclosures on the site plan.

Mr. Jansen: Said a concrete pad for dumpsters was on the plan but did not show enclosures.

Mr. Sulkis: The two large stores use compacters connected at the loading dock area in the back of the site.

Mr. Lofthouse: Made an amendment to the motion to read all new and existing dumpsters on site be placed in proper enclosures as approved by staff.

Ms. Cervin: Second.

All members voted in favor of the amendment. The amendment to the motion passed unanimously.

All members voted in favor of the motion. The motion passed unanimously.

C. OLD BUSINESS

2. **27 and 33 BROADWAY (ZONE CDD-2)** Petition of Vincent Bagdasarian for a Special Exception and Coastal Area Management Site Plan Review to allow a fourth residential unit to remain at 27 Broadway; with combined parking for adjoining building at 33 Broadway on Map 16, Block 147, Parcels 4 and 3, of which Vincent Bagdasarian is the owner. **(Meeting Held 8/7/07; exp. 10/12/07)**

Mr. Willey: Approve the motion as submitted.

Mr. Lofthouse: Second.

Ms. Cervin: Hard to make a decision on this. Would like to see the changes made to the building. Still have a problem with the parking situation and the number of bedrooms. Believe the parking spaces are sketchy and see 11 bedrooms. No mention of the garage that is there. It is taking up two parking spaces in front of it. Suggest removing the garage and acquire approximately five parallel parking spaces if the spaces are merged. Parking is impossible in

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

the area. Would not vote for this unless at least two more parking spaces are established.

Ms. Seltzer: Agreed with Ms. Cervin. Garage may be needed for storage, but the property needs more parking. They are adding more bedrooms.

Mr. Willey: There is a reduction in the bedroom count, not an increase in bedrooms.

Mr. Jansen: There are eight housing units in the two buildings and eight unencumbered parking spaces. Historically this is a permitted use for this situation for the number of units and number of parking spaces per unit. The Board has approved applications in this mixed-use area for such purposes.

Ms. Seltzer: Good thing is that the property is being merged for increased parking.

Ms. Cervin: The parking spaces that are between the two buildings, very hard to think how the cars can be parked. Possibly seven spaces at best.

Mr. Sulkis: The properties are not being merged. There will be a cross easement put on the property for parking. The parking is joined, but the properties are not.

Mr. Goodrich: Reviewed the status of the two buildings in question. This is a difficult situation but it will be an improvement over what is there now. There will be reduced bedrooms and more parking in the area.

Mr. Lofthouse: Made an amendment to the motion that an inspection of the premises can be made at any time by staff.

Ms. Cervin: Asked why they could not ask for the garage to be taken down, as it is an eyesore and it would not be used because there are two parking spaces in front of it. Although it would be difficult to take down a concrete garage, it would provide another parking space, plus the two designated in front of it.

Mr. Crabtree: Recommended that the inspection provision not be put in the motion. Planning and Zoning has the right to inspect the property anyway. Concerned about the other permits or special permits where such a condition was not put in. It complicates the matter for future motions. Everything is subject to inspect any time every time it is necessary.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Lofthouse: Mr. Sulkis has stated in the past it cuts out the red tape of performing an inspection if the applicant waives the right in writing that the premises can be inspected at any time to ensure the bedroom counts are not increased. This was done for the car wash and other facilities.

Made an amendment to the motion that the applicant agrees to inspection of all apartment units at the discretion of Milford Planning and Zoning staff.

Mr. Liddy: Second.

Mr. Goodrich: Asked Mr. Sulkis for his opinion on this matter.

Mr. Sulkis: Stated both views are correct. However, he stated that the hotel on Old Gate Lane comes to mind because of the parking issue and the problem with the manager's unit and the C.O. that they sought. It was a unique situation and a condition was made in the approval. When an applicant comes before the Board it is assumed that what they are telling you is the truth and they have provided you with the proper evidence. If you are not comfortable with the quality of the information that has been provided, a condition of approval can be made.

Mr. Lofthouse: It is not necessarily for the current applicant, but if the property changes hands, it will ensure that any future owner of this property will be aware of this issue.

Ms. Seltzer: Agreed, stating that owners, staff and board members may change, but this additional layer will be added protection.

Mr. Sulkis: The approval is on the land records and is a part of the file, and that cannot change, even though people can change. It is in the regulations and the owner always has to comply with that approval.

Mr. Jansen to Staff: Asked where in the regulations does it allow the Planning and Zoning staff to go into premises and inspect them.

Mr. Sulkis: There would have to be a reason to believe that there is noncompliance for such an inspection.

Mr. Jansen: If the motion was put in as part of the approval, a specific reason would not be necessary to make the inspection because the owner has agreed to it in advance.

Mr. Crabtree: Clarified how an inspection of this type is made, according to the regulations, but if the owner does not let the inspector in, a warrant must be obtained.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Ms. Cervin: Cited 7.2.9 under Special Permits, it states a public hearing would be necessary in order to inspect the premises. This amendment would preclude the necessity for a public hearing.

A brief recess was taken at 8:53 p.m. to look up information in the regulations. Back on the record at 8:59 p.m.

Mr. Sulkis: Section 8.13. Violations and Penalties. Read the portion of the regulations that applied to inspecting premises.

Mr. Goodrich: The neighbors in the area will make the office well aware if they suspect anything.

A vote was taken: Amendment to the motion passed unanimously.

Mr. Liddy: Made a motion that the garage be removed to make more parking available.

Ms. Cervin: Second.

Ms. Seltzer to Mr. Sulkis: Is the Board allowed to make this modification?

Mr. Sulkis: If the property owner is in agreement it is permissible.

Mr. Lofthouse: What is the garage being used for presently?

Mr. Crabtree: Being used for storage. That is why it is not being showed for parking.

Mr. Willey: It is a very drastic step to ask an applicant to demolish a garage. The application is good as it is. If they did not need it for storage they would have stated it for use as parking. It is definitely an improvement and will be one of the better properties with parking in the area.

Mr. Jansen: Agreed with Mr. Willey. It is a big enough improvement of the property and the parking is adequate. A garage appears to be necessary in that area, where space is tight.

Ms. Cervin: In the past, what the garage was being used to store has been questionable.

Ms. Seltzer: Agrees with Mr. Jansen. Lack of a basement means the garage is necessary for storage. Tough decision, but it is an improvement.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Jansen: Believe the people in the area need these properties to be upgraded. The petition from the neighbors show they are in favor of the application.

A vote was taken on the amendment to demolish the garage: 2 members in favor (Cervin and Liddy). 8 members opposed. The amendment failed.

A vote was taken on the amended motion: 9 members in favor. 1 member opposed (Cervin). The motion was approved.

3. **188 CLARK STREET (ZONE CDD-1)** Petition of D'Andrea Corporation for a Site Plan Review to construct a Dunkin' Donuts on Map 53, Block 305, Parcel 4, of which Mimi and Margaret Faustini are the owners.

Mr. Sulkis: Cross out #2 of the motion about reducing the spaces from 23 to 21. Mentioned that #5 required the Board to fill in the blank as to the height of the fence. Suggested a 5 or 6-foot high fence. Applicant would like it open on top.

Mr. Liddy: Stated he had requested a right turn only onto the Boston Post Road. In the application presented tonight, they had exactly that situation.

Mr. Sulkis: Explained how it was applicable for the previous application and not for the present application.

Mr. Lofthouse: Made a motion to approve as submitted by Staff, with an amendment that the parking spaces at the dumpster be designated "Employee Parking Only". Also, a 6-foot high alternating board fence with lattice design at the top.

Ms. Liddy: Second.

Ms. Seltzer: Suggested the Huntington style.

Mr. Lofthouse: Amended his amended motion to include the fence height at 6 feet and design chosen with the approval of Staff.

Mr. Liddy: Second.

Mr. Goodrich: Stated that this drive-thru is better designed and safer than the the drive-thru restaurant approved at the Milford Crossing site.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Ms. Cervin: Stated even though it was great for the site and there is no problem with the design of the building, she will vote against the application for the following reasons: Does not like the waiver for the buffer. Would prefer a larger buffer on Clark Street; Safety issues at the site and does not like the drive-thru; an increased menu would require more parking and cars coming and going.

Mr. Willey: Agreed with Ms. Cervin, especially in view of the fact the Police Department stated traffic was an issue and would not recommend it. Asked Mr. Sulkis if he felt the same about this application now as he did on August 21st when he wrote a memo to deny the application.

Mr. Sulkis: Stated his concerns were reflected in all the waivers the applicant was requesting. It is a small site but the only way the application will work is with the waivers. Board requested a motion for approval.

The Police Department recommended against this application, but the applicant presented their side to counter it.

Mr. Lofthouse: The Board cannot dictate what goes in and out of the drive-thru windows. There are three front yards to this property, so the dumpsters being in the front yard cannot be helped.

Mr. Jansen: Originally in favor of the application. Upon further review, they are requesting a lot of waivers. There could be safety issues with left turns being allowed on the Boston Post Road. Suggested the application be denied without prejudice and the applicant come back with some modifications.

Mr. Goodrich: Clarified that he was mistaken when he read that the Police Department actually approved the application.

Mr. Jansen: Compared this to the application presented this evening. They had come back a couple of times and the new application is extremely better than those previously submitted.

Chairman Ludtke: Asked if the Board wanted to move on the motion as presented or whether it should be withdrawn and make a motion for denial without prejudice, so a modified version could come back to the Board.

Mr. Lofthouse: If it is denied without prejudice, should state the specific reasons for which the board is denying.

Mr. Jansen: Gave the reasons: Issue with buffers; safety issues in traffic and parking. At least three issues should be addressed.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Ms. Cervin: Also the drive-thru that can block the handicapped parking space. Also, the parking spaces by the dumpster.

Stephen Studer, Esq., 75 Broad Street, Milford. Point of order. This is not a public hearing and there is no time limit. Asked if he could speak about some of the concerns the Board is stating:

Waivers: Satisfied the standards for waivers per the regulations.

Parking: Compared the approval of the Dunkin' Donuts at 1338 Boston Post Road and the application being presented. If the cooler is not added into the square footage of the building, there is adequate parking. The drive-thru reduces the number of parking spaces that are needed for parking. Discussed the regulations for drive-thru restaurants and the site.

Landscape buffer. Cited previous approval for waivers for landscaping on larger properties with one front yard than what is being requested in this application.

Stated this application could not be redesigned given the small size of the store and the unique property involved. Given the quality of the architecture, landscaping and use, the application merits Board approval.

Discussed the safety and traffic issue as presented by the Police Department's report and the report and study made by Mr. Ditman of Barkan and Mess. Explained why a right turn only onto the Boston Post Road could not be done, but stated that the driveway could be widened to three lanes; one entrance and two exits.

Mr. Lofthouse: The site is presently an eyesore. It is a unique property. Do not see the traffic in that area in the morning. Stated that the police report noted that three lanes of the Boston Post Road have to be crossed in order to gain access to the site. He noted this is the case in every business from Orange to Devon because of traffic lights and left hand turns. How can other sites with drive thrus or buffers be approved and not approve this property, which is more unique and somewhat handicapped.

Ms. Seltzer: This would be a good use for the property.

Ms. Cervin: A creative architect could come up with another use for the property.

Mr. Sulkis: Corrected his earlier comment that #2 of the motion would stand.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Goodrich: Dunkin' Donuts is a high volume business. Where else would you put a business like this? Probably the best you will get for this site. High volume business that is always on a main road.

Mr. Liddy to Mr. Sulkis: Can you envision any other type of business in this space?

Mr. Sulkis: If a business wants to be at a location, they will work at making it right. Eventually something will come through. If the Board is comfortable with the waivers, it will work.

Mr. Jansen: Stated he would never deny an application based on traffic. Will not use traffic as a reason for denial.

Mr. Lofthouse: Reviewed the waivers requested, stating to him none of them appear to be extreme.

Ms. Cervin: Just because something was done before does not mean it should be done again. Should learn from mistakes. There should be a creative way of dealing with this site.

Mr. Goodrich: The site does not have a true by-pass lane but it does have an exit onto West Main Street and another exit into the parking lot.

Mr. Willey: Has no problem with the waivers, just a problem with the traffic and ignoring the police report. Thought the location of the left turn traffic light would be an issue. The traffic study was done on a Friday morning in August, which traditionally is one of the lightest traffic days of the summer.

Chairman Ludtke: This is a tough site. No matter what kind of business goes there will have the same ingress/egress situations. If this application is denied, the use is being taken away from the owner. This is as good an application as any that can go there.

Mr. Giannattasio: No problem with the waivers. Could the driveway be widened as the applicant said they would do?

Mr. Sulkis: Could create another waiver. Would have to look into it.

Mr. Liddy: If three lanes are created it will cause too much confusion and probably cause some accidents.

Mr. Jansen: Disagreed. Explained why he did not think creating three lanes would cause any accidents.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Ms. Seltzer: Agreed that three lanes would work better, especially with the proper signage.

Chairman Ludtke: In his area most of the shopping centers have three lanes.

Mr. Jansen: Amendment to motion for applicant to work with Staff to establish a three-lane entrance/exit. Also, eliminate the cooler for square feet for required parking, allowing the waiver of 21 parking spaces.

Ms. Seltzer: second.

A vote was taken on the two-part amendment. Nine members voted in favor. One member opposed (Liddy)

A vote was taken on the amended motion: Seven members voted in favor. Three members opposed (Willey, Cervin, Champney).

E. NEW BUSINESS

6. **250 ROCK LANE (ZONE LI)** Petition of Eric Olsen for a Site Plan Review to construct a 40' x 101' warehouse addition on Map 92, Block 705, Parcel 3, of which RMCO LLC is the owner.

Eric Olsen, 116 Research Drive, Milford. Agent for Richard Manufacturing for an addition to the existing building, which would create a 4,040 SF, 40' x 101' building. Application goes back to 2004. Mr. Swift, the engineer and architect is present for any questions.

Mr. Crabtree: Gave his comments on the application. There are a lot of trees planted in front. It is industrial. There are no residential neighbors. No buffer strips involved. Very straightforward.

Mr. Lofthouse: No concerns about this application.

Mr. Liddy: Made a motion to approve the Site Plan.

Mr. Lofthouse: Second.

Chairman Ludtke to Staff: Anything the Board should be aware of?

Mr. Crabtree: None.

Mr. Giannattasio: What will the addition be used for?

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Olsen: Warehouse.

Mr. Jansen: This is in an industrial area with similar type warehouse buildings. Meets the regulations. Nice job landscaping.

All members voted in favor. Motion carried unanimously.

7. **214 BROADWAY (ZONE R-5)** Petition of Mark Pucci for a Coastal Area Management Site Plan Review and Site Plan Review to construct a single family residence on Map 13, Block 132, Parcel 5, of which Mark Pucci is the owner.

Chairman Ludtke: Letters have been received and distributed to the Board members from interested parties

Mark Pucci, 42 Summit Avenue, Milford. Applying for a Coastal Area Management Site Plan Review and Site Plan Review to build a new three story, single family residence at 214 Broadway. There will be four bedrooms, four bathrooms, a two-car garage and an 18 x 21 foot deck.

Mr. Liddy: Are there any waivers involved?

Mr. Crabtree: No.

Ms. Seltzer: How can the property line be measured right to the water? The proposed home is significantly greater than what was there previously.

Mr. Crabtree: That is why we get the A-2 survey. It is up to the surveyor to determine the mean high water mark.

Mr. Goodrich: Questioned the elevations and doing work below the regulatory flood elevation.

Mr. Crabtree: Clarified the measurements and stated approximately one-eighth of the building is actually below the elevation and contour line 11. That is why it has to have the openings.

Mr. Sulkis: The regulations do not prevent something from being built in the flood area. It just has to be built to meet the flood regulations.

Ms. Cervin to Staff: Asked if he had concerns or reservations with this application.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, SEPTEMBER 18, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Mr. Crabtree: This is basically the same house that he built down the street, which the board previously approved.

Mr. Giannattasio: Is this before the board because it is a CAM and is it within the regulations?

Mr. Crabtree: Yes.

Mr. Liddy to Mr. Crabtree: Asked if the neighbors' concerns in their letters could be addressed.

Mr. Crabtree: Has not had the opportunity to read the correspondence just received.

Mr. Sulkis: Reviewed the correspondence from Lucille Dente, with whom he had met in his office yesterday. He countered the complaints that were listed, which were similar to those stated in the other correspondence distributed.

Mr. Crabtree: The excavation will be limited because there will be a partial basement. Excavation just for the footings. There will not be huge mounds of sand/dirt from the digging.

Mr. Liddy: Asked if the house was within the proper setbacks from the neighbors?

Mr. Crabtree: Yes. 10 and 5. Requested that the survey be prepared to show how the deck compares to other decks and the building compares to other buildings that are there.

Mr. Lofthouse to Applicant: Any reason why the building could not be pulled back ten feet?

Mr. Pucci: Could have pushed the building ahead, but did not. The reason the house is placed where it is on the survey is to accommodate four car parking on the property and a two car garage.

Mr. Crabtree: The placement of the house was scrutinized from the outset. It is an average between the existing houses.

Ms. Seltzer: There is parking for six cars. If ten feet was eliminated from the driveway and the driveway was diminished to accommodate two cars, it would be more amenable to the neighbors.

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
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Ms. Cervin: There is not a lot the Board can do for the neighbors when the property is within the regulations. If the property were not on the water, the Board would not even be reviewing it. What is the material of the driveway?

Mr. Pucci: Pavers.

Mr. Sulkis: Will there be air conditioners? Where will they be located?

Mr. Pucci: Under the deck in the back.

Mr. Crabtree: The air conditioners will not be in the side yards near the neighbors.

Mr. Lofthouse: Asked what FEMA considers acceptable uses underneath the building.

Mr. Crabtree: Storage, parking. It cannot be habitable or have utilities down there. Anything that would require furniture or heat would not be allowed.

Ms. Seltzer: Asked not to take a vote on this matter tonight and discuss it at the next meeting to review the materials received from the neighbors.

Mr. Jansen: Asked that Staff prepare a motion for approval to be discussed at the next meeting.

7. **836 EAST BROADWAY (ZONE R-5)** Petition of Kenneth Haddad for a Coastal Area Management Site Plan Review to construct a single family residence on Map 27, Block 452, Parcel 4, of which Kenneth Haddad is the owner.

Ken Haddad, 34 Ford Street, Ansonia. The land has been in the family over fifty years. The house that was on it has been demolished and he would like to build a new home for his occupancy.

Ms. Cervin to Staff: Any issues with this?

Mr. Crabtree: This property is not on the beach.

Ms. Cervin: No problems with this application. Board would not be seeing it if it were not in a CAM zone. Motion for approval.

Ms. Seltzer: Second.

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

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F. LIAISON REPORTS

Ms. Seltzer: Commented on the Aldermen's meeting.

G. APPROVAL OF MINUTES – (9/4/07)

Mr. Lofthouse: Motion to approve.

Mr. Liddy: Second.

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

H. CHAIRMAN'S REPORT

Ms. Seltzer: Had hoped to have a draft for the regulation for music in the MCDD.

Mr. Sulkis: Will work on it. Checking with other towns.

Mr. Lofthouse: Asked to put back on the agenda the POCD as a continuing item.

Messrs. Sulkis and Lofthouse: Discussed the best way to pursue POCD updates.

Mr. Lofthouse: Suggested a planning committee/POCD update.

Chairman Ludtke: Stated David had some reservations about an open ended item and the necessity of publishing what the Board is considering.

Mr. Sulkis: Next Tuesday there will be a meeting that will be looking at updating certain sections of the plan and there is nothing to prevent the chairman of that committee reporting to the Board what transpired at the meeting. If it is to be on the agenda, it has to be specified exactly what is to satisfy the FOIA requirements.

Mr. Sulkis discussed what would be involved in listing POCD as an agenda item.

Mr. Lofthouse: Suggested appointing a planning chairman who would give a report and the report could include the POCD.

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Mr. Lofthouse made a motion to add to the agenda item, "Planning Committee Report" as a permanent section in the agenda.

Mr. Jansen: Second.

Mr. Sulkis: Stated a motion was not necessary to place this item on the agenda.

Chairman Ludtke: Relayed a case in point in the Borough of Woodmont and stated that Mr. Sulkis' method of getting this item on the agenda was better than the one previously suggested.

Mr. Jansen: Told by a resident who lives next to the Milford Marketplace that the sidewalk would not be improved at Woodruff Road. Mr. Jansen stated this was contrary to what was approved and no CO's should be issued without the proper improvements being made.

Mr. Lofthouse: Withdrew the motion to add the Planning Committee Update to the agenda.

Mr. Sulkis: When it comes to a CO, the Milford Marketplace will not get it unless everything is according to the approved plan.

I. STAFF REPORT

Mr. Sulkis: Gave the Board an update on Linda Stock's medical condition.

Mr. Lofthouse: Motion to adjourn.

The meeting adjourned at 10:45 p.m.

Phyllis Leggett, Board Clerk