

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 3 DECEMBER 2019, 7:30 PM,  
CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:33 p.m.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

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

**Not Present:** Jim Quish

**Staff:** David Sulkis, City Planner; Meg Greene, Rec. Sec'y

**Chairman Quish** was absent; Vice Chairman Moore ran the meeting. He stated that the public hearing for 33-35 Laurel Ave had been postponed. The agenda was reordered per motion. **[NOTE: THE MINUTES WILL REFLECT THE ORDER GIVEN IN THE PUBLISHED AGENDA, BUT A RED # (X<sup>st</sup>) WILL INDICATE THE ORDER IN WHICH THE ITEMS WERE HEARD.]**

**C. OLD BUSINESS:**

**CLOSE BY DECEMBER 24, 2019; VOTE BY FEBRUARY 6, 2020**

- 1) **(4<sup>th</sup>) Proposed Change to City of Milford Zoning Regulations:** Petition by Kevin Curseaden, for changes to Article 5, Sections 5.2.1, 5.2.5, 5.3.6 and 11.2 to allow for Electronic Digital Billboard Signs.

**Attorney Curseaden**, 3 Lafayette Street, addressed the board. He reintroduced the applicants and experts with the addition of traffic expert, Kermit Hua. He reviewed requests by Mr. Satti from the previous meeting, stating that to the best of his knowledge, no hearing on the matter was ever opened by the board; therefore no previous minutes or denials existed. He said the West Haven and Bridgeport billboards operate using 8 second "flips" (i.e., recurring content changes). He said safety experts had set a threshold that flips should not be shorter than 8 seconds, and that this proposal was for 10 seconds flips. He referred to a new report by Philadelphia-based traffic expert Mr. Michael Tantala, PE, who is a nationally recognized expert on distracted driving. Attorney Curseaden said he had forwarded the report to the board upon receipt of the information, but received it at the last minute. He said his original application had 7 billboards; but Mr. Sulkis had identified a billboard that was not directly adjacent to the I-95 corridor and therefore did not meet the criteria for the proposed billboards characteristics, so the list had dropped to 6 sites. He reminded the board that he was requesting legislative action. He said that in addition to considering public health and safety, the board was also obliged to consider the economic health of the City and that the application was consistent with that goal. He listed benefits to the City, including free city ads, higher taxes paid, and opportunities for local businesses to advertise dynamically with lower costs. He said the proposal brought the City competitive advertising parity with neighboring towns. He said the boards can be used for Amber Alerts, City initiatives, and non-profit events. He acknowledged comments in opposition at the last meeting and said he wanted to avoid an adversarial situation and to look at the issue holistically. He read Mr. Tantala's letter into the record. He saying the engineer had personally driven through the relevant section of I-95 to evaluate safety issues.

*City of Milford Planning and Zoning Board*

*Re: **Digital Billboard Zoning Regulation Text Change** concerning the modernization of existing billboards along Interstate 95 in the City of Milford, Connecticut*

*Chairman Quish:*

*During the past decade, I conducted **traffic research** examining the relationship between digital billboards and traffic safety in the United States. The digital billboards which I studied are comparable to those proposed for digital conversion in the City of Milford; they display static messages with no animation, have strictly controlled brightness and dwell time, and will be professionally designed to comply with industry standards.*

*1. Proposed Conversions and Analysis. I understand that a proposed zoning regulation text change would potentially allow for the conversion of several existing billboards in industrial zones along the Interstate 95 corridor in the City of Milford. The proposed digital billboard conversion locations are within 200 feet of the I-95 corridor with face sizes of 14'x48', restricted brightness over ambient lighting, and a dwell time limited to 10 seconds. I observed the existing locations and analyzed engineering parameters including lines-of-sight, viewing angles and key travel times and distances.*

*2. Traffic Safety. The issue of traffic safety and digital billboards was studied extensively over the last decade by government agencies, the academic community, and others; these studies include both theoretical (science-based) and empirical (real-world) data. Concerning the proposed digital conversions and traffic safety, I offer the following.*

- The 2012 peer-reviewed research study by FHWA collectively studied digital billboards with dwell times of 8 to 10 seconds and used human factors analysis to conclude that drivers are not distracted by digital billboards along roads in two States. The study found that the "data suggest that the drivers in this study directed the majority of their visual attention to areas of the roadway that were relevant to the task at hand (e.g., the driving task)." The researchers also opined that "the results did not provide evidence indicating that [digital technology of this type], as deployed and tested in [the] two selected cities, were associated with unacceptably long glances away from the road", adding that "the demands of the driving task tend to affect the driver's self-regulation of gaze behavior" (Reference A.).*
- The 2007 United States Federal Highway Administration (FHWA) guidance memorandum also established acceptable criteria for this technology and recommends that the "duration of each display is generally between 4 and 10 seconds – 8 seconds is recommended" (Reference B.). The proposed 10-second duration for these locations will comply.*
- My 2011 paper published by the Institute of Transportation Engineers (ITE) examined accident statistics for billboards with 6-, 8-, and 10-second dwell times in Reading, Pennsylvania, and found consistent results among dwell times. My research used quantitative data and accident reports near digital billboards for periods of comparison in excess of eight years by examining temporal (when and how frequent) and spatial (where and how far)*

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*comparisons under a variety of factors (size, display time, day/night conditions, etc.). The data show that these types of controlled digital billboards are safety neutral and are statistically not linked to traffic accidents (Reference C.).*

- *In 2007, a study was also completed by the Virginia Tech Transportation Institute (VTTI) of the human factors in two different cities and found similar conclusions. VTTI's research showed that "several driving performance measures in the presence of digital billboards are on par with those associated with everyday driving, such as the on-premises signs located at businesses" and that "these performance measures included eyegance performance, speed maintenance, and lane keeping." (Reference D.).*
- *The use of digital billboards has and continues to be safely and regularly permitted throughout the United States by numerous federal, state and local units of government [including the Connecticut Department of Transportation] and is positively supported by Federal (FHWA) research and others. Studies, reports, and examples from the academic community, U.S. federal, state, and local governmental agencies, law enforcement officials, the engineering profession, and the advertising industries amplify these findings.*

*3. Professional Opinion. It is my professional opinion, within a reasonable degree of engineering certainty, and based on the design, location, configuration, size, height, and lighting, that the proposed, digital-sign conversions*

*A. will not present a physical or visual obstruction to vehicles travelling on Interstate 95,*

*B. will not detract or interfere with the effectiveness of official traffic-control devices,*

*C. is appropriate based on industry standards, traffic safety, visibility, inter alia, and*

*D. will comply with professional design and industry standards to include design, lighting, etc.*

*Based on my best knowledge, information, and belief. Captions used in this report are for convenience of reference only and shall not affect the meaning or construction of any of its provisions. I reserve the right to supplement our report if any additional information is provided to us.*

*As an addendum to this letter, I enclose my Curriculum Vitae and copies of several of the studies which I reference. Thank you for your consideration.*

*Please feel free to contact me if you have any questions.*

*Sincerely,*

TANTALA ASSOCIATES, LLC

Michael W. Tantala, P.E.

CT License PEN.0032620

Attorney Curseaden stressed that Mr. Tantala's conclusion was that the billboards were "safety neutral," similar in impact to signage of on buildings abutting highways. He asked that in addition to considering public comment, the board take into account the empirical data provided. He reviewed for the board a draft memorandum of understanding based on those used by adjoining towns, stating that the use of free ads for City purposes did not constitute an inappropriate quid pro quo, but rather was meant to create good rapport with community. He said the City would be given ad spots in a rotation, representing approximately 3 hours of content per day. He said the billboard company would provide artwork in coordination with City leadership and entities like the Chamber of Commerce. He said the City would have to identify an agent to work with company on content. Finally, he said he had provided the board with a memo describing how the proposed regulation will meet the uniformity requirement.

**Mr. Marlow** asked about the number and configuration of double-sided billboards. **Ms. Kearney** discussed with Attorney Curseaden the difference in tax revenue that could be expected between the two types of billboards; additional comments were made by **David Gannon**, of **Outfront Media**, 955 Washington Street, North Haven. This led to a discussion of the prices small business owners would pay to advertise on the boards. **Mr. Satti** and **Attorney Curseaden** discussed the decision-making value of the new information provided in response to Mr. Satti's requests from the last meeting, with Mr. Satti stressing a need for time to review new information. There was discussion of the advantages of 8-second versus 10-second flips to reduce the risk of distracted driving. **Mr. Sulkis** asked for a comparison of revenue that could be generated by taxing the income produced by the billboards versus taxing them based on the personal property tax. **Attorney Curseaden** said an accountant would be required to determine the amount, but that if the City changed how the assessment is done, billboard owners would have to comply. **Ms. Kearney** and **Mr. Gannon** discussion of percentages of local advertisers versus national advertisers; Mr. Gannon anticipated an 80 local/20 national split in this local market. Mr. Gannon also quantified examples of prices for local businesses.

**Cheng Qian**, MASC, Media Resources, Inc, Ontario, Canada, quantified a question from the previous hearing; that the noise output of the billboards would be approximately 28.5 decibels, or comparable to the sound of leaves rustling. He said that this noise can usually only be heard from the billboard's catwalk.

**Vice Chairman Moore** invited public comment.

OPPOSED

**Donna Dutko**, 236 Buckingham Avenue, shared handouts with information about uniform zoning. She discussed the intention of the statue and said she thinks digital billboards should be subject to Special Permit or Special Exception review to limit their presence to the I-95 area.

FAVOR

**John Barrett**, 32 Hawley Avenue and a partner in Barrett Communications, described his involvement in industry groups and said he had been a former safety chairperson involved in requisitioning studies like those presented to the board. He said that early on

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many billboard company leaders were reluctant to use the technology due to liability concerns. He described how safety experiments were designed. He said that using a 15-year look-back, there had been no incremental increase in accidents in areas where digital billboards were used. He said a mathematical analysis he had reviewed produced the same result. He said he had personally changed his mind about safety of the digital billboards.

**Louis D'Amato** of D'Amato Brothers Builders, 183 Quarry Road, commented on the nature of the billboard being considered personal property, then described his own business's target market of small businesses. He stressed that job creation should be a paramount consideration for the board and that this proposal would support jobs.

**OPPOSED**

**Jeanne Cervin**, 3 Central Avenue, said the purpose of digital billboards was to draw attention, therefore driver distraction is involved. She said the FHWA study had been discredited by peer review, including the methodology used. She said that all drivers taking their eyes off the road for more than 2 seconds creates a hazard. She referred to a Swedish study that resulted in removal of all digital billboards in that country.

**Bryan Anderson**, 49 Ingersoll Rd, reminded the board that 12 residents spoke in opposition at the previous meeting and 3 more submitted letters of opposition. He said unintended consequences will ensue. He speculated on annoyance of a billboard that appear near residential areas.

**John Hotchkiss** 74 Buckingham Place, said he is affected by flashing lights and feared a Las Vegas-like outcome.

**Peter Cozzolino**, 31 Gulfview Court, said he's a 2<sup>nd</sup> generation small business owner and he thinks the billboards look modern and professional. He said he needs effective advertising and had to compete with online shopping giants like Amazon. He disagreed that the boards are distracting and said economics are also important.

**Donna Dutko**, commented that Amazon will probably advertise on the billboards.

**REBUTTAL**

**Attorney Curseaden** said the sign referenced by Mr. Anderson is adjacent to CT DOT property, not residential property. He said regulation change was the correct legal approach to regulate the billboards and that they are expensive to convert from static billboards, making widespread conversion unlikely.

**Kermit Hua**, KWH Enterprise, PE, Meriden, traffic engineer, provided his credentials and said he'd reviewed the studies submitted. He said he was not aware of an opposing study, nor was he aware of any other extensive experiments that had produced another safety conclusion. He discussed the 2-second distraction issue and said that static and electronic billboards create similar levels of observation to the signage versus attention to the road.

**Mr. Marlow** and **Mr. Gannon** discussed the advertiser's goals, with Mr. Gannon stating that 1000s of ad repetitions create awareness. He said advertisers are requesting presence on digital billboards.

**Mr. Qian** said digital billboards ads are designed for traffic, and maximum impact is generally achieved with 10 words or less.

**Mr. Satti** asked how many votes needed to pass an approval; **Mr. Sulkis** said a regulation change requires a simple majority.

**Vice Chairman Moore** closed the hearing and held off the vote for the next meeting.

**D. NEW BUSINESS**

**VOTE BY FEBRUARY 6, 2020**

1. **(1<sup>st</sup>) Inland Wetlands Appointment** Recommendation of appointment per 18-161 of The Milford Code of Ordinances, of Ranjit Bhav, to the Mayor for the Inland Wetlands Agency.

**Motion: Mr. Marlow moved to approve the recommendation** of the appointment per 18-161 of The Milford Code of Ordinances, of Ranjit Bhav, to the Mayor for the Inland Wetlands Agency.

**Second: Ms. Austin** seconded.

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**Discussion:** None.

**Vote:** Motion carried unanimously.

2. **(2<sup>nd</sup>) 122 Kings Highway** Referral pursuant to CGS Section 8-24, to approve the sale of City property acquired via foreclosure. **Mr. Sulkis** described the function of the 8-24 approval by Planning and Zoning Board and the effect on the Board of Aldermen's subsequent vote.

**Motion:** **Mr. Panzella moved to approve** the referral pursuant to CGS Section 8-24, to approve the sale of City property acquired via foreclosure.

**Second:** **Mr. Grant** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

3. **(3<sup>rd</sup>) 92 Old Field Lane** - Referral pursuant to CGS Section 8-24 for taking approximately 1738 square feet of land for road widening for the purposes of public safety, as depicted on "Map of Proposed Street Line Revision at Property Known as 92 Old Field Lane, Milford, CT, City of Milford, Department of Public Works" prepared by City of Milford Engineering Bureau dated May 1, 2017.

**Sgt. Jay Kranyak**, Milford Police Traffic Division, said his division was asked to review a Public Works street widening, specifically a wall that is now in line with the new curb. He said he reviewed an 8' section of the wall and recommendation the wall be moved.

**Mr. Marlow** and **Mr. Sulkis** discussed the process of widening roads as it relates to private property. **Mr. Kader** confirmed that the wall would be moved, not removed.

**Motion:** **Mr. Marlow moved to approve** the referral pursuant to CGS 8-24 for taking approximately 1738 square feet of land for road widening for the purposes of public safety, as depicted on "Map of Proposed Street Line Revision at Property Known as 92 Old Field Lane, Milford, CT, City of Milford, Department of Public Works" prepared by City of Milford Engineering Bureau dated May 1, 2017.

**Second:** **Mr. Grant** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

4. **(5<sup>th</sup>) 4 Seaview Ave** (Zone R-10) Petition of John Paoletti for a Coastal Site Plan Review for construction of a single family home on Map 6, Bock 84, Parcel 46 of which Mark DiGiorgio Salbina's Way, LLC is the owner.

**Michael O'Bymachow**, of Nowakowski, O'Bymachow & Kane, 415 Howe Ave, Shelton, said he addressed issues raised by the City Engineer and the plan was compliant.

**Mr. Sulkis** described the project in more detail, concluding there are no adverse impacts to resources.

**Motion:** **Mr. Satti moved to approve** the petition of John Paoletti for a Coastal Site Plan Review for construction of a single family home on Map 6, Bock 84, Parcel 46 of which Mark DiGiorgio Salbina's Way, LLC is the owner. **With the following conditions:** The applicant shall provide concrete curbs and sidewalks per the City Engineers Review dated 12/2/19

**Second:** **Mr. Panzella** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously

5. **(6<sup>th</sup>) 117 Broad St** (Zone MCDD) Petition of Rick Jurzyk, Founders House, for a Site Plan Review for a finding of parking adequacy, on Map 54, Block 394, Parcel 15 of which Rick Jurzyk is the owner.

**Chris Saley**, 19 Marsh St, described the planned new configuration of the restaurant.

**Mr. Sulkis** said the new configuration had resulted in the need for two additional parking spaces to meet parking adequacy needs.

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**Mr. Saley** said that on-street parking provides enough capacity.

**Motion: Mr. Marlow moved to approve as presented** the petition of Rick Jurzyk, Founders House, for a Site Plan Review for a finding of parking adequacy for 2 additional parking spots, on Map 54, Block 394, Parcel 15 of which Rick Jurzyk is the owner.

**Second: Mr. Grant** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**E. Public Hearing**

CLOSE BY JANUARY 7, 2020; VOTE BY MARCH 12, 2020

1. **(8<sup>th</sup>) 188 Cherry St** (Zone CDD-1) Petition of Robert Smith for a Special Permit for construction of a mixed use office building with 18 apartments on Map 66, Block 825, Parcel 18 of which Metro 188, LLC is the owner.

**Attorney Ben Gettinger**, Lynch Traub, Keefe & Errante, 52 Trumbull St, New Haven, addressed the board and introduced the team.

**John Wicko, AIA**, 58 Prospect St, said departmental approvals had been given. He described the mixed use project in detail. He noted it is a 3 story building and provided floor plans and elevations. He showed a rendering of the angled façade.

**Ron Wassmer, PE**, provided a brief overview of the site plan.

**Mr. Sulkis** provided a summary, saying the project was substantially zoning compliant.

**Mr. Satti** confirmed the definition of an efficiency apartment (a living room without a bedroom), that no vehicular or pedestrian access to the site would be available via Sunnyside Court, and that the lot would be fenced.

**Mr. Gettinger** concluded his presentation by saying there was neighborhood support for replacing a blighted property.

**Vice Chairman Moore** asked if anyone wished to speak in favor of or in opposition to the application. Hearing none, he closed the hearing and asked for a motion.

**Motion: Mr. Marlow moved to approve as presented** the petition of Robert Smith for a Special Permit for construction of a mixed use office building with 18 apartments on Map 66, Block 825, Parcel 18 of which Metro 188, LLC is the owner.

**Second: Mr. Austin** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously

2. **(Postoned to 1/7) 33-35 Laurel Ave** (Zone R-5) Petition of Thomas Lynch, Esq. for a Zone Change from R-5 to CDD-2 with a proposed resubdivision on Map 16, Block 147, Parcel 23 of which Titanium Properties, LLC is the owner. **POSTPONED**

3. **(7<sup>th</sup>) 63 Washington St** (Zone R-12.5) Petition of Thomas Lynch, Esq., for an amendment to the Special Permit for change of two one-bedroom units with den to two-bedroom units on Map 26, Block 263, Parcel 15 of which Eight 30-G, LLC, is the owner

**Attorney Lynch** addressed the board, introducing the developer and reviewing that the project was approved by board in 2008. He said the original developer abandoned the project due to economic conditions and in July 2018, a revised townhouse-style plan was approved by the board. He said this application represented a simple request to convert 2 of the affordable units to 2-bedroom units.

**Mr. Sulkis** said the affordability plan and marketing plan had been updated.

**Mr. Marlow** confirmed that no change was needed in the parking requirement with 2 spaces per unit.

**Mr. Satti** confirmed the affordability financial breakdown.

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**Vice Chairman Moore** asked if anyone wished to speak in favor of or in opposition to the application. Hearing none, he closed the hearing and asked for a motion.

**Motion: Mr. Kaligian *moved to approve with the following condition*** the petition of Thomas Lynch, Esq., for an amendment to the Special Permit for change of two one-bedroom units with den to two-bedroom units on Map 26, Block 263, Parcel 15 of which Eight 30-G, LLC, is the owner:

1. Both affordable units shall be rented at 60% of the median family income level.

**Second: Mr. Marlow** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**F. LIAISON REPORTS**— None.

**G. SUBCOMMITTEE REPORTS**— None.

**H. APPROVAL OF MINUTES** – 11/19/2019: Approved unanimously.

**I. CHAIR’S REPORT** – Said Certificates of Appreciation were to be given to outgoing minutes at the next meeting.

**J. STAFF REPORT** – **Mr. Sulkis** said the calendar can be amended until 1/31, but there can be no meeting for 30 days after that.

**K. ADJOURNMENT** was at 9:40

Attest:

M.E. Greene

New Business, not on the Agenda, may be brought up by a 2/3’s vote of those Members present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, (203) 783-3230, FIVE DAYS PRIOR TO THE MEETING, IF POSSIBLE.