

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 20 NOVEMBER 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, John Grant, Brian Kaligian, Peg Kearney, Scott Marlow, Carl S. Moore, Tom Panzella, Robert Satti

Not Present: Denise Doucette-Ginise, Jim Quish

Staff: David Sulkis, City Planner; Meg Greene, Board Clerk

In the absence of Chairman Quish, **Vice Chairman Moore** opened the meeting.

C. OLD BUSINESS

1. Approve effective date of Regulation Amendment 9-17, Section 3.17.2.16, to allow mixed use buildings in the CDD-2 zone with less than 20% commercial. (Recommended Date 11/23/18)

Mr. Sulkis advised that this item was approved last year without an effective date; the action was to add one.

Motion: Mr. Marlow motioned to approve an effective date of **11/23/18**.

Second: Mr. Grant seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. NEW BUSINESS

1. Approval of 2019 Meeting Schedule

Motion: Mr. Marlow motioned to approve.

Second: Mr. Grant seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **70 Melba Street Zone (R-5)** Petition of Tony Denorifa for a Coastal Area Site Plan Review on Map 029, Block 558, Parcel 34 of which Robert J. and Ida T. Pedrolini are the owners.

Michael Lambert, PE, Harry E. Cole & Son, 876 So Main St, Plainville, addressed the board. He said an existing house burned down at the site and that this project was a redevelopment of the property. He described the changes in placement of the proposed house on the lot along with the addition of rain gardens to manage tidal wetlands. He noted departmental approvals.

Mr. Sulkis stated that the lot was in the AE11 flood zone and that the first finished floor would be 14' above Base Flood Elevation (BFE) to mitigate risk of flood damage per FEMA requirements.

Board Discussion: **Mr. Satti** asked about the sidewalk requirement. **Mr. Sulkis** said the City Engineer recommended sidewalk and catch basin repair. **Mr. Marlow** and **Mr. Sulkis** discussed conditioning approval based on satisfying the requirements of the City Engineer.

Motion: Mr. Marlow motioned to approve with the condition of satisfying the City Engineer's memo dated 10/15/2018.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

3. **11 Point Beach Drive (ZONE R-7.5)** – Petition of Abigail Adams, RLA, for a Coastal Area Site Plan Review, on Map 030, Block 636, Parcel 4; of which Paul Fonseca is the owner.

Ms. Adams addressed the board. She noted the presence of Chris DeAngelis, PE, Cabezas DeAngelis, Bridgeport; Matt Rakowski, RACE Coastal Engineering, Stratford; and owner Paul Fonseca. She described the property, currently vacant, as spanning AE12 and VE20 zones. She said the structure would be situated in the AE zone. She reviewed features such as walkways and landscaping. She said the 1st floor exceeded the BFE and that the project meets zoning requirements. Mr. DeAngelis reviewed the metrics of the site

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and house and discussed filtration and runoff mitigation features.

Mr. Sulkis said the application was substantially zoning compliant with no adverse coastal impacts.

Motion: Mr. Marlow motioned to approve.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

4. **733 East Broadway** (ZONE R-5) – Petition of Jeff Attolino for a Coastal Area Site Plan Review, on Map 22, Block 474, Parcel 17; of which William P. Falk is the owner.

Ron D'Aurelio, architect, described the site and the proposed house. He said the demolished house formerly on the site had an irregular shape whereas the new home would be rectangular and further from the property line. He said this change would afford a better view to neighbors as the new house will align more with existing homes on the street. He said the AE13 and VE13 flood zones bisect the property, but that the house would be entirely in the AE zone. The house would nonetheless be built to VE engineering standards. He said 2 cars could be parked under the house and that the foundation would incorporate 6 flood vents into breakaway walls. He described other features of the house that would make it resilient to flooding and storms.

Mr. Sulkis noted that with the variance granted in November, the application was substantially zoning compliant with no adverse coastal impacts.

Board Discussion: **Mr. Satti** referred to the City Engineer's report dated 10/20/2018; **Mr. Sulkis** said approval could be conditioned on the City Engineer's comments. **Mr. Grant** wanted to know the average grade and questioned whether the height was compliant; he was satisfied that it was after a discussion with the applicant.

Motion: Mr. Marlow motioned to approve with conditions based on to satisfy the memo 10/20/2018 City.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

5. **CGS 8-24 Request** 5-Year Capital Improvement Plan. Planning and Zoning Board Approval requested by Mayor Benjamin Blake.

Mr. Sulkis noted that Planning and Zoning Board review and approval was part of the budgeting process.

Motion: Mr. Marlow motioned to approve.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. PUBLIC HEARINGS

1. **Proposed Change to City of Milford Zoning Regulations:** Article 2, Section 2.7.11 Moratorium on Self-Storage Facilities, Proposed by the City of Milford.

Julie Nash, Community Development Director, described the rationale for the moratorium to provide city departments time to study the impact of self-storage facilities on the POCD. She said industry standards are already exceeded in the city. She noted that these facilities generate few jobs and take up large lots. She referred to other municipalities that have invoked moratoriums. She said she was aware of a letter from Kevin Curseaden for a client wishing to develop a self-storage facility. She said that the property being considered may attract other development, and noted that 94% of Milford's available land is already developed.

FAVOR

Alderman **Bryan Anderson**, 49 Ingersol Rd, said he supported the moratorium based on Ms. Nash's comments, noting that he had no prejudice against Attorney Curseaden or his client.

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Mr. Sulkis said storage uses are contrary to the retail character of all Corridor Design Districts (zones CDD-x).

Board Discussion: **Mr. Satti** confirmed with Mr. Sulkis that the board has the authority to enact the moratorium as a temporary regulation change.

Vice Chairman Moore closed the hearing.

Motion: **Mr. Marlow** motioned to approve through 6/30/18.

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

2. **57,59,61,63 Naugatuck Avenue -Building A** (Zone CDD-2) Petition of Daniel Shepro, Esq. for an amendment to the Special Permit to change previously approved exterior architectural elements on Map 16, Block 149, Parcel 7 of which Beach Village LLC is the owner.

Cal Mooney, 9576 Main Street, Trumbull, described the change as a minor architectural feature for both this item and the next one. He said the 2nd story decks were to be extended to make them more usable. He said the impact on the neighborhood would be negligible but the usability of the deck would be much improved.

Vice Chairman Moore invited the public to speak; no one came forward.

Mr. Sulkis said his comments applied to both this item and the next on the agenda. He said the board previously approved the applications, but this request was only to increase the size of the decks. He said the proposed changes appear to be consistent with the Zoning Regulations.

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

Second: **Mr. Grant** seconded.

Discussion: None.

Vote: Motion carried unanimously.

3. **48,50,52,54 East Broadway-Building D** (Zone CDD-2) Petition of Daniel Shepro, Esq. for an amendment to the Special Permit to change previously approved exterior architectural elements on Map 16, Block 149, Parcel 7 of which Beach Village LLC is the owner.

Mr. Mooney said the description of the previous change applied in the same fashion to this portion of the site.

Vice Chairman Moore invited the public to speak; no one came forward.

Mr. Sulkis said the comments on the previous agenda item applied equally to this site.

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

Second: **Mr. Grant** seconded.

Discussion: None.

Vote: Motion carried unanimously.

4. **230 Woodmont Road** (ZONE ID) – Petition of Chris Willett, for a Special Exception to expand previously approved brewery to include a tasting room, on Map 091, Block 809, Parcel 25; of which D’Amato Investments is the owner. (Rescheduled from October 16, 2018)

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Mr. Willett, 515 Milford Point Road, submitted letters of support from his landlord and abutters. He addressed the board and introduced Mr. Candido, his business partner. He described the original mission of the company as manufacturing, but said that the expansion was meant to add onsite consumption. He said the plan was to take over the next unit in their current facility where beer would be served as well as sold for offsite consumption. He said he would like to be the second such facility in Milford. He displayed floor plans and a survey of the site. He said hours would not conflict with other businesses on the premises which operate from 6-6, rather than weekends and evening like the brewery.

FAVOR

Brooke Parker, of Sherman, CT, read a letter of support from **Brett Broesder**, 33 Railroad Ave, Apt 15, citing economic revitalization and the positive results of creating new projects in an industrial district.

Julie Nash, Community Development Director cited job growth and local business development as reasons to support the project. She noted the positive business impact of craft breweries in the state.

Phil Pappas, 670 Boston Post Road, Unit 6, stated that he is the Executive Director of the CT Brewers Association and that he represents a \$718 million industry. He noted the presence of 2 breweries in Milford, saying there could soon be 3. He shared more statistics on new taprooms opening across the state, saying he expected that 30-35 breweries will open in the next year.

Vice Chairman Moore noted for the record that 8 letters of support were submitted.

John Sudusky, 87 Hawley Ave, said he had long supported the taproom project.

Erin Fallon, 74 Essex Drive, expressed support.

Vice Chairman Moore asked for opposing comment, no one came forward.

Mr. Sulkis described the parking requirements, saying an approval would grant parking adequacy based on shared parking.

Board Discussion: **Mr. Satti** asked for the police traffic commission report; **Mr. Sulkis** noted that satisfying requirements in the police report could be made a condition. **Mr. Satti** asked the applicant about food service; **Mr. Willett** said there would be no food served at present, but possibly food trucks might be considered in the future. **Mr. Sulkis** said if food trucks were added, a new visit to the board would be required. **Mr. Marlow** discussed entertainment; **Mr. Willett** said an acoustic guitarist might be hired but limited to indoor performance.

Motion: **Mr. Marlow** motioned to approve with condition of being subject to any conditions required by the police report.

Second: **Ms. Austin** seconded.

Discussion: None.

Vote: Motion carried unanimously.

5. **16 Ross Street (ZONE R-5)** – Petition of Thomas Lynch, Esq. for a Change of Zoning Map to CDD-1, on Map 66, Block 813, Lot 22, of which John E. Rogers is the owner.

Attorney Lynch, 63 Cherry St, addressed the board, noting the presence of the manager of Russell Speeder Car Wash and the owner of the property set to be sold to the carwash. Attorney Lynch reviewed the status of the application to date: that he had previously gotten approval for applying for a zone change without a site plan, noting that the difficulty with producing a site plan was that its final form would be contingent on successful application for variances from the ZBA. He presented a conceptual site plan to provide the board with a sense of what his client intends for the property. He said the lanes approaching the car wash would be extended and an area currently used for detailing would be removed from the site. He said the problem at issue was a backup of cars waiting to use the car wash; this proposal would resolve the problem. He noted that there would be no residential abutter to 16 Ross Street because the abutting parcel at 20 Ross Street was being used as overflow parking for an adjacent dental office, serving as another buffer between the car wash and the closest residence. He noted that the deadline for the ZBA December

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meeting is tomorrow, and that if variances were approved, he would return to this board with the actual site plan.

Vice Chairman Moore invited the public to speak; no one came forward.

Mr. Sulkis described the project and the process being pursued by Attorney Lynch. Mr. Sulkis said the dental parking represents a zoning violation because no commercial parking is allowed in a residential zone. He said information about the dental parking lot should be disregarded. He said the conceptual site plan doesn't conform to zoning regulations and can't be constructed without variances. He said the board usually has the goal of increasing conformity and boardmembers should be cognizant of the amount of nonconformity in the proposal. He surmised that at least 4 variances would be required and the result would be something that was only conforming through variance.

REBUTTAL

Attorney Lynch said variances were being sought to legalize existing nonconformities. He said the expansion was to be of the driveway, and did not require creation of a structure. **Mr. Sulkis** reiterated that new elements on the conceptual site plan would also be nonconforming.

Board Discussion: **Mr. Satti** confirmed with **Attorney Lynch** that the 2 lanes would merge as they entered the car wash and that the lot to be merged with the carwash was 5000 sf. **Mr. Marlow** asked about fiscal impact study implications; **Mr. Sulkis** and **Attorney Lynch** discussed a letter submitted by Attorney Lynch stating that there would not be a fiscal impact because there would not be new construction. **Mr. Marlow** said he was referring to policy for future impact studies. **Mr. Sulkis** said the board could ask for such a study regardless.

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

Second: **Mr. Panzella** seconded.

Discussion: None.

Vote: Motion failed due to 2/3rd requirement for a zoning map change, whether all members are present. Six (6) board members voted with the motion; 2 voted against the motions; 7 votes with the motion were required to approve.

6. **Proposed Change to City of Milford Zoning Regulations:** Article 17, Section 17-12 Electronic Digital Billboard Signs, Proposed by Kevin Curseaden, Esq.

Prior to the meeting, **Attorney Curseaden** requested that this item be withdrawn.

7. **232 West Main Street** (ZONE SFA-10) – Petition of Warren Field for six units of housing under 8-30g, on Map 53, Block 309, Parcel 8; of which Robert Page Jr. is the owner.

Attorney Lynch, 63 Cherry Street, handed out reference materials including the Affordable and Fair Housing Marketing Plan and city departmental approvals, then he addressed the board. He introduced project engineer Chris DeAngelis, and Traffic Engineer Kermit Hua. He described the project and the area, stating it was in the SFA zone. He noted the presence of many multi-family homes. He said the proposed project was also consistent with walkability requirements of the POCD. He said the current property holds a single family home and garage to be razed. He said the middle units in each of the two 3-family structures will be affordable rentals.

Chris DeAngelis, PE, Cabezas DeAngelis, reviewed the site plan, describing storm drainage, swales and infiltration systems. He described changes made in response to the Fire Marshall's comments. He submitted copies of those portions of the plan set.

Kermit Hua, KWA Enterprises, Meriden, said that even during the busiest peak commuting hours, the new units would only generate 2 additional trips. He described his methodology including DOT standards for adjusting traffic volumes and projected traffic growth factors in the future. He reviewed adjacent intersections and metrics for evaluating delays. His conclusion was that there would be no traffic impact from the project. He said the number of parking spaces exceeded International Traffic Institute requirements.

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OPPOSED

Alderman **Bryan Anderson**, 43 Ingersol Road, said he was not actively opposed to the project but had questions. He asked for the metrics for lot coverage, side yards and rear yards. He asked whether a play area might be added for families with children. He asked if one building would overlook a single family residence and if so, what the distance was from that residence. He wanted to know if the applicant had an interest in an abutting property.

Attorney Lynch noted with respect that Mr. Anderson is not a close neighbor to the project. He stated that 8-30g projects do not have to conform to zoning setback requirements. He said neither building would overlook a single family dwelling.

Mr. Sulkis said the new buildings were more compliant with the SFA standards and that a 6' vinyl fence would enclose the property. **Mr. Marlow** asked if the board could require a portion of the 8-30g projects could be dedicated for handicapped occupancy.

DPLU Director and Chief Building Official **Joe Griffith** addressed Mr. Marlow's question. Mr. Griffith said that due to size of project, building code doesn't require a dedicated number of handicapped units.

Vice Chairman Moore closed the hearing.

Motion: Mr. Grant motioned to approve.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried with Mr. Marlow opposed.

8. **43 Erna Street** (ZONE CDD-1) – Petition of Thomas Lynch, Esq. for a Special Exception to establish a Dog Day Care Facility, on Map 43, Block 304, Parcel 41; of which Gabor Pernyeszi is the owner.

Prior to the meeting, **Attorney Lynch** requested that this item be postponed until the next meeting.

9. **3-5-7 Cherry Street** (ZONE RO) – Petition of Kevin Curseaden, Esq. for a Special Exception for Conversion of Dental Offices to Residential Units and a Minor Lot Line Adjustment, on Map 65, Block 817, Parcels 09 and 8A; of which Red Cherry, LLC and Molar Manor, LLC are the owners.

Prior to the meeting, **Attorney Curseaden** requested that this item be postponed until the next meeting.

F. LIAISON REPORTS None

G. REGULATIONS SUBCOMMITTEE None

H. APPROVAL OF MINUTES 10/16/2018, unanimously approved. **(NOTE: 11/7/18 meeting was cancelled due to lack of quorum.)**

I. CHAIR REPORT None.

J. STAFF REPORT: Zoning Regulation Amendment #11-17 – Article 3, Sections 3.1.5.3, 3.1.3.8 and 11.2 – Commercial Vehicles
Mr. Sulkis said a draft regulation had been crafted based on discussion of commercial vehicles by the Regulation Subcommittee and could be circulated for regional comment with the board's approval. Vice Chairman Moore asked for agreement from the board to circulate the draft regulation and it was given.

K. ADJOURNMENT was at 9:38.

Attest:

M.E. Greene, Board Clerk