

**PLANNING AND ZONING BOARD AMENDED AGENDA FOR THREE (3) PUBLIC HEARINGS TO BE HELD
TUESDAY, 8 NOVEMBER 2017, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:32 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Scott Marlow (Ch), Nancy Austin, Michael Dolan, John Grant, Brian Kaligian, Carl Moore, Tom Nichol, Tom Panzella

Not Present: Jim Quish (V-Ch), Rick Varrone

Staff: David Sulkis, City Planner; Christine Angelica, Substitute Acting Board Clerk

Chairman Marlow asked and was given a procedural vote to reverse the order of the first two public hearings, such that the 100 Raton Drive application was heard first and 65 Plains Road was last.

C. NEW BUSINESS

1. **681 East Broadway (R-5)** Petition of Catherine A. Cellini, Trustee, for a Site Plan and CAM for new single family home on Map 22, Block 474, Parcel 4 of which Catherine A. Cellini, Trustee is the owner.

Scott Mundy, LS, addressed the board. He said the original house was damaged in Storms Irene and Sandy and is uninhabitable. He said the plan was to move the house back on the lot and raise it above the base flood elevation. He said the proposed footprint is smaller than the original house.

Mr. Sulkis said the project conforms to zoning with no apparent adverse impact to coastal resources.

Board Discussion: None.

Motion: **Mr. Grant** motioned to approve.

Second: **Mr. Nichol** seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **833 East Broadway (R-7.5)** Petition of Ray Paier, agent, for a Site Plan and CAM for new single family home on Map 27, Block 475, Parcel 2 of which Robert Pacelli is the owner.

Raymond Paier, PE, Westcott & Mapes, Inc, 142 Temple St, New Haven, addressed the board. He referred to the survey and site plan. He said the existing structure would be demolished. He described the house, confirming that unlike the old structure, the new structure would conform to all zoning requirements, except for the width. He referred to the CAM report and stated that there were no adverse impacts. He said the structure would be above the base flood elevation. He said the architect was present for questions, if needed.

Mr. Sulkis said the project conforms to zoning, any residual City Engineering issues could be addressed as a condition of approval, and that there were no apparent adverse impact to coastal resources.

Board Discussion: **Mr. Nichol** asked about impacts to dunes and sea grass; **Mr. Paier** said the border vegetation would be protected. He said other vegetation was encroaching from neighboring lots and would be relocated closer to the water. He said the location of the house is in line with other structures in the area.

Motion: **Mr. Dolan** motioned to approve without reference to the City Engineer's comments conditional not included

Second: **Mr. Panzella** seconded.

Discussion: **Mr. Grant** asked about the City Engineering comments. **Mr. Sulkis** reviewed them, emphasizing that the City Engineer's approval would be necessary when the applicant applies for a permit.

Vote: Motion carried unanimously.

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3. **1201 Boston Post Road (SCD)** Petition of John Knuff, attorney, for a Site Plan approval for a minor amendment to a Special Permit for Dave and Buster's Restaurant at the Mall, tenancy # 2094, on Map 27, Block 475, Parcel 2 of which The Connecticut Post Ltd Partnership is the owner.

Attorney John Knuff, Hurwitz, Sagarin, Slossberg & Knuff, LLC, 147 Broad St, addressed the board. He described the Dave and Buster's concept and said the need for a Special Permit was due to changes to the mall's exterior. He said "Buy Buy Baby" was the previous tenant. He said that though the application was being made by Dave and Buster's, not the mall, the mall thinks Dave and Buster's will add to making a visit to the Post Mall a great experience for shopping, dining, and entertainment in a way that an online retailer cannot. He said that Dave and Buster's is a highly sought-after recreational experience that will bring new traffic to other tenants as well. Attorney Knuff handed out Dave and Buster's brochures to the board.

Lisa Warren, Vice President of Development Services at Dave and Buster's corporate headquarters in Dallas, TX, addressed the board. She said she had worked hard with the mall to ensure the business would be a great fit. She said there is an actual "Dave" and also a "Buster" –two friends from Little Rock, AK, one of whom owned a restaurant and the other of whom owned a gaming arcade. They combined the two businesses to create a successful new customer experience. She said the venues are typically 30-40 sq feet, generate \$8-10 million dollars in annual revenue, have 120-140 employees, and feature games, a restaurant, and a bar. She said the customer profile includes males, females, families, parties, special events including corporate events, receptions, etc. She said the corporation is a philanthropic "Make-a-Wish" partner. She described operating hours and said alcohol service policies are strict and strictly enforced, as are public safety policies.

Board Discussion:

Mr. Nichol asked for detail on operating hours. **Mr. Moore** confirmed that both corporate security, mall security, and local off-duty police are utilized for certain hours and events. **Mr. Nichol** confirmed with **Attorney Knuff** that there are no equivalents with local sports bars in the area. Attorney Knuff stated that everything proposed is also permitted by local regulations. **Mr. Nichol** confirmed with **Ms. Warren** that the restaurant will cover 37k sq feet; with 14k as the arcade. She said gaming generates half of the business's revenue, but that there are no games of chance, only games of skill.

Attorney Knuff reviewed the outdoor mall changes. He handed out drawings of layout design, including existing conditions and proposed changes. He discussed placement of a crosswalk, said the façade changes were intended to create the sense of being in a different type of place, and stated that spotlight designations are not actual spotlights, but provide the impression of spotlights.

Mr. Nichol asked how segregation of adults and children is managed; **Ms. Warren** said walls in the bar area are compliant with state alcohol codes. **Mr. Nichol** confirmed with Ms. Warren that when drinks are ordered, a 1-drink/ 1-ID policy is enforced.

Mr. Sulkis described the site as consisting of 38,176 sq feet; he said façade changes were minor; the proposal is zoning compliant; and that the grease trap will be reviewed by the Building Inspection Department.

Motion: **Mr. Grant** motioned to approve.

Second: **Mr. Nichol** seconded.

Discussion: None.

Vote: Motion carried unanimously.

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D. PUBLIC HEARINGS

[NOTE: 100 Raton Drive was heard first at the hearing, but appears after this item.]

Close by 21 DECEMBER 2017

- 1. 65 Plains Road (CDD-1)** Petition of AAP Builders LLC, for a Special Permit and Site Plan Review for 12 units of housing constructed under CGS 8-30g on Map 53, Block 939, Parcel 30 of which 65 Plains Road, LLC is the owner.

Attorney Thomas Lynch, Lynch, Tremicki & Boynton, 63 Cherry St, addressed the board. He introduced property owner Andre Petrovich. He said the proposed CDD-1 zone was appropriate for the siting of affordable housing. He said engineer Joe Codespoti, Sr; architect Greg Grew; and traffic engineer Stephen Ullman of Benesch Associates were present to answer questions about the application. He described the CDD-1 zone as a major commercial zone, and reviewed the zone's history with regard to affordable housing. He said the lot size is .56 acre and that there is currently a late 1800's single family house there, which has been abandoned, was foreclosed on, and has no historical value. He said that in the rear of property, there is a barn, which was a laundry facility in the 1940's. He noted that there is an Aldi's store and Cumberland Farms in the area, and that the new police station will be located nearby. He said I-95 exits and traffic infrastructure are also close by. He described the project, noting that there would be 4 buildings with 3 units in each, similar to units built by Buddy Field on West Main Street. He noted that there would be 24 parking spaces; 2 per unit; some with garages. He said the parking spaces were amended based on Fire Chief Begley's recommendation. He said that 4 of the 12 units would be designated as affordable, meaning that candidates for those units would be limited to earning 80% of state's median income for units costing 1150.40 per month; 60% for units costing 910.63 per month. He said the application had been approved by City agencies, with Inland Wetlands Officer MaryRose Palumbo recommending silt fencing.

Mr. Codespoti, Sr., PE, reviewed the site plan. They said drainage will be improved. He described an area belonging to an abutter that will be maintained by 65 Plains Road LLC with permission. He provided more detail with the utility plan about handling overflow via a new storm drain near Plains Road. He reviewed the Soil and Erosion Control Plan to ensure adjoining properties are protected during construction by a silt fence and a sediment basin. He reviewed driveways and stated that over 130 different attractive plantings and trees would be added to the site. He characterized the project as a small affordable housing plan that won't disrupt neighbors, but compliment the area.

Milton Gregory Grew, architect, reviewed the building plans. He described 4 buildings with 3 townhouses each that are 3 stories high with no basements. He reviewed the ground footprint and floorplans. He said the units range from 990 sq ft; to 1020 sq feet with identical layout features. He noted they feature a 1-car garage, small entry foyer, interior stairs at the rear of the garage and a mechanical area plus storage. The next level features a kitchen, dining room, and half bath. The 3rd floor feature 1 large bedroom facing front plus an open area as study/loft; full bath and closet. The buildings feature hipped roofs and layered gables. He reviewed the elevations with interior units compared to end units.

Steve Ullman, traffic engineer, provided a handout that addressed a peer review study and said he would review his own findings as well as response to the peer review. He reviewed characteristics and traffic patterns on the relevant streets near the intersection of Plains Road and West Clark. He said he had measured the relevant distances and determined that the site meets requirements. He stated that he reviewed crash data starting in March 2014 to March 2016. He described the standard he used for the study. He projected 79 added trips per day—40 trips in, 40 out. He responded to comments by peer study traffic engineer David Spear. He said Mr. Spear suggested that the projected additional traffic from the planned development at Metro Star be included in Mr. Ullman's assessment. Mr. Ullman provided a traffic flow diagram and discussed existing conditions . He concluded that the new housing will not impede the road network. He referred to the handout addressing Mr. Spears study.

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Mr. Sulkis said the proposed use is consistent with other current and planned uses in the area. He noted that the applicant stated this evening that they are not putting in a retaining curb but plan to regrade with permission from the adjoining property owner. He asked if these plans had been developed and noted that they would need review by the City Engineer. He asked if approval had been obtained from adjoining property owner because the board would require proof of such permission to act on the application.

Mr. Codespoti said the plans clearly show a retaining wall and that the permission isn't a condition for proceeding with the project. **Attorney Lynch** said he was confident the neighbors will approve the regarding based on preliminary email correspondence. **Mr. Sulkis** asked for a time line. **Attorney Lynch** said board approval could be made conditional. **Mr. Sulkis** suggested that the public hearing could be held open to allow time to get approval from the neighbors. **Mr. Codespoti** said that work would not start without approval, and if approval was denied, the plan could be adjusted. **Mr. Sulkis** said the project cannot be constructed without impacting neighbor's property.

Chairman Marlow asked if any other presenters were to be heard.

David Spear, of DSL traffic engineering, Windsor, CT, addressed the board. He said he had been retained to do a third party peer review of the submitted traffic study. He reviewed the site plan and submitted traffic study, saying acceptable standards had been used. His assessment was that there would not be a big traffic capacity issue if the project was undertaken. He provided additional analysis on the intersection. He said a vertical curve in the road impeded the ability to see 250 feet. Using an assumed speed of 34 mph, he said there was a potential safety concern when turning left into the driveway, noting significant traffic on Plains Road. He said it would be ideal to be able to pass a vehicle that is turning left. He said there was ample room to restripe to avoid rear-end accidents. He said this would not require roadwork – just paint striping. He said the site plan included about 24 parking spaces on a half acre lot. He said it had a small width for delivery trucks, which would need to be able to exit site without backing up. Mr. Spear said there should not be more than 1 car at a time turning in. He said he did a personal evaluation at location and could see the taillights of car in front of him over 300 feet. He noted that Milford Police had not noted any issues in the area. He said MPD and public works would have to approve re-striping the road. He said there was more than enough room for UPS-type truck to turn around.

Board Discussion:

Mr. Nichol asked how a truck could turn around on the east side. **Mr. Spear** said there is no parking on that side and that it would be sufficient for "step van" (aka UPS truck). **Mr Nichol** confirmed with Mr. Codespoti that there would be no dumpster on site, that it is an individual pick-up area, and that individual garbage and recycle containers would be provided and picked up by a small company. **Chairman Marlow** asked if any environmental problems/concerns pertained and whether a study should be done. **Attorney Lynch** said phase 1 was already done; an oil tank would be removed. **Chairman Marlow** asked if Bailey Road should have been considered; **Mr. Spear** said Bailey Road will not be affected.

Chairman Marlow opened the hearing to the public with instructions.

Favor: None

Opposed: **George Loizos**, 248 Plains Road, said he'd just bought his house and was concerned how it might affect the area and his taxes.

Rebuttals: **Attorney Lynch** declined a rebuttal.

Mr. Sulkis suggested keeping the public hearing open to provide more time to get the neighbor approval on the retaining curb.

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Chairman Marlow said he would keep the hearing open in anticipation of receiving that information.

Close by 8 JANUARY 2018

2. **100 Raton Drive (LI)** Petition of Tribus Beer/Sean O'Neill, for a Special Exception for brewery with pub and patio on Map 73, Block 928, Parcel 4Q of which Best Buddies, LLC is the owner.

Attorney Thomas Lynch, Lynch, Tremicki & Boynton, 63 Cherry St, said he had been retained the day before by the principles of Tribus Beer Company, whom he introduced. He described it as a new venture and said that the principals were currently brewmasters at another brewery in the area. He said the application was for a special exception to manufacture on site, to provide for tastings on site, and to sell beer on site. He said a traffic engineer had prepared a report, but that neither the engineer nor the architect could attend the meeting. He said the proposed site was in an industrial zone, that no new structure would be added, and that numerous industrial buildings were already in area. He said the site had previously been a fiber optic business. He asked to continue the hearing to the 21st so the traffic engineer and architect could attend, and to address neighborhood concerns. He said an informal question and answer session would be available in the foyer after concluding his presentation.

Mr. Sulkis said continuing the hearing would be fine and that he would provide comment at the next meeting. **Mr. Marlow** said the board could hear public comment tonight and leave the hearing open. **Attorney Lynch** said he would prefer to have all the experts available, such that the public could have a full presentation. **Mr. Marlow** agreed; the hearing was left open; he confirmed that the businesspersons would be available to speak with neighbors outside.

POSTPONED to 21 NOVEMBER 2017

32 Field Court (R-5) Petition of Donald O'Brien, for a Special Permit, Site Plan, and CAM for new single family home on Map 28, Block 574, Parcel 6 of which Saul/Patricia Englander are the owners.

- E. **CHAIR REPORT:** None.
- F. **LIAISON REPORTS:** Mr. Nichol... *mike off, unintelligible*.
- G. **REGULATION SUBCOMMITTEE:** **Mr. Grant** had no report, but said there will be a meeting before next board meeting R 6:30. He invited new board members to attend.
- H. **APPROVAL OF MINUTES 17 October 2017** were approved unanimously.
- I. **STAFF REPORT – Sec. 5.2 Lighting Regulation Revision: Text Revision to Sections 5.2.1 and 5.2.3.1**
Mr. Sulkis introduced **DPLU Director Joe Griffith** to present the board with a proposed regulation revision.

Mr. Griffith said there had been increased concern about light trespass and the City Attorney asked that the proposed regulation change be presented ahead of the subcommittee meeting. He said the proposed change would provide more precise language on lighting metrics. He reviewed the proposed language to “exclude lights emanating from one- and two-family residences,” not to be confused with multi-family units.

Mr. Sulkis said board approval was required to continue the statutory regulation review/comment phase, and that approval or denial of the actual regulation change would be determined by the board later.

Motion: **Mr. Grant** motioned to approve.

Second: **Mr. Dolan** seconded.

Discussion: None.

Vote: Motion carried unanimously.

Chairman Marlow advised that he will not be present at the next meeting and that **Mr. Quish** will run the meeting.

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J. ADJOURNMENT was at 9:35 p.m.

Attest:

M.E. Greene, Interim Clerk, Planning and Zoning Board, with notes by C. L. Angelica

Note: Minutes are not official until approved by Board vote at a subsequent meeting.