

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, Joe Castignoli, Jim Kader, Brian Kaligian, John Mortimer, Carl S. Moore, Jim Quish, Robert Satti

**Not Present:** Peggy Kearney

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

**C. PUBLIC HEARINGS**

**HEAR BY NOVEMBER 19, 2020; VOTE BY JANUARY 23, 2021**

1) **Proposed Regulation Change #20-7** Petition by John Knuff, Esq., for changes to Article III, Section 3.9 Shopping Center Design District; Article V, Section 5.1 Parking and Loading Regulations; and Article XI, Section 11.2 Other Terms.

**Attorney Knuff**, Hurwitz, Sagarin, Slossberg & Knuff, 147 Broad St, addressed the board on behalf of Connecticut Post Partnership/Centennial Real Estate. He said the owners have made a significant investment in improving the mall and that the current moment requires change. He stressed that multifamily development is permitted in the SDC zone now, but the multifamily dwellings described in the current regulations do not match the type of housing needed. He said the goal is to migrate the mall of yesterday into the current economic environment and that the existing SCD regs are already conducive to that transformation. He said a large investment would be made to migrate the property into a sustainable new multi-use model. He said the development team would provide data indicating that this proposal also promotes what is in the best interest of the city. He said the strategic importance placed by Centennial on this mall in the City of Milford was evidenced by the presence of Steven Levin, founder, and CEO. Attorney Knuff outlined the materials submitted for public review and board review and introduced Mr. Levin.

**Steven Levin**, founder, and CEO of Centennial Real Estate described the history of the company and the nature of its portfolio. He provided context for the development of the Connecticut Post mall, noting that it is the state's largest mall, Milford's biggest taxpayer, and a partner in the city's development and evolution. He reviewed the various iterations of the mall over the past 60 years, stating that it must continue to evolve to stay relevant. He said shopping is not the entertainment experience it was when malls were created; rather malls must now become a live/work/play environment for success. He said a majority of current malls will not survive; he said he wishes to ensure the survival of this mall. He said the residential proposal is only a portion of the ultimate next stage for this type of space. He said his company is doing this type of transformation in other parts of the country and understands the process. He said his original business plan was to make Centennial an owner of shopping venues and he purchased the Milford mall due to the strength of the Milford community. He said the national retail climate is deteriorating much faster than originally anticipated, having been exacerbated by the COVID19 pandemic. He described the acquisition of Boscov's and Dave and Buster's in the Post Mall. He said he is actively seeking restaurants the community will frequent. He said the mall has been a good corporate citizen during COVID, having hosted Red Cross blood drives each week, and outdoor movie events with proceeds given to the local homeless shelter. He assured the board that the city will be proud of the project in the future.

**John Meshal**, Sr. VP of Development, Centennial, said he was hired to lead the redevelopment of the mall. He described the proposed housing, saying it would be in the area where Sears Automotive once operated. He showed how the proposed site would change, featuring buildings and new green spaces. He said market-specific mall transformations were underway around the country, and described some in several in Chicago suburbs, which are breaking ground later for housing this year. He predicted that 25% of malls will close in the next 3-5 years, and more than half of department stores will close by end of next year. He said it is harder than ever to find tenants for the mall, which points to the need to diversify. He listed a dozen stores that had closed in the mall in the past 5 years, stating that consumer spending has changed significantly. He said the mall will not automatically bounce back to what it was after COVID and needs a mixed-use future to survive. He said the property must be stabilized now.

**Donald Poland**, Managing Director, Urban Planning and Strategy, Goman and York Property Advisors, East Hartford, reviewed trends for demographics and fiscal impacts. He projected \$1.28 mm in new property taxes, 372 new construction jobs during property development and 117 permanent jobs upon completion. He reviewed the trends described by Mr. Levin in statistical depth. He said malls are already in decline and he has experience in evaluating mall-to-residential redevelopment. He reiterated that the pandemic has exacerbated retail decline, with apparel, books, and consumer electronics hit the hardest, and that this trend is accelerating. He said a basic market tenet at his firm is that brick and mortar retail is not overbuilt, but under-demolished. He said the US has by far the greatest amount of retail space compared to other countries, and that there is a great deal of obsolete space. He stressed that residential conversion plus various commercial configurations is a common strategy. He said Centennial looked at other uses than residential, but his analysis concluded that there is no local market for other uses such as offices or manufacturing. He said market research consistently has found that throughout CT demand for office has been stagnant since the

early 90s; that revenue does not yield what it takes to build each square foot of office space. He said medical space and industrial space is currently vacant in the state and has the same investment-to-yield problem. He said that hotels show a similar trend, plus they are being hard-hit by COVID with a long, slow recovery in store. He said commercial recreation was also not feasible and that so-called incubator spaces like New Haven's Science Park, typically do not thrive without a top research associate. He pointed to WeWork's recent troubles, asserting that coworking venues are not likely to succeed in small markets and suburbs. He said a market for mixed uses at the mall could be built with residences as a first step. He addressed concerns about strains to the Milford School District by describing demographic trends, saying that in Connecticut and in Milford especially, fertility rates are continuing to decline, the population is aging, and household size continues to shrink. He said Milford is substantially older than both CT and the US. He noted that single-person households have reached 46% in Milford. He showed data on new housing units and school enrollments, demonstrating that even as more housing is being constructed, school enrollments continue to decline. He discussed fiscal impact he has tested for decades, teasing apart direct and indirect costs per student in school districts. He said new enrollments do not change utilities and other fixed costs. He compared the tax generated by mall today and the probable tax revenue from new residential units, projecting \$1.3mm in new tax revenues. He added that job loss is significant as mall vacancies increase with a negative ripple effect to the broader business community in Milford.

**Attorney Knuff** reviewed the proposed regulation changes in detail, calling them modest and providing a positive potential fiscal outcome. He said restrictions in the current SDC Residential Multi-Family (RMF-16) regulations are mismatched to the space around the mall. He recalled being part of the creation of SCD regulations in 2002. He argued that changing the minimum lot area from 20 acres to 4 acres would make it possible for a multifamily development to exist on one parcel. He described various possible mixed-use configurations, including adding recreational uses for the multifamily residential development. He compared maximum height restrictions and building proximity regulations in other current mixed-use zones. He said the dwelling-unit requirements are confusing as now written with their linkage of number of bedrooms to acres. He said the application proposes putting a cap of 300 residential units in entire zone to allay concerns about density. He proposed a straight parking ratio of 1.5 per dwelling unit. He noted that regional shopping malls require parking calculations that include non-commercial space like hallways or escalator, resulting in vast amounts of unused parking.

**Mike Dion**, PE, BL Companies, professional traffic engineer, with 22 years of exp, said he performed 2 parking studies on malls in CT on 2 weekends prior to the holiday season. He said the proposal is in line with parking study utilization percentage numbers.

**Attorney Knuff** said Mr. Dion's traffic study report has been in board's binder since the initial application.

**Scott Pollack**, Arrowstreet, an architectural and planning firm based in Boston, described his expertise in mixed-use development. He said his firm intentionally tries to work across a broad set of building types. He affirmed that mixed use is the future for transitioning retail spaces and this transition has already begun successfully in some communities. He summarized the evolution of shopping centers in general and the Connecticut Post Mall in particular, noting that it was once a grocery-store anchored shopping center with no roof. He said providing a regulatory basis is necessary to make the proposed changes because the nature of retail is changing, with anchor stores gone or going. He said the Sears end of mall site is underused, but still has assets such as transportation. He said household size has reduced significant over last 50 years, accelerating in the last 25, with the average size dropping from 4 to 2. He said a housing shortage exists in the northeast because despite declining population, those who need housing are rejecting traditional single-family homes (SFH), which is typically what currently exists for housing stock. He said there is a need for housing tailored to people from want to stay in their current communities, including young hometown couples who cannot afford SFHs (80% of Milford's housing are SFHs), older couples or singles who want to stay in community but can't maintain their SFHs, and single parents want to stay in community with their kids but can't afford a house. He said malls offer large areas of land without impacting the older single-family housing stock that Milford is known for. He said the targeted portion of the site will leave the commercial area where it is, while creating a good use of for that greener corner of the lot. He said the empty Sears store provides access and space to expand over time. He showed 3 photos of new, 4-story, wood-frame residential communities that have proved popular. He said the taller scale is appropriate on mall property, where it would not be in a single-family neighborhood. He said the future of retail will feature people looking for experiences, not products, which can be procured via online shopping. He said people want social groups and social opportunities, such as restaurants providing changing activities associated with open spaces that vary by seasons and weather.

**Attorney Knuff** thanked board for their patience in hearing the lengthy and detailed presentation. He said Centennial felt it was important to show community its vision for the near future and longer term and to understand that trends that affect the nation also affect Milford.

**Chairman Quish** thanked development team for a thoughtful, well prepared presentation. He summarized the regulation changes sought. He asked for a recess from 8:34 to 8:39.

-----5-minute recess-----

DISCUSSION

**Mr. Satti** thanked the presenters. He and **Mr. Pollack** discussed height issues as regards the potential housing plans. **Mr. Satti** was told the images shown were just an example of what such projects can look like, not actual plans. He asked if **Dr. Poland** was aware of a housing/school enrollment study done of Milone and McBroom for the Milford Board of Education several years ago; **Dr. Poland** was not. **Mr. Satti** asked **Attorney Knuff** if different iterations of the zone-change application had been submitted; **Attorney Knuff** said the DPLU Director wanted them reformatted, but the content is the same. **Mr. Satti** and **Attorney Knuff** discussed changes to the language. **Mr. Sulkis** confirmed information about the submissions. **Attorney Knuff** and **Mr. Satti** discussed all 3 properties in SCD zone and that a 300-unit housing cap for the entire zone was also proposed. **Mr. Satti** asked about regulations to allow subdivisions to be created without setbacks as was done with Target. **Attorney Knuff** said this was an unusual provision but provided a way to create a separate parcel if one is needed for lending or partnership; he said it would allow a multifamily community to exist on its own parcel. **Chairman Quish** asked **Mr. Sulkis** to comment; **Mr. Sulkis** said that right now a chunk of property can be separated for a specific usage if the parcel is 20 acres; the request was to reduce to this threshold to 4 acres. **Chairman Quish** said a parcel would need to be created for the residential use. **Mr. Satti** asked whether on an 80-acre parcel, twenty 4-acre parcels could be created without subdivision. **Attorney Knuff** reiterated the idea of a 300-unit cap and said one parcel would comprise the entire 300-unit MF community. **Chairman Quish** said he appreciated the data shared and the need to reimagine the mall's mission, but he said he was concerned about lack of master plan. He said if this property is under duress, limiting residential units to 300 is likely to favor the first developer. He said that even if residential development is only way to salvage zone, such a plan might not be in best interest of city. He said that he was also concerned that even if the residential development does well, what would stop the mall developer from leaving the site and abandoning the mall anyway.

DISCUSSION

**Chairman Quish** opened the hearing to public comment.

FAVOR

**Gary Johnson**, 70 Terrace Rd, President of Milford United Way, praised the presentation. He noted how the mall had historically been a generous donor to Milford Hospital and other nonprofits, the United Way being one of them. He said he wanted the mall to be sustainable in the future.

**Dominic Cotton**, 60 Corona Dr, said he appreciate the information presented. He said the mall is important to the community and he understands that retail is changing. He said he sees the development in a positive light because it creates a walkable community with minimal traffic issues. He said he was concerned about an affordable component.

**Pam Staneski**, 35 Pt Lookout, Executive Director of Milford Chamber of Commerce, said she served on the Board of Education and quantified the decrease in the number of student in recent years, saying there is capacity to accept more students. She said that the mall had been part of the community for 65 years, that it connects to the community, and that it promotes Milford as a great place to live, work, and play. She described the chairman of the mall's management hosting small business workshops, such as a breakfast where Jim Boscov provided a presentation. She said Milford should partner with the mall in working toward the future.

OPPOSED

**Frank Smith**, 232 Second Av, Alderman, commended the presentation and thought Mr. Levin summarized the mall's history well. He said the mall underwent dramatic change in the 60s and had been a part of his life. He said the mall has been an exemplary corporate citizen of Milford. He said the culture of the town is also important. He said he understood the headwinds Centennial faces, but the culture and landscape transcend the business interests. He said he preferred other configurations than residential.

**Kathy Polson**, 53 Park Ave, said she does not think Milford needs more housing with more added recently and more coming. She thought school crowding would happen.

**Julie Nash**, Community Economic Development Director, read a statement indicating that she would normally applaud such a proposal, but was concerned by the lack of a long-term plan. She said a lifestyle ecosystem is lacking. She provided examples of the type of use her office would prefer to see similar to a Los Angeles-based office, coworking, and technology development site called

The Spoke or a conversion to a community college as was done in a New Jersey mall. She said this project could have a domino effect on adjacent SDC parcels. She said she appreciates working with Centennial but needs more from the proposal.

**Sarah Bromley**, 27 Norway St, asked about rental pricing. She said the existing housing stock would be more appealing than proximity to mall would be. She thought it might be better for senior housing. She said she also researched other ideas for malls and thought a more creative plan may exist such as the Microlofts on offer in the Providence, RI, Arcade.

#### REBUTTAL

**Attorney Knuff** said he wanted to wait for the maximum number of board members before a vote was held. He clarified that the proposed regulation specifying a maximum of 300 units applied to the whole zone. He reiterated that of the 7 design districts in city, 6 allow a residential component. He said no precedent is being set and any other change would require another regulation change application.

**Mr. Levin** thanked the group for listening and for the comments. He said Centennial had considered other area malls before they purchased the Post Mall and made a \$240 million investment. He said he is very committed to the mall and to Milford. He said if Centennial had been able to find a transitional improvement to the property that did not require Planning and Zoning approval, Centennial would already be doing it. He stated that nothing is perfect and that he, too, would very much like to have a master vision, but there was no such vision 60 years ago and that new visions take time to evolve. He said that Google going to Los Angeles is not a realistic parallel with the Milford mall. He said that he sincerely thinks Milford has the best possible mall owner and the best financial partner in USAA Real Estate. He said that if he had a master plan, there would be no reason not to share it. He stressed that the situation required taking one step at a time. He said Centennial is already calling companies like Google and trying to come up with different options. He said he is asking for help in letting the mall survive and that what is being asked for is a small request relative to a very major event in the life of the mall. He said the mall has lost 30% of its income in one year and will eventually be owned by the bank if nothing is done. He stressed that he is not making threats but trying to continue a commitment to the community. He said that to compare Milford to Los Angeles or San Francisco does not make sense, that focus should remain on Milford and what exists here today. He said he would be thrilled if Google calls; if they do, they will be at the mall, however Google is not coming to a mall that is in decline. He said Jim Boscov came to Milford because of the vibrant community. **Mr. Levin** apologized for his passion but said he cannot answer every question. He said this step will show intent and industriousness and convince tenants that they want to be there. He said he cannot sell from a position of weakness, but of strength as the biggest asset in Milford; an asset that must be maintained. He said Centennial is doing everything possible, giving the example that just retaining Dick's Sporting Goods will cost the company millions. However, he said this is not a sustainable plan. He said he appreciated the comments, that they are valid, but that he cannot address everything. He advised the board to look at Meriden when the mall owner did not invest in it. He said he did not want to be in front of the board when it is too late. He reiterated that Centennial is a good partner and owner, that he loves Milford and wants to be part of it for a long time, but that the mall needs the board's help.

**Chairman Quish** thanked Mr. Levin for his passion and for being a good corporate citizen.

**Attorney Knuff** stressed that the request before the board is about revising regulations; a matter that does not require a master plan. He said the SCD already exists in the regulations, and that requested changes are modest modifications to the format of multifamily units to allow housing that people want to live in the emerging context of a shopping mall. He said the existing regulations just need tweaks to create the vision presented.

**Chairman Quish** invited further comment; none was forthcoming. He thanked the public for their comments and patience. He asked the board if there was a reason not to close the hearing. **Mr. Sulkis** said 6 members of the entire board were needed for a vote. **Chairman Quish** favored keeping the hearing open for additional questions. **Mr. Moore** was in favor of closing the hearing. **Mr. Kader** preferred keeping it open, saying that downtown Milford is coming back, after being devastated by the mall's arrival many years ago. He wondered if the new mall configuration would compete with downtown again. **Mr. Castignoli** said he favored keeping the hearing open. **Mr. Moore** stressed that it was not the board's job to force the applicant to come up with a plan; that what is before the board is limited to a regulation change.

**Chairman Quish** asked for a motion.

**Mr. Satti moved to approve as to keep the public hearing open until the next meeting.**

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote: WITH THE MOTION:** J. Castignoli, J. Kader, J. Mortimer, J. Quish, R. Satti

**AGAINST THE MOTION:** N. Austin, C.S. Moore, B. Kaligian

**Mr. Mortimer** commented after the vote, saying that the item represents important business, that he generally supports the idea, but that he wanted to see more fleshed out plan. He agrees that the decline of malls is a big problem. **Mr. Moore** again stressed that he is concerned about the expectations being built by keeping the hearing open.

2) **328 Meadowside Rd** (Zone R-12) Petition of Thomas Lynch, Esq., to convert four of 12 one-bedroom units into two-bedroom units approved under CGS 8-30g on Map 26, Block 263, Parcel 16, of which 328 Meadowside, LLC is the owner.

**Attorney Lynch**, Lynch, Trembicki and Boynton, 63 Cherry St, addressed the board. He said owners Buddy Fields and Chris Fields came before board about this project in 2018, a 12-unit, multi-family 8-30g. He said the current application is a straightforward request regarding the middle units in 4 buildings, due to marketing feedback about family configurations. He said renters have a need 2-bedroom apartment because many of them are single parents with young children. He described the overall configuration of all the units and reminded the board that the project is not bound by parking constraints. He said 27 spaces are provided, slightly increasing the parking count, but noted that each unit has a garage plus a space in front of the unit and visitor parking. He said tenants tend to have no more than one or 2 cars. He reviewed the amended affordability rent plan for 2-bedrooms at 80% and 60% of Milford median income. He said an extra closet would be needed in the 4 targeted affordable units. He said all existing 8-30g projects rent out quickly due to high demand. He noted for the record that this project has not been built yet.

**Mr. Sulkis** provided his report, which was consistent with the presentation.

**Mr. Satti** asked about amending the approval versus submitting a new application. **Attorney Lynch** said that any multifamily project approval via Special Permit and Site Plan Review, can be amended by an application to board and that the City Attorney's Office (CAO) has opined on this topic previously. **Mr. Mortimer** asked if there was a low demand for 1-bedroom units; **Attorney Lynch** said there was high demand for all units, but more demand for 2-bedroom apartments. **Chairman Quish** said he disagrees with the COA because he believes the moratorium makes this a new application and that these developments disrupted the neighborhood.

#### REBUTTAL

**Attorney Lynch** said he appreciated **Chairman Quish's** comments but stressed that his client is asking to amend the permit in an above-board way, and that it is an approved project.

**Mr. Kader** reflected that the new calculation affects the city's total affordability ratio with more bedrooms creating more points. He commended the honesty of asking for the change. **Mr. Castignoli** and **Attorney Lynch** discussed the net increase in rent, with the latter noting that market-rate rents are considerably higher at present. He clarified that 2 units would be rented at the 80% rate and 2 at the 60%.

**Chairman Quish** asked for a motion.

**Mr. Kader moved to approve as presented** the Petition of Thomas Lynch, Esq., to convert four of 12 one-bedroom units into two-bedroom units approved under CGS 8-30g on Map 26, Block 263, Parcel 16, of which 328 Meadowside, LLC is the owner.

**Second: Mr. Mortimer** seconded.

**Discussion:** None.

**Vote: WITH THE MOTION:** N. Austin, J. Kader, B. Kaligian, C.S. Moore, J. Mortimer

**AGAINST THE MOTION:** J. Castignoli, J. Quish, R. Satti

3) **100 Plains Rd** (Zone CDD-1) Petition of Eric Orzel for an amendment to the Special Permit and Site Plan Review to revise a Board approved landscape plan on Map 053 Block 302, Lots 83, 84 and 88A; and Map 043, Block 304, Parcel 80 of which Lexmar Realty LLC is the owner.

**Carter Mario**, 100 Plains Rd, addressed the board. He said he was committed to the community of Milford and had a request to change his landscaping plan to better reflect his business. He described the difference in the plantings used around his new building versus the original plan, saying there would be overcrowding in borders, and plants would be damaged by snowplows and other

disruptors. He described his abutters and said that there is no need for privacy buffers. He said his builder and new landscaper had prepared a presentation, but he was mindful of the hour. He said it was an \$8-million project, so cost was not the issue.

**Mr. Sulkis** shared his administrative review and described the amendment in terms of how impactful the changes are. He said administratively approvable changes included things like trees being moved because light poles were installed, new snow shelves, or changes in the position of a transformer, but reducing 67% of the original plantings was what triggered a trip to the board.

**Chairman Quish** asked why the revision is equal or better; **Attorney Mario** said the original plantings were over-designed and caused problems such as cluttering access to the dumpster. He said he wanted the plants to be sustainable but also to accommodate the design of the building. **Mr. Mortimer** said he watched the submitted video and liked the change.

**Chairman Quish** invited public comment.

**FAVOR**

**Ryan Veilleux**, 45 Janet St, said as an employee of Carter Mario, he had been mentored by Attorney Mario and was proud of what a good corporate citizen the law office has been. He urged approval.

**Chairman Quish** closed the hearing. **Mr. Kader** said he agreed that the project is beautiful.

**Chairman Quish** asked for a motion.

**Mr. Kader moved to approve as presented** the Petition of Eric Orzel for an amendment to the Special Permit and Site Plan Review to revise a Board approved landscape plan on Map 053 Block 302, Lots 83, 84 and 88A; and Map 043, Block 304, Parcel 80 of which Lexmar Realty LLC is the owner.

**Second: Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

**D. OLD BUSINESS - None**

**E. NEW BUSINESS - None**

**F. LIAISON REPORTS - None**

**G. SUBCOMMITTEE REPORTS—**

**Chairman Quish** noted meetings of both groups had failed to reach a quorum yesterday. He asked for additional volunteers. He said he intended to keep the Monday schedule for these meetings.

**H. APPROVAL OF MINUTES—Mr. Satti** asked for a correction to the **9/1/2020** submitted minutes to change a scrivener's error in Mr. Satti's motion on 134 Old Gate Lane. The vote to approve was delayed until the next meeting.

**I. CHAIR'S REPORT – None**

**J. STAFF REPORT – Mr. Sulkis** reported that a lot line adjustment was signed by the chair for 112 and 114 Merwin Avenue. At **Chairman Quish's** request, Mr. Sulkis reminded the board that under subdivision regulations when an applicant wants to move lot lines without creating new lots, administrative approval can be given. Mr. Sulkis said he hoped that other would work on the subcommittees, but to be mindful of a limit of 5 members to avoid a board quorum.

**K. ADJOURNMENT** was at 10:38.

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.