

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 2 JUNE 2020, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:00p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, Brett Broesder, Joe Castignoli, Jim Kader, Brian Kaligian, Peggy Kearney, John Mortimer, Carl S. Moore, Jim Quish, Robert Satti

Not Present:

Staff: Joe Griffith, DPLU Director, David Sulkis, City Planner; Meg Greene, Rec. Sec'y

C. OLD BUSINESS: None

D. NEW BUSINESS: None

E. PUBLIC HEARINGS

HEAR BY JULY 7, 2020; VOTE BY SEPTEMBER 10, 2020

- 1) **Proposed Regulation Change #20-5** Petition by Kevin Curseaden, Esq., 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 introduced the project team present online. He said the application was filed last year with the same proposed language, but one billboard location had been removed from the previous presentation. He displayed a chart of the 6 proposed locations of the electronic billboards as well as an aerial display of the locations and photographs of Interstate 95 near each proposed sign. He listed locations of digital billboards in the surrounding area. He said the application was resubmitted, noting that the last vote was close with one member absent, and that with the election of new board members, there could be a shift in opinion. He reminded the board about billboard lighting and the comments of expert Cheng Qian. He also recalled the conclusions of traffic engineer Michael Trantella's report regarding the traffic safety of billboards. He said the advertising access for small businesses was now more crucial due to hardships from the COVID19 pandemic. He discussed the idea of a letter of agreement permitting businesses and nonprofits to display public service announcements, raise awareness of community events, or promote fundraisers. He noted that industry standards are part of the project design. He said business owners Msrs. Gannon and DeMartino could address questions on the pricing structure of billboard rentals. He acknowledged fears that such billboards would migrate to more historic parts of the city but stressed that this was not the goal of the project.

Mr. Satti asked about a pagination in the presentation and if anyone on the project team had contacted a board member since the last vote. **Attorney Curseaden** said contact may have been possible but that he resubmitted a comprehensive package in hopes of persuading the board to reconsider the previous decision. He said he had done more due diligence. They discussed the zones of the proposed billboards: CDD1, LI, and ID. **Attorney Curseaden** stated that any other billboards in those zones would be excluded from electronic conversion, saying the proposed regulations were specific. **Mr. Satti** asked about increased tax revenues potential. **David Gannon** of Outfront Media, North Haven, (project team) explained aspects of taxing new structures as personal property. He said current billboards are likely completely depreciated, whereas new ones would be taxed at the top rate of a probably value around \$500,000. **Mr. Broesder** asked about lighting measures described in the current regulations versus light to be emitted electronically. **Cheng Qian**, MASC, Chief Product Architect, Media Resources, Inc, Ontario, Canada, (project team) reviewed techniques to measure surface luminance at various distances to avoid glare or eye fatigue. The two further discussed the current regulation limitations with **Mr. Sulkis**. **Mr. Gannon** reminded the audience that current billboards are also illuminated and **Mr. Qian** said traditional billboards are capable of equivalent or higher light level emissions than electronic versions, particularly with newer types of replacement bulbs. **Attorney Curseaden** said the light emission met the residential limits. **Mr. Qian** said the goal was to avoid glare and light trespass. **Mr. Broesder** asked why each location should not apply separately for special exceptions. **Attorney Curseaden** said a regulation change allows uniform enforcement versus presenting individual hardships to the Zoning Board of Appeals. **Mr. Kader** said he understood the benefit of short, affordable advertising times for small business, but wondered what prevents big businesses from buying up all the best time. **Mr. Gannon** said bigger markets run that risk whereas small markets will tend to sell 80% of ad time to local businesses and 20% national. **Mr. Castignoli** asked Mr. Qian about news that Sweden has banned electronic billboards but Mr. Qian was not familiar with that development. **Mr. Moore** noted that the last application resulted in many public concerns about the billboards changing the character of the city, yet that issue hadn't been addressed in the presentation, while allowing that aesthetics are subjective. **Mr. Mortimer** asked if there was a more recent study than the referenced 2012 study; the project team was not aware of any, asserting that this study was still the current standard with a large scale, significant data set. **Attorney Curseaden** said this request was limited to 6 sites, but if state or federal regulation were enacted, the billboards would have to be brought into compliance.

Chairman Quish had the following list of letter received prior to the meeting in support and in opposition displayed before he invited the public to speak in opposition.

AMENDMENT #20-5 DIGITAL BILLBOARDS – LETTERS RECEIVED FOR AND AGAINST
IN SUPPORT:

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- Doug Edo, Milford Fire Department, 72 New Haven Ave
- Lou D'Amato, 183 Quarry Road
- Lisa Leso, 20 Myers Lane
- Pat Staneski, Milford Chamber of Commerce, 5 Broad Street
- Stacy Blake, 8 Daniel Street

IN OPPOSITION:

- John Hotchkiss, 74 Buckingham Place
- Richard N. Platt Jr., 132 Platt Lane
- Adri Latouf, 30 Grant Street
- Ann Berman, 77 Pelham Street
- Sandra Morgan, 39 Orland Street
- Deanna Jacobs, 14 Darina Place

OPPOSED

Ellen Beatty, 30 Elm Street, Alderwoman, read the following into the record.

May 28, 2020

TO: Planning and Zoning Board Members

FROM:

Jeanne Cervin - former P&Z Board member, Chair, Vice-Chair
Bryan Anderson -former Board of Aldermen, State Representative candidate
Kim Rose- State Representative, former P&Z Board member
Frank Smith – Board of Aldermen, State Representative candidate
Ellen Beatty – Board of Aldermen
John Grant – former P&Z Board member
Scott Marlow- former P&Z Board member
Janet McAllister, Chair Conservation Commission
Ann Berman – Chair Environmental Concerns Coalition
Barbara Milton
Dominic Cotton
Jane H Platt
Richard N Platt, City Historian
Donna Dutko
Sandra Morgan
Sarah Bromley
Nancy Iddings
Mary E Oake
Carley Benak Schultz
Gail Dymling
Teresa Sirico
Laura Fucci
Jill Dion
Cheryl Cappiali
Joy Duva
Stacy Clark

Re: Opposition to proposed regulation change #20-5

This is what we know:

The applicant, Dominick DeMartino, out of town developer, owns one of the billboard properties. He is supported in his application by local developer, Louis D'Amato, who owns at least 4 of the others. Mr. D'Amato has previously applied for approval to digitalize one of his signs using the current Special Exception provision that requires Board review and a public hearing. His request was denied.

Working with lawyer, Kevin Curseadan, new regulations were crafted to make the application process easier for them, avoiding Board review and a public hearing. The change specifically targets the signs on the I-95 corridor where their properties are located. If approved electronic billboards would be reviewed "over the counter" by staff. It would also make it easier for any property owned in the targeted zones to get approval for future electronic billboards. Of course, you know that this is a re-submission of one denied just 6 months ago. The hope would be to sway the three recently elected Board members.

To be clear then, there is already a provision in the regulations that allows an applicant to apply using the Special Exception provision, as Mr. D'Amato did in the past. There was significant public opposition to his request which was denied. It is difficult to understand why the Board would vote to forego this oversight responsibility, especially when this issue is so controversial.

The applicants have provided a lengthy section on safety studies. The most touted, a 2013 study by the Federal Highway Administration concluding that digital signs do not cause a safety hazard. However, since that report was released it has been peer reviewed by 14 international experts and was found to be seriously flawed, See www.enotrans.org/article/fhwas-2013-research-report-digital-billboard. Other studies cited also

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claim no safety hazard, but a quick Google search will show studies that say the opposite. Given the difference in research findings, any research study to be used as evidence of safety should at least be conducted on the Milford I-95 corridor. No research has proven equivocally that electronic billboards are not a safety hazard. But some research has established that younger drivers, older drivers, and people with certain neurological conditions are particularly vulnerable to distraction.

It is worth noting the number of municipalities, states and countries (Sweden) that do not allow digital signs – Greenwich, Norwalk, Darien, Westport, Branford, Guilford, Madison and all points north on I-95. We believe Milford should join the ranks of municipalities not allowing digital signs.

To help gain approval for the zoning amendment, the applicant is offering the use of one billboard for announcements of city events and for use by small business owners for advertising. There is no information about management, cost, time limits, who could advertise or what type of advertising, who would be responsible for management, etc. This offer appears to be a “trust us good faith” agreement with no information delineating the parameters/details. There is no binding agreement entered into the record.

A fact: Plain and simple, BILLBOARDS ARE MEANT TO DISTRACT, meant to divert the driver’s attention from the road.

Another fact: THE PURPOSE OF ZONING REGULATIONS IS TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

QUESTIONS:

1. *Is this what we want for the people of Milford?*
2. *Does this proposal promote the public health, safety and welfare of Milford?*
3. *Is the monetary gain for the applicant and other involved parties equal to benefits to the city?*
4. *What exactly is the gain for Milford?*
5. *Should the P&Z Board give over their oversight function and permit 6 billboards, possibly more, to “over the counter” approval eliminating any possibility of Board review or public input?*

We thank you for your attention to this matter, hope that you share our concerns and will vote for denial.

Donna Dutko, 236 Buckingham Ave, agreed with letter and hoped the board would not give up oversight of digital billboards. She compared it to medical marijuana dispensary regulation changes and also expressed concern about light trespass.

Dominick Cotton, 60 Corona Dr, agreed with the letter and he felt the billboards were not in keeping with the city’s character. He also felt there are many driving distractions already. He said they should be considered in the Plan of Conservation and Development update underway.

Jeanne Cervin, 3 Central Ave, past PZ board member and chair, said regulation exist to promote safety whereas the billboards are meant to distract. She said the 2012 Federal Highway Study was flawed. She said nature of the community advertising option was not defined or understood. She said special exceptions would be a way of allowing the public to weigh in on each potential billboard installation. She asked for a ban on them altogether.

Ronald Monforte, 7 Michel Lane, Gloria Commons, agreed with letter. He described difficulties the condo association has had with a billboard put up on condo property and its angled such that several condos experience light trespass. He expressed concern about traffic safety due to distraction.

Bryan Anderson, 49 Ingersoll Rd, used a reference to teaching experiences to show the board that the billboards do not fit into the nature of Milford.

Scott Marlow, 353 W Main St, respectfully disagreed with claims of safety. He pointed out that there is widespread speeding on I95 exacerbating unsafe conditions. He asked for clarification on light measurements and noted that trees only provide a seasonal light trespass barrier to abutting properties.

Sarah Bromley, 27 Norway St, said her reservations were reinforced by the opposing remarks. She said she finds the billboards distracting.

The following also expressed opposition:

Ann Berman, 77 Pelham St.

Cheryl Capiali, 234 Grinnell St.

Nancy Iddings, 136 Housatonic Dr.

Chairman Quish invited the public to speak in favor.

FAVOR

Peter Cozzolino, 31 Gulfview Court, business owner and Economic Development board commissioner, said he employs 100 people at his Napa auto truck parts business, and that advertising is expensive. He said he’s been open throughout the pandemic as an

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essential service and needs to survive. He pointed out that traditional billboards create environmental problems due to a great deal of waste in the form of plastic billboard covers. He said smart phones are far more distracting and they emit much light right from within the cars. He said technology changes can be scary, but are necessary.

Pam Staneski, 35 Point Lookout, Reg Director of Chamber of Commerce, underscored Mr. Cozzolino's comments. She said the Bin 100 restaurant owner told her (Ms. Staneski) that a billboard advertisement boosted her outdoor dining business as businesses try to get the word out that they are reopening. She said the ability to pivot quickly has been proven by COVID19. She said she has spoken to many young millennial entrepreneurs with startup businesses seek to level the playing field with advertising.

John Barrett, Woodmont Senior Burgess and president of Barrett Outdoor Advertising, said he sits on various industry committees where difficult concepts regarding luminescent and brightness are defined. He pointed out that luminescent is how much light is striking us as viewers and must be measured from where it's being observed, not from the source. He gave examples of the relative brightness of light compared to ambient light. He said sensors are used to adjust the amount of light emitted during the day versus during the night.

REBUTTAL

Attorney Curseaden said other towns adopted such billboards without resulting in higher rates of accidents. He said the zone text change supports an adaptive reuse of older technology. He said he thinks this is about optics rather than safety. He said the draft was done with care and transparency and that the business perspective is important. He said small business owners in CT often struggle and this can provide an advantage for survival. **Mr. Qian** said flashing concerns are unfounded as flashing is defined as a rapid turning on and off, whereas the 8-second flip time standard prevents flashing patterns. He described all the environmental impacts of traditional billboards. **Mr. Gannon** emphasized flexibility to change a message anywhere from within 2 hours to within 2 weeks. He emphasized the utility of being able to list public safety announcements like those pertaining to COVID19.

Chairman Quish invited more comments.

OPPOSED

Ellen Beatty, 32 Elm Street, said she is pro-business, pro-small city and pro-technology. She said the small-town charm is what attracts young people to the city, and that her constituents were not anti-business.

Jeanne Cervin, 3 Central Ave, stressed that each individual billboard should be judged on its own merits or drawbacks.

Dominick Cotton, 60 Corona Dr, said a friend, who is a business owner, says radio advertising is more effective.

REBUTTAL

Attorney Curseaden had nothing further.

Mr. Sulkis said he could get a summary of the Swedish study per **Mr. Castignoli**, who wanted to keep the public hearing open. **Mr. Satti** referred to the 2019 vote, and asked for specifics. **Mr. Kader** wanted information from other states that have banned billboards. **Mr. Mortimer** wanted to know why 2012 study was flawed. **Attorney Curseaden** asked if the requested information can be retrieved in 2 weeks to allow him time to respond. **Mr. Sulkis** said he would copy **Attorney Curseaden** as he gathers information. **Chairman Quish** thanked the public for their comments and patience.

- 2) **526 Naugatuck Avenue (Zone CDD-2)** Petition by Thomas Lynch, Esq. to construct a 9-unit residential project under 8-30G on Map 18, Block 11, Parcel 16 of which Marwan Sayed is the owner.

Attorney Lynch said Marwan Sayad, builder, was present, along with Ron Wassmer, PE, Land Surveyor of CT Civil Group. He described the location of the property and referred to the guidelines of CSG 8-30g affordable housing proposals. He said this was the last such project approved prior to the 4-year moratorium going into effect. He said prior structure was demolished and the site is ready for development. He said CDD-2 zone permits multifamily development with 30% dedicated to affordable units, making the proposal unlike more controversial developments that had been constructed in single family zones. He said 3 buildings would consist of 9 units with 3 unit set aside as affordable. He reviewed parking and apartment configurations.

Ron Wassmer, PE, CCG, 49 Research Drive, reviewed the site plan. He noted a recreational open space, discussed the landscaping plan including screening, street trees, and privacy fencing in back. He said the site required minimal storm drainage and would be

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connected to public utilities via underground infrastructure. He said illumination with conforms to city regulations. He presented architectural elevations and floor plans and stated that departmental approvals had been received.

Attorney Lynch reviewed the Set-Aside Housing Development Affordability and Fair Housing Marketing Plan, highlighting the calculation of rents at 80% and 60% of median incomes. He noted approval by the city's Fair Housing Officer. He also noted incorporation of comments by the City Engineer and reviewed other departmental approvals in more detail.

Mr. Sulkis provided his administrative summary, which was consistent with the presentation and included information on setbacks. He noted there was a discrepancy in the marketing plan and that the architecture doesn't meet architectural requirements due to the use of vinyl siding. He noted that conforming to the standards is waived under 8-30g. that the landscaping was quite bare and asked that more be provided.

Mr. Satti asked where a dumpster would be located. **Attorney Lynch** said garbage and recycling cans would be stored in the garages and waste removal would be managed by a private company. They discussed additional traffic and nearby bike or share lanes. **Chairman Quish** asked if 1-bedroom units with a den might be rented as 2-bedroom units. **Attorney Lynch** said an annual accounting of rents must be given to the Fair Housing Officer who would see such a discrepancy. **Ms. Kearney** confirmed that a 2-bedroom unit would be designated as affordable. **Mr. Kader** asked if neighbors had raised objections, if the vinyl could be upgraded, and if could solar panels be incorporated. **Attorney Lynch** said it was a small project that solar would be prohibitively costly. He agreed that the zoning regulations had not met for architectural standards but reminded the group that the 8-30g statute overrides them and added that this cost was even more prohibitive at approximately \$60k. He said there are new vinyl composites that are aesthetically pleasing and durable. He asserted that additional landscaping would be acceptable to his client as a condition of approval. **Mr. Mortimer** wondered if a traffic study could be done. **Attorney Lynch** said because the zone is in a multifamily, it could be approved with a special permit and that the Police Commission had approved the project as regards to traffic. **Mr. Broedser** and **Mr. Sulkis** discussed the effect of having onerous conditions attached to board votes and the history of the court's review of previous denials of 8-20g proposals.

Chairman Quish invited the public to speak in favor.

OPPOSED

Dominick Cotton, 60 Corona Dr, said he was glad to have the moratorium. He said the POCD should provide guidance and thinks the location is mostly appropriate but the parcel is small. He said he dislikes the design.

REBUTTAL

Chairman Quish asked for rebuttal, **Attorney Lynch** said the height is below regulation limits. **Chairman Quish** then closed the hearing.

Mr. Broesder moved to approve with the following conditions: The building and grounds shall be maintained in a safe and sanitary manner in accordance with the CT Public Health Code.

Second: Ms. Mortimer seconded.

Discussion: **Mr. Satti** asked for more specific motion, then to be amended to: **a motion to approve with the following conditions** the Petition by Thomas Lynch, Esq. to construct a 9 unit residential project under 8-30G on Map 18, Block 11, Parcel 16 of which Marwan Sayyed is the owner. **Conditions:** The addition of solar PV panels and landscaping upgrades subject to staff approval.

Mr. Broesder accepted the amended language.

Joe Castignoli seconded the amendment.

Vote: Motion carried with 6 affirmative votes

WITH THE MOTION: N. Austin, B. Broesder, J. Castignoli, J. Kader, P. Kearney, J. Mortimer, J. Quish

AGAINST THE MOTION: B. Kaligian, C.S. Moore, R. Satti

Chairman Quish decided that, due to the hour, the remaining agenda items regarding regulations should be considered at a future meeting.

F. LIAISON REPORTS—

G. SUBCOMMITTEE REPORTS—

Chairman Quish noted meetings of both groups with minutes available.

H. APPROVAL OF MINUTES—5/5/2020 minutes were approved unanimously.

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- I. CHAIR'S REPORT** – None
- J. STAFF REPORT** – None
- K. ADJOURNMENT** was at 10:51.

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.