

**MINUTES FOR THE REGULAR MEETING AND ONE (1) PUBLIC HEARING
OF THE PLANNING & ZONING BOARD
HELD WEDNESDAY, NOVEMBER 7, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

A. ROLL CALL

Chairman John Ludtke called to order the meeting of the Planning & Zoning Board at 7:41 p.m.

MEMBERS PRESENT: Scott Willey, Anthony Giannattasio, Jeanne Cervin, Mark Lofthouse, Kevin Liddy, Jack Jansen, Frank Goodrich, Pat Champney, Nanci Seltzer, John Ludtke, Chairman

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

B. PUBLIC HEARINGS

1. **161-165 BROAD STREET (ZONE MCDD)** Petition of Kate Orecchio for a Special Permit and Site Plan Review for mixed-use expansion, including establishing a bed and breakfast guest suite on Map 54, Block 394, Parcel 10, of which Kate D. Orecchio is the owner.

Kate Orecchio, 165 North Broad Street, Milford. Plans submitted to the Board show the addition 15.21' x 21' on the west side of the building, which is in the back. A bedroom addition to an existing efficiency unit in the basement. The first floor will have an additional room for the guitar shop that is there. The second floor will have a guest room and a bath, which will be a personal guestroom, but could also be used for the public, if the occasion arose. There are four trees that will have to be removed in order for the construction to take place. One tree is extensively damaged and the others are seedlings from existing trees.

Mr. Goodrich: The extra bedroom in the basement will share a bathroom with the efficiency apartment.

Ms. Orecchio: It will be part of the efficiency apartment. It will be changed from an efficiency to a one-bedroom apartment.

Ms. Cervin: Will there be a sign in the front?

Ms. Orecchio: A small sign that would be attached to the gray barn sign. A 24-inch shingle.

Mr. Jansen: Will there be trees replanted in the place of the ones being taken down?

Ms. Orecchio: Has some seedlings and will plant other trees where able. Many existing trees.

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Ms. Seltzer: Stated the numbers on the sign are not large. Asked that the address numbers be made larger, five inches, which would be consistent with the regulations.

Ms. Orecchio: Will do that.

Mr. Liddy: There is a carriage house and building in the back. Is the parking adequate there?

Mr. Sulkis: Yes.

Mr. Goodrich to Staff: Bed & Breakfasts need to be owner occupied according to the regulations. If the owner moves, will it cease to be a bed and breakfast?

Mr. Sulkis: The way it is set up, the guest room is attached to the upstairs main unit. It can be used as a guest room for themselves or the public. The Special Permit will state that it would expire upon them leaving the property.

Mr. Liddy: Asked if Ms. Orecchio is currently living on the premises.

Ms. Orecchio: Yes. Technically it is a bed and breakfast according to the Planning and Zoning regulations. According to the Fire Department, it can be a guest room but not a bed and breakfast because it is a mixed-use building. It will be used primarily as a personal guest room.

Mr. Jansen to Staff: Asked about the Fire Department stating that it cannot be a bed and breakfast because of its mixed use. Do our regulations state this?

Mr. Sulkis: No. There are subtleties to the building and fire codes that have nothing to do with the jurisdiction of planning and zoning. We can call it a bed and breakfast.

Mr. Ludtke: Asked if the audience wanted to have a brief recess to review the plans.

(No response)

Anyone to speak in favor of the application? No response

Anyone to speak in opposition to the application? No response.

Declared the public portion of the Public Hearing closed.

Ms. Cervin: Believes there are no issues with this application. Asked for Board approval tonight.

Ms. Seltzer: Second.

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Chairman Ludtke to Mr. Sulkis: Asked if there would be a need for a motion to be written before Board approval.

Mr. Sulkis: This is very straightforward. Would add the condition that the size of the address numerals be in conformance with the zoning regulations.

Ms. Cervin: Motion to approve the application with the address numbers to be 5".

Mr. Jansen: This is an excellent use for a downtown property. Wishes there would be more bed and breakfasts downtown.

All members voted in favor. Motion carried unanimously.

C. PUBLIC HEARINGS HELD 10/16/07; exp. 12/20/07

2. **85-95 BUCKINGHAM AVENUE (ZONE MCDD)** Petition of 31 Developers LLC for a Special Permit, Coastal Area Management Site Plan Review and Site Plan Review in order to construct two three-unit apartment buildings on Map 55, Block 591, Parcel 2, of which 31 Developers LLC is the owner.

Mr. Goodrich: As previously discussed on multi-family units, the single family residence on New Haven Avenue is showing two driveway entrances as proposed. They have to get permission from the State. If they do not get permission there will be one driveway entrance for both residences. Wanted to make the Board aware of this.

Mr. Sulkis: The proposed site is on Buckingham Avenue, which is not a state road. The driveway width conforms to the standards for the property.

Mr. Lofthouse to Mr. Sulkis: Asked if natural cedar shakes were to be used as the siding.

Mr. Sulkis: Hardyboard clapboard and shingle.

Mr. Lofthouse: Asked if the applicant would use different colors on each unit other than the neutral color proposed for the two buildings.

Mr. Sulkis: It is a complex of two buildings with a total of six units. There is nothing in the regulations that states the applicant has to make this change. The color is to be sandstone beige with green trim.

Mr. Lofthouse: Suggested the developer work with the City Planner to come up with two different colors to be used.

Ms. Cervin: Agreed with Mr. Lofthouse.

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Mr. Liddy: Stated there was no entrance onto New Haven Avenue for a safer walking area than Buckingham Avenue. Asked if an easement to New Haven Avenue could be made for this purpose.

Mr. Sulkis: They are showing that the property is going to be divided. Not known if they will keep the front parcel. The use is allowable on Buckingham Avenue and there are very few other houses on Buckingham Avenue. Cannot necessarily make the argument that Buckingham Avenue is not safe. It has limited access. If there was to be an easement to New Haven Avenue, it would affect the house or property on New Haven Avenue and would affect its use in the future.

Ms. Seltzer: Maybe shades of the color that was proposed would create a good look.

Ms. Cervin: Does not see this location as a safety issue. Asked for a sidewalk in the area.

Mr. Jansen: Mr. Sulkis made his argument that you have to start somewhere to make the area beautiful. Feels that way about sidewalks. They have to start somewhere.

Mr. Lofthouse: Concurred with Mr. Jansen.

Ms. Seltzer: OK with the plan without the additional access way. Sidewalks should begin here and continue with future development in that area.

Chairman Ludtke: Asked if the Board felt there was direction for Staff to draw up a motion.

Ms. Cervin: Would vote on the application tonight on the condition of a sidewalk and ask for color change in buildings.

Mr. Jansen: Requested a motion in favor of the application be prepared with the conditions that were discussed.

3. **44 CEDARHURST LANE (TIFFANY LANE) (ZONE R-18)** Petition of Raymond Paier, PE, Westcott and Mapes, Inc. for approval of a 6-lot subdivision on Map 89, Block 832, Parcel 13, of which Richard J. Rutkowski, Tiffany Lane LLC are the owners.

Mr. Lofthouse to Staff: Has the developer indicated there would be fill brought into this project?

Mr. Sulkis: Do not believe so.

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Mr. Lofthouse: There is a line of sight problem and a potential traffic hazard. The turn radius was reduced on the north side. Concerned because the road bends there. By reducing the radius, the line of sight is reduced. Asked if the road could be moved over so it comes out center in the property to give normal turn radii on either side, to increase the line of sight.

Mr. Sulkis: Stated that by bringing the road more to the north it would be brought closer to the curve, which would worsen the situation. At the south part there is the visual easement that will be going across the neighboring property that will be a cleared zone in perpetuity.

Discussion ensued between Messrs. Sulkis and Lofthouse concerning the line of sight and easement issue of the Cedarhurst Lane application.

Ms. Seltzer: Asked if the Board expecting more information concerning the ledge in the area and the blasting that could take place.

Mr. Sulkis: Received a letter from Attorney Studer on this matter. He read the section of the letter that applied to this issue.

Ms. Cervin: Followed up on the Police Department Traffic Report concerning the recommendation on the line of sight. Asked if that had been taken care of.

Mr. Sulkis: The sight line survey that is part of the package should have that answer.

Ms. Seltzer: Asked for the police report to be read.

Ms. Cervin: Read the police report regarding the line of sight.

Mr. Sulkis: The sightline Mr. Lofthouse is concerned with is a distance of 280' and the other is 260' which meets the qualifications of the police department report.

Ms. Seltzer: Asked if it would be safer if two more stop signs at Cedarhurst Lane were added.

Mr. Sulkis: That is the purview of the Police Department.

Mr. Jansen: Would be safer if the two driveways came out onto Tiffany Lane rather than the long distance to Cedarhurst Lane. It would reduce the curb cuts by two and create a safer situation.

Mr. Sulkis: The Hufcuts, the residents on Cedarhurst Lane have agreed to do that.

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Mr. Goodrich: Questioned the three trees in the buffer area to the neighbors are to be removed, as well as blasting on the property.

Mr. Sulkis: Trees are being replaced with new shrubbery.

Mr. Lofthouse: They are cutting down 8 trees in the right of way to make up for the reduced turn radius entrance. Easement on the neighbor's property to make up for where the road is going to be. The road was created that way so that the storm water area is moved closer to the road to get the first house in. The road should not be moved.

Ms. Seltzer: Complicated entrance and exit. Would be a better plan for everyone if there was one less house. Would benefit traffic and the neighbors.

Mr. Sulkis: The question is: If the road was to be relocated closer to Lot 1, do you gain a longer sight distance?

Mr. Lofthouse: It should have the normal radius that any road should have. Should have a normal turn radius.

Discussion ensued between Messrs. Sulkis and Lofthouse concerning the radius of the sight line. Question of the waiver requested on the road radius.

Mr. Jansen: Read on Drawing C-1 of the plans that show there is a request for a waiver from 35 feet to 10 feet in the Subdivision Regulations. The Board can rule on the waiver, which would mean they would have to reconfigure this.

Blasting is not a zoning issue. It has to meet blasting regulations. The Board can only rule on whether the lot sizes meet the regulations and also on the waiver that is requested. They would have to reconfigure their subdivision to get rid of the waiver.

Mr. Sulkis: Read the Engineering Department's report concerning waiver request on the turn radius.

Ms. Seltzer: The Board should not consider the waiver that is being requested. They should comply with the Subdivision Regulations.

Ms. Cervin: If there is any issue of safety here, the waiver should not be granted. Cedarhurst is a fairly busy street.

Mr. Jansen: The Board cannot force this issue, but since 66 Cedarhurst and the house behind it can come out onto Tiffany Lane, if the developer could work it out to change the driveways, it would be cheaper for them to pay for the driveways than reconfigure the subdivision. Also, it would meet the requirements.

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Ms. Seltzer: Asked if a revised plan could be presented for the next meeting.

Mr. Sulkis: The plan can be accepted as is; recommendations for modifications can be made and it can be rejected, but new information cannot be accepted.

Ms. Seltzer: Cannot approve this project as is.

Mr. Jansen: We can accept the plans with changes. If they are willing to accept the changes it can be approved.

Mr. Sulkis: If when they make the changes there is an issue with sight lines, then they will have to come back to the Board.

Chairman Ludtke: Direction to staff.

Ms. Cervin: Make a motion to approve with modification, without giving them the variance.

Ms. Seltzer: Second.

Mr. Jansen: Agree with that approach. It gives the developer the maximum amount of time to come back with the changes before year's end.

Ms. Seltzer: Would like this board to put resolution to this application one way or another. Otherwise, it will have to start over with the new board.

Mr. Goodrich to Mr. Sulkis: If they have to do blasting and there is property damage, how does this situation get rectified? If they clear the land and lots do not get sold and remain vacant, can anything be done about that?

Mr. Sulkis: They have to have insurance and other procedures when blasting is done. Believe state and city departments oversee this.

Mr. Jansen: Only real issue is the street radius. Lots meet the subdivision regulations. If they can fix the radius there is no basis for denial by the Board. Even the sight line issue is a Police Department issue. There is a giant potential for improvement with elimination of the two curb cuts with the driveways going onto Tiffany Lane.

Mr. Sulkis: The modification is that the corner radii have to meet the subdivision regulations.

All members voted in favor. Motion passed unanimously.

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4. 436, 446, 450 NAUGATUCK AVENUE (BEARDS PARK) (ZONE CDD-2)

Petition of Kevin J. Curseaden, Esq. for approval of a 5-lot subdivision on Map 19, Block 12, Parcels 5, 6 and 7, of which LAG Realty, LLC is the owner.

Ms. Cervin: The property to be designated as open space is all tidal wetlands and it cannot be developed in any way. In favor of taking a sum of money in lieu of open space. Asked Mr. Sulkis to elaborate on this.

Mr. Sulkis: The number of parcels will go from three existing parcels to five parcels. Property would have to be appraised and the money received would be ten percent of the appraised value of the two added parcels.

Mr. Goodrich to Mr. Sulkis: Went through the numbers and said they could not put five lots according to the subdivision regulations. The neighbors have a problem with the survey and lot measurements. Will the driveways and turnarounds be adequate?

Ms. Cervin to Staff. Asked for a response to Mr. Goodrich's concerns.

Mr. Sulkis: Number of lots, size and use of the lots is correct and meet the subdivision regulations.

Mr. Goodrich: Asked if the parking area and driveway was adequate for turnaround.

Mr. Sulkis: It looks large enough. It is an unusual layout. Curb cuts to Naugatuck are being eliminated to make one curb cut.

Mr. Lofthouse: The drawing of the houses is conceptual and not an actual site plan. There are no formal details presented.

Mr. Sulkis: The lines are the lines of the subdivision, but what is drawn within the lines are not actual.

Ms. Seltzer: More pervious surface will be created. Due to the flooding that can take place in that area, would ask the developers to consider less asphalt and use more pervious surface to help ease some of the drainage problem.

Ms. Cervin: The Board is being asked to approve the five-lot resubdivision and the form of open space to be made.

Mr. Lofthouse: Make a motion to ask Staff to create a motion for approval from three lots to five lots, resubdivided, and accept a donation of cash in lieu of open space.

Mr. Giannattasio: Second.

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Mr. Goodrich: Uncomfortable approving five lots when there were three where there is no viable plan proving that it is going to work, especially with the driveways.

Mr. Jansen: The subdivision is being approved. Any future plan for multi-family use would have to come back before the Board for approval.

Mr. Lofthouse to Staff: Once the subdivision goes through and goes to the next phase, can these lots go to the Zoning Board of Appeals for waivers on setbacks or other things?

Mr. Sulkis: The lots are in a CDD-2 zone, which is a generous zone. You can build up to the property line in the CDD-2 zone. Not much need for variances in this zone. Difficult to speculate on this.

Mr. Lofthouse: Could they ask to put a large apartment building there?

Mr. Sulkis: They would not be making a subdivision if they had that in mind. They could just combine the lots and put one building there. If they come back with plans other than for one or two family houses on each lot, Special Permit approval would be necessary.

Mr. Sulkis: Stated that once the lots are approved they are no longer subject to subdivision regulations. In order to build on the lots they would then be subject to the zoning regulations.

A vote was taken on the motion to direct Staff to write a motion for approval for of the five lot resubdivision with the acceptance of cash in lieu of land that was offered.

9 members voted in favor. 1 member voted against (Goodrich). The motion carried.

D. OLD BUSINESS

5. **9-11 FLORENCE AVENUE (337 BRIDGEPORT AVE) (ZONE CDD-2)**
Petition of Carl Massaro, Jr., Esq. for approval of a Site Plan Review (with Free-Split), on Map 24, Block 203A, Parcel 37, of which 337 Bridgeport Avenue LLC is the owner.

Mr. Lofthouse: Motion to approve as submitted by staff.

Ms. Cervin: Second.

Mr. Liddy: Asked why there was a condition for the applicant to get a zoning permit within two weeks.

Mr. Crabtree: Explained the history of the property and why the lot split was necessary.

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Mr. Goodrich: When people do things without permits does Planning & Zoning ever make people remove what they built illegally?

Mr. Crabtree: Yes. However, in this case nothing has to be taken down.

Ms. Seltzer: Gave an instance where a cupola that was larger than the approved size, had to be removed.

Mr. Jansen: This situation has occurred in the past, where there were violations that could be corrected by lot line adjustments or other measures to make them compliant.

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

E. TABLED BUSINESS

6. **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.

Mr. Ludtke: Continuation of tabled status.

F. NEW BUSINESS – None.

G. LIAISON REPORTS

Mr. Goodrich: Walnut Beach Association put off their elections. They will be electing new officers next Monday night.

H. APPROVAL OF MINUTES – 10/16/07

Mr. Lofthouse: Motion to approve.

Ms. Cervin: Second.

All members in favor. Minutes approved as submitted.

I. CHAIRMAN'S REPORT

Stated if any board members would like to act as Chairperson for the next three meetings of the year, in order to get a feel for the position, to contact him.

Mr. Willey: Thanked the Staff for their professionalism and help in working with him. Thanked the board members for their help in the past two years.

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Mr. Lofthouse: Congratulated and wished the two aldermen good luck and stated it has been a pleasure working with them.

Mr. Giannattasio: Thanked everyone for their support.

Chairman Ludtke: Wished the newly elected aldermen good luck.

PLANNING COMMITTEE

Ms. Seltzer: Next meeting is cancelled because Stacy Veiro cannot attend the meeting. Scheduled for the second Tuesday in December. Has not received a response to the invitation.

STAFF REPORT:

Mr. Lofthouse: Asked for the status of the violations at the Lily Pad B & B at 44 Prospect Street.

Mr. Sulkis: Explained that the matter will be turned over to the City Attorney's office for action.

Ms. Cervin: Asked which regulation changes would be proposed at the next meeting.

Mr. Sulkis: Architectural standards, accessory apartments, zoning permits, and a zone map change for Twin Oaks Terrace.

Mr. Jansen: What about the request for a zone change for a crematorium for animals.

Mr. Crabtree: That request has been modified as to language and was just received today. It will be referred out to the necessary agencies. Will not be heard by this board by year's end.

Mr. Lofthouse: Questioned the status of regulation changes concerning drive-thrus and outdoor entertainment that were initiated by this board.

Mr. Sulkis: These two changes will not be made under this board's reign.

Mr. Lofthouse: The use of drive-thrus is increasing. Now Subway is using them. Suggests the new board look into this.

Mr. Sulkis: These regulations need to be looked into and more detail should be put into the regulations.

Mr. Jansen: Asked about the progress on the sidewalk on Woodruff Road to be installed by Milford Marketplace.

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Mr. Sulkis: It is being priced out.

Ms. Seltzer: Stated she had proposed a change in parking down in the Devon area to mirror the MCDD. Wanted to see this accomplished in her tenure. Can this be moved along?

Mr. Sulkis: The board will not have enough time to accomplish this. However, the regulations that are in effect allow for parking waivers and parking within certain distances. Will recommend that the new board look at the CDD-2 zone at Bridgeport and Naugatuck Avenues to split that zone and come up with regulations that better represent the character of those areas. Asked that Ms. Seltzer attend public hearings and give her input at that time.

Ms. Seltzer: Stated she would.

Mr. Sulkis: Stated he will work with everybody on the board. Looking forward to the changes and sorry about some of the changes that are happening.

Chairman Ludtke: The Board will be finishing the year with a light load, so that no major projects will be carried over to the new board in the new year.

Mr. Lofthouse: Motion to adjourn.

Mr. Goodrich: Second.

Meeting adjourned at 9:16 p.m.

Phyllis Leggett, Board Clerk