

**PLANNING AND ZONING BOARD MINUTES FOR ONLINE SPECIAL MEETING HELD
MONDAY 20 JULY 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: VOTE BY SEPTEMBER 10, 2020

- 1.) **125-135 Broad Street**(Zone MCDD) Petition of Metro 135 LLC, Care of Metro Star properties LLC, for a site plan approval for a 5 building mixed use complex on Map 54, Block 394, Parcel 14 of which Metro 135 LLC is the owner.

Chairman Quish advised that per the regulations, there is the distinction between site plan reviews and hearing requiring public comment.

Robert Smith, Executive Managing Director & Founder of MetroStar, 41 Cherry St., presented an overview the application, stating that it is consistent with Transit Oriented Development (TOD) and the Plan of Conservation and Development (POCD). He reviewed City departmental signoffs and noted that per the Tree Commission, the large ginkgo tree near Broad Street would be preserved. He shared a short drone video of the property, showing its proximity to MetroNorth railroad. He said most of the original building would be left intact and that a monument to Simon Lake would be erected. He said the project was funded entirely with private funds.

John Wicko, AIA, 58 Prospect St, reviewed the architectural drawings. He described the size and features planned for the first floor of the buildings, consisting of non-residential space, including a fitness center and garages. He said the project meets or exceeds all standards for the permitted use. He reviewed the landscaping plan. He reiterated that the old funeral home would be preserved with improvements. He described access to the site from Broad Street as being via 2 curb-cuts and that from access High Street would be via a driveway. He described the central plaza which supports commercial activity and showcases historical features. He reviewed the parking plans, including garages under the 3 rear buildings, saying the number of spaces meets the usage demands, referring to a letter from a Milone and MacBroom traffic engineer. He presented the word of the landscape architect, noting that more foundation plantings and street trees would be added. He reviewed the lighting plan, which he said is designed to avoid light trespass and which features a lamp-post design. He showed renderings of bird's-eye views. He said the style was nautical harbor with a pedestrian-friendly feel. He said first floor exteriors were done in durable materials, with upper floors in clapboard or wood shingles with panel trims. He said 3 funeral-home porte-cocheres would be removed, noting they were not part of the original building. He reviewed floor plans for the existing building as well as those of the newer buildings. He noted the saw-tooth roofline on one of the rear buildings as referencing and preserving the old Simon Lake lab structure while now providing a vaulted ceiling for residents. He reviewed various building elevations noting the nautical style architectural details. He said the goal was to evoke the feeling of living in a pedestrian village when one is moving through the complex or crossing from the green via the complex to the train station. He displayed a plan for a clock-tower featuring a plaque about the Simon Lake mansion and lab.

Ron Wassmer, PE, CCG Engineering, reviewed the existing condition survey, sedimentation and erosion plan, grading and drainage plan, and utility plans. He said other departments had approved the plans, with a revision to preserve the ginkgo tree. He said the site was level and did not require grading. He reviewed an appendix regarding compliance with Milford's Natural Resources guidelines.

Mr. Smith played a summary video showing 3-D animated overview/virtual walk-through of the proposed project.

Mr. Sulkis provided his report with metrics on square footage, parking, and use, stating that it would be substantially zoning compliant with MCDD regulations. He provided calculation assumptions for parking, noting that the board would have to provide a finding of parking adequacy.

DISCUSSION

Mr. Satti and **Mr. Smith** discussed the nature of the daily parking lot business currently operating on the site. The current parking lot was described as private property with a right of way. The current use for daily parking is a rental agreement with the previous

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owner. It is not public parking. There was discussion of parking for gym use, but the owner noted that the gym was not for public use, just for residents. **Mr. Satti** asserted that the parking calculation was incorrect if 2 spots were needed per unit; **Mr. Smith** said the zone would not require specific parking spaces per unit, but stated that the calculation was based on the Milone and MacBroom assessment and subject to board approval. **Attorney Lynch**, 63 Cherry Street, representing MetroStar, said that MCDD zone parking requirements would necessitate the board making a finding of parking adequacy. He listed downtown restaurants that don't feature any dedicated parking spaces at all. He said the shared calculation was based on the size of the units—that in zones other than the MCDD, the net number of spaces would be 154. He said the shared parking number relies on timetables that calibrate parking during business hours versus when residents return to park in the evening. He emphasized that a zoning compliant application does not require a public hearing. **Mr. Satti** and **Attorney Lynch** discussed requirements for holding a public hearing and whether the board was barred by statute or local regulation from holding a public hearing when it was not mandated by the regulations. **Mr. Sulkis** clarified that different apartment types have different parking requirements. **Mr. Castignoli** asked how the number of required parking spaces was derived; **Mr. Sulkis** provided his matrix resulting in 154 spaces. **Chairman Quish** asked how many 1-bedroom units have a study; **Mr. Wicko** said were 10 units with a 10'x10' or 8'x10' study. **Mr. Smith** said the study spaces could be removed from the design if the board objected to them. **Mr. Smith** reviewed the differences in MetroStar's calculation for mixed use parking from how **Mr. Sulkis** calculated parking in this instance. **Chairman Quish** clarified that the easement is controlled by the owners and should be used only as a right of way. **Mr. Satti** said he favored a public hearing. **Chairman Quish** said there would have to consult with the City Attorney first and that a new public hearing must be scheduled and noticed. **Mr. Mortimer** said he thought the plan was beautiful, but was concerned about additional traffic. He said site plans do not require traffic studies and this was a concern. **Chairman Quish** said that the site was important to all citizens of the city. **Mr. Smith** said the TOD concept has the effect of reducing traffic due to its proximity to the train station. **Mr. Castignoli** expressed a desire to open a public hearing. **Mr. Broesder** said the Transit Oriented Development concept was worthy, but he also favored a public hearing.

Chairman Quish asked for a motion.

Mr. Satti moved *that the application be tabled to allow for review of the applicant's compliance with the provisions of 3.21.3.5 and 5.1.4 as they relate to reduced parking for general business, professional offices, other retail service and sales establishments, additionally to provide a traffic study in the area of High Street, Broad Street, and the surrounding street.*

Second: **Mr. Castignoli** seconded.

Discussion: None.

Vote: Motion carried with all board members except **Mr. Moore** voting with the motion.

2. 72 Broadway (Zone CDD-2) Petition of Joe Porto, Esq. for a Coastal Site Plan Review to construct a Restaurant/Banquet Building on Map 013, Block 140, Parcel 4 of which Livio Faustini is the owner.

Joe Porto, Esq., Parrett, Porto, Parese & Colwell, Hamden, presented the applicant, noting that the Costa Azurra restaurant had occupied the site since the 1970s. He said the existing single story building would be replaced by a 2-story building with less square footage, but the same use. He said the new building would be flood compliant. He showed elevations of the new restaurant and banquet hall. He noted a survey with a highlighted section documenting a preexisting piece of pavement in the right of way. He said the striped parking will not force any vehicle to protrude into Ann Street. He said he would like to landscape this area.

Alan Shepard, PE, described the flood mitigation features and parking configuration. He said green features had been added.

Jonathan Kost, architect, Sandy Hook, said the previous 1400 square footprint would be reduced to 900 sf, providing parking adequacy, green space, and access for emergency vehicles. He said the banquet hall is approximately the same size with a separate reception hall/smaller restaurant, including bridal and groom spaces. He said that secondary space would never function as both a banquet hall and restaurant simultaneously. He said the building featured a New England style consistent with the neighborhood.

Dean Pushlar, landscape architect, Brookfield, said indigenous plants that are salt tolerant would be used for shade and privacy screening.

Mr. Sulkis provided his report with various metrics on square footage and parking. He noted that the position of the parking lot and landscape buffer was in the City right-of-way along Ann Street.

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Chairman Quish asked for a motion.

Mr. Broesder moved to approve with the following conditions the Petition of Joe Porto, Esq. for a Coastal Site Plan Review to construct a Restaurant/Banquet Building on Map 013, Block 140, Parcel 4 of which Livio Faustini is the owner.

1.) The Applicant shall have the approval from the City of Milford for the parking lot and landscape encroachments in the Public right of way prior to a zoning permit being issued.

Second: Mr. Castignoli seconded.

Discussion: None.

Vote: Motion carried with all board members voting with the motion.

E. PUBLIC HEARINGS

Item 1: CLOSE BY JUNE 2, 2020; CLOSE BY JULY 7, 2020; VOTE BY SEPTEMBER 10, 2020.

Item 2 through Item 7: HEAR BY SEPTEMBER 10, 2020; VOTE BY NOVEMBER 18, 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 reviewed the requests for additional research from the board at the last meeting. He provided information on billboard advertising in other states and on federal highways. He said he regretted any trend toward an adversarial tone at the last hearing and that he sought to collaborate with the board. He expressed support for the idea that site plan reviews for future board conversions could require a Special Permit featuring a public hearing. He suggested changing the petition language to “may be allowed by Special Permit.” He said his team did not feel the 2012 federal study previously submitted was flawed. He referred to a letter from traffic expert Tantella again, noting his visits to I-95. He referred to the Swedish traffic study, noting that it was inconclusive in terms of distraction or safety. He was unable to find evidence that Sweden banned billboards for safety reasons. He said Sweden does in fact have digital billboards on city streets. He also found no evidence of liability litigation stemming from existing digital billboards in Connecticut over the past 10 years.

PUBLIC COMMENT

Ralph Piselli, 1093 W River St, spoke in FAVOR due to pro-business considerations, now heightened due to the pandemic and public safety messages.

Gary Johnson, 70 Terrace Rd, spoke in FAVOR of the application to help nonprofits and small business. He agreed that these billboards are safe.

Milford Chamber of Commerce President **Pam Staneski**, spoke in FAVOR, agreeing with previous speakers about the positive economic impacts.

Dan Holburn, Coastal Heating, 14 Marion Ave, spoke in FAVOR, agreeing with previous speakers.

George Holler, 19 Woodhead Dr, spoke in FAVOR, agreeing that the billboards are safe and not substantially different from existing billboards.

Stacy Blake, 8 Daniel St, said she is a realtor and spoke in FAVOR, agreeing that it’s an affordable introduction of events and activities for new Milford residents and reminder to current residents.

Gary Opin 30 Edgewater Pl, spoke in FAVOR, agreeing with previous speakers and noted no uptick in accidents in Bridgeport

Nick Newell, 333 Quarry Rd, Fighting Arts Academy, spoke in FAVOR, agreeing with previous speakers.

Peter Cozzolino, 31 Gulfview Ct, also on the Milford Economic Development Council, spoke in FAVOR, agreeing with positive economic impacts, saying distraction by phone while driving is the real concern.

Louis D’Amato, 183 Quarry Rd, spoke in FAVOR, but was redirected by the chair to confine comments to safety issues; as he had been describing concerns about a business decline affecting tax income.

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Joe Rousseau, 215 Research Dr, spoke in FAVOR, saying safety information relies on technology.

James Stephano, ShopRite of Milford, spoke in FAVOR, praising the greater flexibility, low cost, and timely public safety information.

Dominick Cotton, 60 Corona Dr, SPOKE AGAINST THE PROPOSAL, due to safety with distractibility issues.

Jeanne Cervin, 3 Central Ave, SPOKE AGAINST THE PROPOSAL, saying previous public hearings provided time to comment in favor. She said her reading of the materials led her to conclude safety concerns should be paramount.

Arnold Peck, 680 Boston Post Rd, spoke in FAVOR, saying he had been advertising for 50 years and the billboards would help with current economic concerns.

Ellen Russell Beatty 32 Elm St, SPOKE AGAINST THE PROPOSAL, saying she found the economic comments out of order. She shared her credentials in public health education and administration. She said she supports small business growth but objects to the project.

Dora Kubek, 33 Liberty St, SPOKE AGAINST THE PROPOSAL, saying flashing signs are distracting.

Bill Newbauer, 42 Field Ct, spoke in FAVOR, saying he doesn't find digital billboards more distracting than traditional billboards.

Penny Vasilas, 111 Broadway, SPOKE AGAINST THE PROPOSAL, due to safety concerns.

Sarah Bromley, 27 Norway St, SPOKE AGAINST THE PROPOSAL, saying she had concerns about night vision.

Kristen Luzzi, spoke in FAVOR, saying she drives for a living and does not find them distracting and they are the way of the future.

REBUTTAL

Attorney Curseaden said the signs do not flash and are deemed safe. He reminded the board that there are only 6 signs involved. He said this was a natural evolution of the billboard industry and that the application is better due to vetting.

Chairman Quish invited more comments.

PUBLIC COMMENT

Joe Agro, 232 New Haven Ave, spoke in FAVOR, saying he remembered when Sikorski originally wanted to put their factory in Milford but the plan was prevented due to overreactions and this project reminded him of that lost opportunity.

Sam Killbride, 26 Sand St, SPOKE AGAINST THE PROPOSAL, saying more recent studies done in 2015 in Florida and Alabama and by MIT found that the content switch is the main distraction.

Cheryl Cappiali, 234 Grinnell St. SPOKE AGAINST THE PROPOSAL, saying the signs are one more distraction.

Mark Clarke, 50 Field Ct, spoke in FAVOR, saying the federal DOT hasn't found them unsafe.

Chairman Quish closed the public hearing.

BOARD DISCUSSION

Chairman Quish reminded the board that motions should be made in the affirmative. **Mr. Sulkis** asked if it was the board's intent to have the signs under discussion require a Special Permit. **Chairman Quish** said if the signs under consideration were approved, he would expect that a Special Permit would only be required for individual future signs. **Mr. Sulkis** emphasized that since the board was changing regulation language, it had to apply equally to any and all signs, including those in the application. **Chairman Quish** disagreed and consulted **Mr. Griffith**, who agreed with **Mr. Sulkis**. **Chairman Quish** confirmed that each of the 6 signs under review would require separate noticing and a public hearing.

Mr. Broesder asked for a clarification of use of the Special Permit requirements rather than a Zoning Permit. **Mr. Sulkis** read the language and indicated where the substitution of the term "*special*" would occur: *Subject to all other provisions and limitations*

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of these Regulations, Electronic Digital Billboard Signs shall be allowed in LI, CDD-1 and ID Zoning Districts, subject to a **zoning permit** and the following additional conditions and safeguards. **Mr. Sulkis** noted that Attorney Curseaden agreed that this would be the required language change.

Mr. Broesder moved to approve with the following conditions the petition of 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. Effective Date: Aug 7, 2020 **with the condition of a modification to make each billboard request a separate application for a Special Permit.**

Second: Ms. Austin seconded.

Discussion: Mr. Castignoli said he would not vote in favor due to safety. **Mr. Kader** agreed that the safety concerns are paramount and most citizens don't support it.

Vote: Motion failed with the following votes cast:

WITH THE MOTION: N. Austin, B. Broesder, C.S. Moore, J. Mortimer, B. Kaligian,

AGAINST THE MOTION: J. Castignoli, J. Kader, P. Kearney, J. Quish, R. Satti

- 2) **30 Bridgeport Ave** (Zone CDD-2) Petition by Charles Spath for Special Permit with Site Plan Review to construct a deck within 25' of the Mean High Water line on Map 18, Block 363, Parcel 3A of which Edward and Sharon Chickos are the owners.

Danielle Cosla, Elizabeth Development, 17 Frost Hill Rd, Trumbull, described the previous 1969 deck and said it would not interfere with the dock or water.

Mr. Sulkis described the project with comments by the City Engineer and Inland Wetlands Agency. He said the property's proximity to the Mean High Water Mark required a public hearing.

Chairman Quish invited the public to speak; no one spoke in favor or opposition. He closed the hearing.

Mr. Castignoli moved to approve as presented the Petition by Elizabeth Design Development, for a special permit with site plan review, to construct a deck within 25' of the MHW line on Map18, Block 363, Parcel 3A of which Edward and Sharon Chickos are the owners.

Second: Mr. Mortimer seconded.

Discussion: None.

Vote: Motion carried unanimously.

- 3) **132 Shelland Street:** (Zone HDD/LI) Petition by Jeff Gordon for Special Permit with Site Plan Review for proposed manufacturing facility on Map 62, Block 936, Parcels 9-13, 15 and 16H of which D'Amato Brothers Builders LLC and Jordan Realty LLC are the owners.

Attorney Lynch, 63 Cherry St, said he represented Valley Tool and Manufacturing, along with Codespoti staff Jeff Gordon and Bob Weyway, and also Steve Ulman for a traffic study. He said Valley Tool is a major defense contractor for Lockheed Martin and Sikorski Aircraft. He described the company's history and noted its current locations in Orange and on Bic Drive, which are rented facilities, as opposed to constructing this new building to combine and house all operations. He said there would be staggered shifts with about 140 current employees; with increased staffing up to 200 after the new building is constructed. He described the location and said the use is zoning compliant. He said an access way runs along the side of the building but is not for traffic. He said concerns about traffic should be resolved by planned use of the Shelland Street entrance for deliveries or trucking; all traffic is to use Shelland Street or Bic Drive rather than Plains Road out of consideration for neighbors.

Jeff Gordon, Codespoti & Associates, 263 Boston Post Road, showed the existing conditions map. He said a buffer would be provided along the residential street of Tranquility Way. He showed a lot consolidation map that would have to be filed and recorded upon approval. He noted that the large proposed new parcel straddles 2 zones, both of which permit this use. He showed a parking lot and loading area. He said the access way is for fire safety and service access. He said the main entrance would be in an area of less traffic. He described the topography and how it buffered nearby a residential area. He said existing pine, oak, and maple trees would be preserved and stated that more would be added to stabilize soil and provide shade in parking areas. He described the parking space configuration and noted snow shelf areas. He said the city engineer wanted reassurance that the access way would not be used for traffic, so portable jersey barriers would be used to obstruct it.

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Bob Wheway, PE, Codespoti & Associates, 263 Boston Post Road, reviewed existing conditions and storm drainage. He showed an aerial photograph that he used to show the earthworks of previous uses. He noted that much water drains from Tranquility Way onto the property. He described how the water runoff will be managed. He said mitigation was required due to increase in the area of impervious surface. He said the site would be connected to the city sewer and water systems and gas and electric connections would also be coordinated. He said the City Engineer's recommendations will be met.

Steve Ulman, PE, traffic engineer, Glastonbury, said the pandemic has significantly lowered traffic volumes to about 70% of usual, skewing the use of any current observations. He said he reviewed 2017-2019 data for crash patterns and they did not indicate risk. He provided projections of entering and exiting traffic. His professional opinion is that there will be no adverse effects.

Phil Clark, architect, Claris Construction, Newtown, said he wanted the building to be aesthetically pleasing rather than purely functional. He reviewed the uses of various parts of the building, saying the loading docks were recessed to be inconspicuous. He showed floor plans of the facility. He reviewed the photometric plan.

Attorney Lynch thanked Mr. Griffith and Mr. Sulkis for expediting the board's review of the application. He said all the City Engineer's comments would be addressed, but that his client might ask for consideration in terms of sidewalk installation. He said the owners were looking forward to becoming strong corporate citizens of Milford.

Mr. Sulkis provided his administrative summary, which was consistent with the presentation. He reminded the board that conditions can be imposed. **Attorney Lynch** added that the preliminary Traffic Commission approval would be finalized at the next meeting to be held in September.

Chairman Quish stated that as the hour approached 11:00PM, a motion to continue the public hearing must be made. **Mr. Sulkis** counted approximately 10 people who might wish to speak. **Chairman Quish** said that in order for the board to provide focused consideration, he favored keeping the public hearing open and continuing it at the next meeting. He informally polled the board.

Mr. Moore motioned to continue the hearing past 11:00

Second: Mr. Broesder seconded.

Discussion: None.

Vote: Motion failed with 6 votes against.

WITH THE MOTION: N. Austin, B. Broesder, J. Kader, C.S. Moore

AGAINST THE MOTION: J. Castignoli, B. Kaligian, P. Kearney, J. Mortimer, J. Quish, R. Satti

3. LIAISON REPORTS—None

4. SUBCOMMITTEE REPORTS— **Chairman Quish** noted that minutes of both groups' last meetings were available and the groups would next meet tomorrow.

5. APPROVAL OF MINUTES—7/7/2020 minutes were **approved conditioned upon the addition of a note** to reflect Mr. Broesder's and Mr. Castignoli's hour-long attempts to join the meeting, which were thwarted due to technical difficulties, rather than the two board members being reported as absences.

6. CHAIR'S REPORT – None

J. STAFF REPORT – None

K. ADJOURNMENT was at 11:11.

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.**