

**MINUTES FOR THREE (3) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD BE HELD
TUESDAY, DECEMBER 6, 2011; 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Vice Chairman Gregory Vetter called to order the December 6, 2011 Public Hearing meeting of the Planning and Zoning Board at 7:31 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Members Present: Victor Ferrante, Michael Casey, Edward Mead, Mark Bender, Jeanne Cervin, Kathy Patterson, Benjamin Gettinger, Kevin Liddy, Gregory Vetter, Vice Chairman.

Staff: David B. Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner; Phyllis Leggett, Board Clerk.

Vice Chairman Vetter: Asked for a motion to reorder the agenda to allow Item D 2 to go first.

Mr. Bender: Made a motion to reorder the agenda.

Mrs. Patterson: Second.

All members voted in favor of reordering the agenda.

1. **44 CEDARHURST LANE (CHERRY BLOSSOM RIDGE) - (ZONE R-18)**
Petition of Thomas Collucci for approval of a three lot re-subdivision on Map 89, Block 832, Parcel 13, of which Thomas Collucci is the owner.

Thomas Lynch, Esq., 63 Cherry Street representing Thomas Collucci, the applicant requesting the subdivision of the property located at 44 Cedarhurst Lane. The abutting property owner is represented by Attorney Charles Willinger. An issue has arisen by concerns raised by the abutting property owner to this site. Requesting this hearing be tabled to the December 20th (sic), which will give the attorneys and clients an opportunity to discuss these issues and see if they can be resolved. If not, the applicant will proceed with this application on the 20th (sic).

Vice Chairman Vetter: Thanked Mr. Lynch. Told the public about the public hearing procedure outlines that were in the back of the auditorium.

- C. **EXECUTIVE SESSION** – Update on the Planning and Zoning Board Appeal of 42 Laurel Avenue.

Vice Chairman Vetter asked for a motion for the Board to go into Executive Session.

Ms. Cervin: So moved.

Mr. Liddy: Second.

All members voted in favor of going into Executive Session at 7:34 p.m.

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Vice Chairman Vetter asked for a motion to come out of Executive Session.

Ms. Cervin: So moved.

Mr. Casey: Second.

All members voted in favor of coming out of Executive Session at 7:52 p.m.

Vice Chairman Vetter: Noted the next Planning and Zoning meeting is not December 20th, but will be held on Wednesday, December 21st.

D. PUBLIC HEARINGS CLOSE 1/10/2012; expires 3/15/2012

1. **1200 BOSTON POST ROAD (ZONES CDD-5 & R-18)** – Petition of John Zyrilis, Jr. for Special Exception, Special Permit and Site Plan Review approvals to construct a 10,000 SF one-story retail building on Map 89 and a portion of Map 78, Block 832, Parcel 10, of which 217 State Milford LLC is the owner.

John Zyrilis, TPA Design Group, 85 Willow Street, New Haven, CT, representing the Matton Group on the application of 1200 Boston Post Road. This is a request for Planning and Zoning Board re-approval of a lapsed approval that was previously granted.

In September 2007, this application was brought before this commission for modification to this site, which is for an additional 10,000 SF building and associated parking. The application was approved by the Commission at that time. Soon after the approval, the economy started to go downhill and a tenant could not be found for the building and the approval lapsed. At this time there is interest expressed by perspective tenants for the proposed building. He is here to ask the Commission for new or reapproval of the updated application. The site is the Bed Bath & Beyond/Old Navy stores on the Boston Post Road, directly across from the Connecticut Post Mall. The site development would remain as it is today except for the addition of a 10,000 SF building and associated parking that would be in the residential zone. The rest of the site will remain as it is. The site requires 254 parking spaces. The application is providing 271 spaces. The applicant would consider and accept all the conditions that were established in the first approval.

Mr. Zyrilis reviewed the application, which aside from a few minor changes, will be exactly as it was when it was approved in 2007. At the time of the 2007 application there was a question with regard to parking in the small portion of the residential zone, which the site abuts. At that time, Mr. Crabtree, the Assistant City Planner, noted that when the City of Milford modified its zoning map, it was not taken into consideration that this property extended into a small corner portion of the residential zone. At that time the City was to correct and make the change on its own, as stated in the Minutes of that meeting, "that the zone change would be brought about by the City with other map changes in the future". To date that has not been done. So the parking situation is the

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same as it was when the application was originally presented, where a portion of the parking is in the residential zone. However, everything else is exactly the same as when it was submitted to the Commission in 2007 and approval had been granted.

Mr. Zyrlis showed a rendering of the proposed new building, which will be consistent with the buildings that are presently there.

Vice Chairman Vetter: Asked Staff for comments.

Mr. Sulkis: There is one change from the last application to this current one, which is the addition of a sidewalk along Route One. The initial application did not have that. In this application the Tree Commission made several recommendations on species and tree placements that are slightly different from the original recommendation.

Mr. Zyrlis: Showed where the driveway will be located, as well as the addition of trees per the Tree Commission.

Ms. Cervin: The Tree Commission wrote specific things on their report. Asked if the applicant will comply with everything they have recommended or requested.

Mr. Zyrlis: Yes.

Mr. Bender: Asked Staff what the Board is approving.

Mr. Sulkis: Responded it will be a 10,000 commercial building and it is not necessary to know what business will go there. Whatever use is allowed in that zone can go into that building.

Mr. Liddy: Had a question on the number of parking spaces which exceeded the number of required spaces by 20. Why were these 20 additional parking spaces kept in the residential area?

Mr. Zyrlis: Clarified that the future tenants might have their own parking standards which might be higher than the City's requirement. This is anticipating what might be the needs of a future tenant. Gives more flexibility to a tenant, such as a restaurant which usually has higher parking standards. Trying to anticipate various situations of prospective tenants, rather than to come back later at more time and expense. If the Board wants to remove some of the spaces it could be done.

Ms. Cervin: Asked why the zone line had not been changed when it was noted at the last hearing in 2007. What would it take to change that zone?

Mr. Sulkis: Would have to do a zone line amendment to move the line as it does not follow the property line. It is an administrative matter that can be brought to the Board the night of the meeting. Must have been overlooked at that time.

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Ms. Cervin: Will there be dumpsters on the site and will they be enclosed?

Mr. Zyrlis: It will be enclosed.

Mr. Bender: Asked why the zone line could not be moved at this time.

Mr. Sulkis: This application would have to be redone as the Special Exception is required due to the parking spaces in the residential zone and that is what has been noticed. Making the zone change now would hold up this application.

Vice Chairman Vetter: Asked the public if there was anyone to speak in favor of the application? (No response) Anyone to speak against the application? (No response)

Mr. Ferrante: Asked how far away the abutters were from the property in question.

Mr. Zyrlis: The nearest residential properties are 300-400 feet away. There is a very large landscaped buffer with existing trees between the areas.

Mr. Liddy: Asked about various details of the building materials to be used.

Mr. Zyrlis: Reviewed the building materials that would be used, which were in keeping with the existing buildings.

Vice Chairman Vetter: Closed the Public Hearing.

3. **306 HIGH STREET (ZONE R-12.5)** – Petition of George Adams, III, Esq., for approval of a two-lot subdivision on Map 65, Block 310, Parcel 7, of which Donna Kustra is the owner.

George Adams, Esq., Harlow, Adams & Friedman, PC, 300 Bic Drive, Milford, representing Donna Kustra, who is the owner of this property. Her deceased parents bought the property in 1966. She seeks to subdivide the property into a two lot subdivision as per the maps and plans that were submitted to the Board. The property is located in the R-12.5 zone and the lots are fully compliant with the subdivision and zoning regulations with the exception of the lot width on the existing house line. The lot width requirement in the zone is 80 feet wide measured at the building setback line. The existing house lot is 60.95 feet wide and this is by virtue of a variance that was granted by the Milford Zoning Board of Appeals on January 11, 2011. Two 70-foot lots were applied to the Zoning Board of Appeals but they did not like that. They approved an 80-foot and 61-foot lots approved in January 2011. All other lot requirements are met. The existing house sits off to the side of the lot and it fits fully within the building envelope for a 60-foot wide lot.

Historically this parcel had been two parcels. One parcel was 58-feet wide, the other was 83-feet wide. The parcels were merged. The newly created parcel is 80 feet wide and is oversized at 14,013 SF. There is no available property for open space. Payment will be made in lieu of an open space contribution. The payment at 10% of the appraised value would be approximately \$10,000 for the Open Space Fund.

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Attorney Adams reviewed the City departments' comments. The Tree Commission had some recommendations which will be addressed by the future developer. At the ZBA hearing, the neighbors did not object to the application as long as it would not be changed to a two-family. The existing house has become rundown and a developer would be required as a term of sale to rehab the existing house. The City Engineer had some comments which he recommended be made conditional upon approval with regard to drywells.

This is a simple two-lot subdivision meritorious of the Board's approval.

Mr. Sulkis: Mr. Adams has done a fine job describing the application.

Vice Chairman Vetter: Anyone to speak in favor of the application? (No response)
Anyone opposed to the application? (No response)

The Public Hearing was closed.

4. **489 NORTH STREET (PLATT RESERVE) - (ZONE R-10)** - Petition of George Adams, III, Esq., for approval of a two-lot subdivision on Map 87, Block 801, Parcel 2, of which Arnold Peck is the owner.

George Adams, Esq., 300 Bic Drive, Milford. Here on behalf of the owner, Arnold Peck. Also present is Ron Wassmer, the engineer for the project. The application is to divide into two building lots, a 23,718 parcel located in an R-10 zone, for which the minimum lot area is 10,000 SF. Lot #1 containing the existing historic structure on 11,653 SF lot facing North Street, and a new house on a 12,065 SF lot, facing Platt Lane. Open space will be payment to the Open Space Fund in lieu of donating open space.

Mr. Adams distributed a packet which detailed the historical significance of the existing house which was known as the J. Woodruff House built in 1840. A letter from Richard Platt, Jr., City Historian, dated December 4, 2011, stated he was pleased that the historic house would remain intact and that the streetscape on North Street would not change. The house is listed in the Milford Historic Resources Inventory List of 2007.

Each of the proposed lots are through lots with two street frontages. Mr. Adams stated he preferred not to go to the Zoning Board of Appeals for variances on the street frontage for each lot, but preferred to ask the Planning and Zoning Board for a waiver for the street frontage for lot 1 on Platt Lane and a waiver for the street frontage for lot 2 on North Street.

Before it was known that the house was on the historic inventory, the plan was to tear down the house and build a new house in its place. In view of the historic nature of the house, the existing house will be kept, but the lot had to be reconfigured and are not as nicely rectangular as they would be starting off with a raw piece of land, as the setback lines have to be set around the existing house.

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Mr. Adams described the plans via a site display. He noted that this parcel has frontage on two streets, each street counts as a front yard. He referred to the historic house as the front-front yard and the rear front yard for the historic house. The front-front yard for the new house faces Platt Lane and the front rear yard for the new house faces North Street. The lot width is measured at the setback line. The setback line for a front yard in this zone is 25 feet back. He discussed the Subdivision Regulations with regard to a true lot, which is a lot other than a corner lot, which has frontage on two or more streets and that lot width is the horizontal distance between side lines measured parallel to the street line and along the building setback line. The staff has taken the position that the minimum lot width requirement must be met on both the front-front yard and the front-rear yard. Rather than go to the Zoning Board of Appeals and ask them for a variance of that requirement, he has decided to come to the Planning and Zoning Board, and believes the Board has the authority to waive that requirement pursuant to Section 6.4 of the Subdivision Regulations.

He described a chart he had distributed that was highlighted in blue and yellow, which he explained, via the measurements noted, the waivers being requested. If the frontage figures were added up there would be enough frontage on the Platt Lane side not to require any waiver. Along the North Street side the total parcel is 4.5 feet short. If it were to be divided into two rectangular lots, they would have to ask someone for a 27 inch waiver on each lot on the second rear lot, which is not a lot to ask in this context, where the property is more than twice the size required in the zone. That is the theory on the waivers. The waivers need a 2/3 majority vote of the entire board for its approval. Asked that the Board focus on this.

The plans were circulated to all the City departments and they have all signed off on them. The Traffic Division of the Police Department has stated there is no traffic, safety or site line issues. Both houses have vehicular access through Platt Lane rather than North Street. The Tree Commission made some recommendations that are acceptable to the applicant.

Ron Wassmer, PE, Connecticut Civil Group, Research Drive, Milford, the Project Engineer, reviewed the six sheets of engineering plans which he prepared.

Mr. Mead: Asked if this property was always one lot.

Mr. Wassmer: Yes.

A buffer in the backyard of the house that has frontage on North Street will be esthetically pleasing. There are many maple and other trees that will remain on the property. Additional trees can be added.

A recess was taken to give the public the opportunity to look at the proposed subdivision plans.

Meeting resumed at 8:55 p.m.

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Vice Chairman Vetter: Anyone to speak in favor of the application? (No response).
Anyone to speak in opposition of the application?

Matthew Lambiase, 31 Platt Lane. Lives directly across the street from the proposed lot. He believes the lots do not fit the neighborhood, even though it is zoned R-10, the lot sizes in the area are not normally as big as this lot. Thinks this is changing the neighborhood. The house will not fit. It will be placed sideways on the lot. There will be no frontage to the house. Basically looking at a garage door. Two driveways will be added to a very busy street. Platt Lane is a cut-thru from North Street over to Orange Avenue. He has a brook running through his front yard. Adding two paved driveways will create more runoff in the yard, draining into the brook in front of his house, which floods almost to his driveway during heavy rains. The same thing happens to other properties in the area concerning drainage. Also concerned about property values.

John McLean, 477 North Street. Lives on the property that is on the southern border of this property. He has a North Street address with a Platt Lane driveway. Concerned that the house they want to put in will ruin the niceness of the neighborhood. All the properties front doors face the roadway. Happy the existing house will be kept. Thinks this house should be refurbished instead of leaving it the way it is and building another house. Sees this only as a benefit to the developer with no consideration as to what it will do to the neighborhood.

Clementine Longrini, 11 Platt Lane. Concerned and opposed to forcing a house on an existing lot. Concurs with her neighbors as to what they have stated. Also concerned with runoff that causes flooding in her yard as a result of other projects, such as the Platt Lane Extension. Concerned about a backyard that fronts on North Street, which is a busy State road. No economic benefit to anyone but the developer. There are many houses for sale in Milford, that are not selling, why build more?

Mary McLean, 477 North Street. Lives next door to the proposed development. This is a cut through to Orange Avenue on a very busy road. It will not add anything to the neighborhood.

Rebuttal:

Mr. Adams: Asked Mr. Wassmer to address the drainage questions. He noted two driveways will not be added. The existing driveway is already fronting on Platt Lane. He restated that the Milford Police Traffic Division gave its approval to the development. This property is in an R-10 zone and has over 24,000 SF. It would be unfair not to allow the property owner to subdivide the property if it meets the regulations.

Not sure if the neighbors, if given the choice, would be interested in not saving the house and having two houses, which he concedes he does not have the ability to have as a matter of right. It would require the 27' waivers on each of the two of them, according to the interpretation of lot width. He thinks this is a sensible project and a house will be built that will be tasteful and in keeping with the neighborhood. It would cause the existing historic house to be refurbished and preserved, which is what the City historian would like to have. It will also put people to work, which is an economic benefit. Can't just look at the developers wanting to make money. They want to make money just as every other profession or business wants to make money.

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Ronald Wassmer: Explained how the drainage complies to the requirements. He incorporated the Principles of Storm Water Management according to the Subdivision Regulations and a report was submitted with the application. There is no increased runoff from the site, in fact there will be a decrease of runoff as a result of storm water dry wells added for driveways and roof drainage.

Mr. Adams: Noted he would be amenable to a requirement from the Board that the driveways be of a pervious material, rather than impervious, with the exception of the area immediately outside the garage,

Rebuttal from the Public:

John McLean, 477 Platt Lane: Right now there is a crushed rock driveway that absorbs the runoff. There will be two new driveways that will be paved and not within that runoff. Also, the road is not very wide. People backing out of their driveways with cars parked on the road, you can't see around it, especially around the cut-through when the traffic is at 40-45 MPH.

Clementina Longarini, 11 Platt Lane. Would prefer they rehabilitate the existing historic home which is beautiful and that would benefit the neighborhood and City as well.

Mr. Liddy: Asked if the public hearing should be left open receive information from an arborist about moving the trees. It was said that moving the 24 trees around would make it a nicer lot.

Vice Chairman Vetter: If the concern is moving those trees to what would be the rear of the lot, the applicant talked about planting new trees. Maybe the requirement is more to what the end state should be in the lot and the requirement around that.

Mr. Bender: Asked if this house was on the historic inventory list.

Mr. Sulkis: It is on the Milford historic properties inventory list. It is not protected by the State or Federal government.

Vice Chairman Vetter: Asked if additional information is requested. Two things that came up were the plantings for the rear of one lot and there was a discussion about pervious driveways and the applicant mentioned his willingness to do that.

Ms.Cervin: Does not see the need to keep the public hearing open and prolonging the application.

Vice Chairman Vetter. Closed the public hearing.

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E. NEW BUSINESS

5. **24 MILFORD POINT ROAD (ZONE R-7.5)** – Petition of John Wicko, Architect, for Coastal Site Plan Review approval to perform substantial improvement to a single family residence on Map 6, Block 88, Parcel 8, of which Craig Sementilli is the owner.

John Wicko Architect, 50 Broad Street, representing Craig Sementilli for a Coastal Management Site Plan Review approval for a property on Wheelers Marsh in the Cedar Beach area towards the Housatonic River. This is an older house in the R-7.5 zone with an existing detached garage, nonconforming. Described the house, location and its need to be raised as it is in the VE-12 zone. There is a slight change in the CAM application as to the proposed construction time. Construction might start during the winter months, rather than the early spring, as noted in the CAM report. There are two curb cuts and a walkway that front onto Milford Point Road.

Applied to the Zoning Board of Appeals for the front yard setback, which was granted.

All City departments came back with favorable responses. Engineering Department had comments to be conditional upon approval. One such comment was the Public Works' regulations limits the driveway to 20 feet. Spoke to Bruce Kolwicz, the Director and he prepared a letter stating at the time of permit a waiver would be granted to facilitate more off-street parking in an area of town that needs more. One of the curb cuts on the site will be eliminated, so there will be one wider curb cut that incorporates all the vehicular accesses, as opposed to two which are presently there.

Described the displayed sheets describing the house and all aspects of the proposed construction that were brought to his attention by the DEEP comments and are in compliance with same. Also showed the existing house and its elevations compared to the proposed raised house.

Mr. Ferrante: Asked about the 3.7 foot variance that was obtained. Doesn't the area call for 20 feet?

Mr. Wicko: The 3.7 foot variance is for the front yard setback, which is separate from the driveway. The driveway is a width requirement which is a distance measured from the property line of 20 feet. So the 3.7 feet was the variance from the Zoning Board of Appeals for the existing house footprint to remain in the same location.

Mr. Ferrante: Isn't this considered new construction?

Mr. Wicko: No. This is substantial improvement and the house is being raised, so it acts as new construction because it is over 50% improved. This has nothing to do with the width of the driveway, which is a waiver from the Public Works Department.

Vice Chairman Vetter: Asked for Ms. Harrigan's comments.

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Ms. Harrigan: The applicant worked extremely closely with the DEEP on this application. They had quite a few concerns and comments and the applicant was extremely diligent in addressing all their concerns.

Ms. Cervin: Asked about the waiver from Public Works. Had never encountered that before. Asked if it was not in the purview of the Planning and Zoning Board.

Mrs. Harrigan: There have been requests like this previously. For this particular site right now, there are two curb cuts, so they are reducing the total number of curb cuts. The curb cuts are in the public right of way and the Public Works Director has jurisdiction and authority in this area.

Mr. Liddy: Asked about the height of the proposed house compared to the height of the house next door.

Craig Sementelli, 24 Milford Point Road. His house will not be as high as that house.

Mr. Ferrante: Asked about the driveway and the curb cuts.

Mrs. Harrigan: The driveway apron cannot be impervious. The Engineering Department requires that. Explained the materials for the driveway.

Mrs. Patterson: Asked about the rear setback where the garage is located and was the garage to remain.

Mr. Wicko: The garage will remain and there is an older, existing variance for it.

Mrs. Harrigan: The setbacks for a house and a garage are different. The garage is allowed to be closer to the lot lines and this meets the requirement.

Ms. Cervin: This application meets all the requirements of the regulations and DEEP gave its approval. Made a motion to approve.

Mr. Bender: Second.

All members voted in favor.

F. PLAN OF CONSERVATION AND DEVELOPMENT

Vice Chairman Vetter: Has no update. Asked Mr. Sulkis if there was any activity current or planned in the near future.

Mr. Sulkis: Will be updating the schedule. Working with the consultant. Behind due to Hurricane Irene. The consultant is also behind in the schedule that was originally proposed. We should have that shortly.

Vice Chairman Vetter: Asked if the calendar for the consultant was a small portion of the Plan and is there a calendar that has to be updated for the remainder of the Plan?

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Mr. Sulkis: It's all sort of going in conjunction with each other because the consultant is looking at a couple of key things around town and then we will play off that. We will be on schedule, hopefully, to get everything done within 2012. We're working with the consultant to tighten up and get a reasonable schedule.

Vice Chairman Vetter: What is the date of submission?

Mr. Sulkis: Did not remember. The goal is to have the process complete by the end of 2012.

F. LIAISON REPORTS – None.

G. APPROVAL OF MINUTES – (11/15/2011)

Mr. Bender: Motion to approve.

Mrs. Patterson: Second.

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

H. CHAIR'S REPORT

Mr. Vetter: Welcomed the new members of the Board; those members who could attend tonight: Mike, Ben and Jeanne. Congratulated some of the members who moved onto the Board of Aldermen: Susan Shaw, Robert Dickman, Janet Golden and George Gasper.

After four years on the Board it is his intention to step down from the Board. The process is that he submits his intention to the Mayor and the Mayor appoints a new member which must be approved by the Board of Aldermen. Until that is accomplished he will stay on. Thanked the Board Clerk and Staff for all their help and time.

I. STAFF REPORT

Mr. Sulkis: Welcomed the new members to the Board. This is one of the best boards to volunteer for. It is by far the most challenging board you can be a member of, and if history is any indication, once you cut your teeth on this board, you'll be perfectly suited to work on any other board in the City.

Ms. Cervin: Motion to adjourn.

Mrs. Patterson: Second.

All members voted in favor of adjourning at 9:41 p.m.

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