

## PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD WEDNESDAY, 8 SEPTEMBER 2021, 7:00 PM

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

- **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- **ROLL CALL**

**Members Present:** Nancy Austin, Joe Castignoli, Brian Kaligian, Peggy Kearney, John Mortimer, Carl S. Moore, Jim Quish, Robert Satti, Marc Zahariades

**Not Present:** Jim Kader

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

### NEW BUSINESS:

**CGS 8-24 – 167 Hilldale Road a/k/a 167 Morningside Drive** Request by the City of Milford pursuant to CGS Section 8-24, for the acquisition of a public access easement as depicted on a certain map entitled "Topographic Survey, 167 Hilldale Road, prepared for Phyllis Boynton, a.k.a. 167 Morningside Dr. – Parcel B" dated 7/20/2015 and revised 9/8/21 by Codespoti and Associates, P.C.

**Mr. Sulkis** said the maps needed to be updated to clearly reflect the location of the public right of way to ensure federal funds will be forthcoming for the project.

**Steve Johnson**, Assistant Director of Public Works, identified a public sidewalk within the access area provided for maintenance.

**Chairman Quish** asked about the public access point; **Mr. Johnson** said it would be at the intersection of Hilldale Court and Morningside Drive via a sidewalk out to the road. He said the revetement is steep and wasn't intended as a public access. **Chairman Quish** confirmed that a fence would be provided to meet OSHA standards and **Mr. Johnson** said LED lighting would also be provided. **Mr. Mortimer** asked about beach access; **Mr. Johnson** said none was provided, but Morningside Drive has other points of access.

**Mr. Satti moved to approve as presented** the Request by the City of Milford pursuant to CGS Section 8-24, for the acquisition of a public access easement as depicted on a certain map entitled "Topographic Survey, 167 Hilldale Road, prepared for Phyllis Boynton, a.k.a. 167 Morningside Dr. – Parcel B" dated 7/20/2015 and revised 9/7/21 by Codespoti and Associates, P.C.

**Mr. Castignoli** seconded.

**Discussion:** None.

**Vote:** Motion passed unanimously.

### D. PUBLIC HEARINGS

**CLOSE BY NOVEMBER 12, 2021; VOTE BY DECEMBER 17, 2021**

**WITHDRAWN: 126 (aka 0) Smith Avenue** (Zone R-7.5) Petition of Thomas Lynch, Esq. for a Zone Change from R-7.5 to R-5 to allow subdivision of property on Map 13 Block 134 Parcel 4 of which JMAK Properties, LLC is the owner.

**POSTPONED: 252-262 Depot Road** (Zone LI) Petition of Michael Welsh, Revolution Milford LLC, for a Special Exception for a basketball training facility at Map 92, Block 705, Parcel 1E of which MNBD, LLC is the owner.

**Proposed Regulation Change #21-5** Petition of 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**, 147 Broad Street, addressed the board on behalf of Connecticut Post Limited Partnership. He introduced **Steven Levin**, Founder and CEO of Centennial Properties, and **Jon Meshel**, Senior Vice President of Development. He reminded the board of the presentation made by the applicants about a year ago, reviewing the requirement to reimagine the mall and noting that the board's comments at that presentation were taken into consideration to create a revised proposal. He said the application still featured a maximum of 300 residential units for the entire zone, a 5-story/85' height limit for residential buildings, and a minimum residential parcel size of 4 acres, noting that any residential use would be incorporated closely into the mall.

He listed 6 new revisions to the original proposal:

- Multifamily residential in mixed-use buildings
- Plaza area required with multifamily area featuring landscape and hardscape
- Mixed-use building with multifamily must be directly adjacent to the mall
- High quality pedestrian-friendly design with significant building transparency
- Sustainability principles
- Expanded list of desirable special permit uses

**Mr. Levin** expressed his hope for the safety of everyone, given weather that created some lower-level damage to the mall. He thanked the board for the chance to lay out changes to the original proposal. He provided background on Centennial, saying his company has 25 years of experience as a leading developer of mixed used properties with similar projects underway across the country. He noted Centennial's partnership with USAA and stressed the quality of the project. He said the company purchased CT Post with knowledge of impending changes in retail, although not at the pace this change has happened. He felt CT Post would be the most viable property due to its regionality. He pointed out examples of the commitment the company has made to the mall in retaining desirable tenants. He reviewed the outlook for malls in general. He laid out a stark choice of scenarios for malls in the future. He stressed that he is not asking for incentives from the City of Milford unlike other mall properties in other areas. He said the goal is to make the space currently owned more valuable. He stressed that his group has the passion, timeline, and expertise to successfully redevelop the mall in several phases, the first of which would take approximately 10 years. He displayed renderings of the plaza design that would be the new anchor for a modern parklike setting activated by music, art-walks, performances, and other attractions drawn from the local arts and educational community. He said the goal would also be to attract office, research, and medical uses in addition to the retail and restaurants currently there. He said Phase 1 will start a narrative of change and progress to anchor new uses that will maintain and increase the tax base for the city. He said the site will dominate the trade area in the greater region while providing cultural community. He stressed that there will be no threat of competition with downtown or other parts of Milford, but rather, the site will attract visitors from the wider regional area. He underscored that the board's previous comments were heard and incorporated in the new proposal. He stressed that Phase 1 will proceed into Phase 2 in an orderly, planned way. He said the return is long term, not short term at this pivotal time. He emphasized that he has not asked for breaks or concessions from the city. He said there is time pressure at work now and Centennial wants to get underway. He said tenants will not commit to remain on these sites unless site owner commits first.

**Jon Meshel**, Senior Vice President of Development, said it's vital to attract new tenants and the regulation change is crucial to this undertaking. He reviewed malls in greater Chicago with similar plans for mall transition. He showed the residential development outline. He provided statistics projecting tax revenue, increased employment, and retail activity. He reminded the group that the mall has historically been Milford's largest taxpayer. He reviewed sustainability features and the mission of the development. He said sustainability goals apply to both day-to-day management and future directions. He said green space would be included, construction practices would include recycling and mitigation, and that provision would be made for energy use mitigation for traffic and parking. He shared prior environmental protections and waste reduction that has been achieved.

**Attorney Knuff** reviewed the details of the regulation amendment request. He noted the flexibility of the current SCD language compared to the changes requested. He said there is new incorporation of outdoor dining for all types of eateries, the addition of new uses including educational uses ranging from all types of schools to daycares, libraries or other community/public buildings, innovation-incubator type uses that might require light, enclosed, indoor manufacturing or assembly, and planned elderly community use. He listed amenities associated with the residential use and entertainment. He reviewed the lot metrics, use descriptions, and building design requirements. He described transparency to enhance the streetscape. He said the target number of 300 units was clear and unambiguous, and that the residential buildings will be attractive with pedestrian areas. He reviewed parking calculations. He thanked the board and asked for questions.

#### **Board discussion**

**Chairman Quish** thanked the presenters and invited members of the public for comment.

**Donna Dutko**, 236 Buckingham Avenue, remarked about the 10-story height. **Mr. Sulkis** said the current zoning regulations allow 10-stories for all uses. She said she thought the term "high quality" design standard was vague.

**Chairman Quish** invited rebuttal. **Attorney Knuff** reiterated that the current regulations permit 120'/10-story, whereas the proposed change limits any residential building to limited to 85'/5 stories. He said it is difficult to legislate design. **Mr. Levin** said he understood the comment and assured that the plan submitted to Planning and Zoning will be done collaboratively and with great care. He said the mall's track record should provide assurance that the plans will be high quality and acceptable to the community.

**Chairman Quish** asked the board for questions or comments.

**Mr. Satti** asked **Attorney Knuff** noted that at least half the board is not part of the Plan of Conservation and Development (POCD) Subcommittee so much of the material being presented was new to them. He asked about the listing of submissions to the board, including to the POCD. **Attorney Knuff** confirmed that the Powerpoint® was being presented for the first time that evening. **Mr. Satti** asked for points of difference from the previous year's proposal. **Attorney Knuff** compared the old renderings with the current ones.

**Mr. Satti** asked Mr. Meshel if the parking study had been updated and about the timeframe of development on the Hawthorn Mall in Illinois. **Mr. Meshel** said the plan was approved about 2 years ago with construction beginning in 2020, that residences will open in 2023 and then retail sites would follow. **Mr. Satti** asked if disruption of mall traffic would be handled. **Mr. Meshel** said some entrances would be closed but with a minimum of disruption due to use of best practices. He said the mall's management team is directly in the loop to assure that customer traffic takes priority over construction. **Mr. Levin** commented that the operation of the mall was a top priority and that tenants must agree to traffic patterns such that stores experience minimal impacts. **Mr. Satti** asked why people would want to live in the area even with the amenities. **Attorney Knuff** said there is probably a generational bias where younger people might not mind being—or even want to be—very close to the highways, using the example of popular new apartments built near Plains Rd. **Mr. Levin** said a demographic shift toward urbanization of locations is underway throughout the country, and while the location we're used to considering a mall may not appear a likely place to live, current market trends favor walkable environments. He said this phenomenon is being proved out throughout the country, even without the amenities under consideration for CT Post.

**Mr. Mortimer** said he thought the demographic of Milford dovetails conceptually with the project, but he is concerned about affordability. He said that in his view, public acceptance of the project would depend on implementation of the plaza featuring events that generate goodwill. He wondered about language referencing industrial use and asked for details. He asked about a change to Section 3.9.2.11 striking language about a public hearing being required for public entertainment.

**Attorney Knuff** said that striking public hearing was simply removing a redundancy in the language because all uses require public hearings for the zone. He said that any industrial uses specifically prohibited would remain; the concern was to allow an innovator/incubator type of startup to fabricate a prototype, not manufacture goods. **Mr. Levin** said the CT Post is the largest mall in CT, having been expanded several times in its history. He said the Trumbull mall is about 300,000 sf smaller and posited that in 6-7 years, CT Post could be among the largest in the US. He said early plaza activities would be incorporated for consideration in the special permit application.

**Mr. Moore** expressed concern about whether the prevalence of remote work is being incorporated into the model. **Mr. Levin** stressed the investment of capital by a fiduciary by both USAA and Centennial would create a level of due diligence create a viable investment. **Scott Pollack**, architect for the project, added that consideration of remote work is part of the team's goal. He referred to a trend among millennials of leaving dense urban areas in hopes of returning to their hometowns, however they can't yet afford to live in them. He said young professional couples don't necessarily want a house or to start a family yet either. He said the CT Post location is consistent with that trend and referenced a development in Long Island that saw millennials who grew up in the area eventually swapping apartments for their parents' homes when they had children. He agreed that the nature of housing is changing and that apartments should feature a study to support working from home. He said many people want to be in Milford but are not ready for a single-family home.

**Mr. Zahariades** said he wanted to see a real plan for the entire phased project. He asked whether more apartments than 300 might eventually be built. **Chairman Quish** said the limit in the zone is 300 for this regulation change. **Attorney Knuff** said the board has broad discretion to control the number of units now and in the future and no precedent being set. He stressed that the language changes proposed are relatively minor. Both he and **Mr. Levin** said the plan was tilted toward more development of other uses than toward adding apartments to the mall. He described various leasing and logistical challenges Centennial faces with current tenants and the stakes involved. **Ms. Kearney** said she was reassured by **Attorney Knuff's** apartment approval explanation.

**Mr. Sulkis** read his staff report, which listed certain clerical changes and a content suggestion about calculating yards and other area interpretations of leasable gross area. **Mr. Satti** asked if there were any impacts from proposed legislative changes in the last session; **Mr. Sulkis** said there were no impacts regarding outdoor dining because restaurants at the mall aren't asking for dining areas to be incorporated into parking areas. **Attorney Knuff** said all Mr. Sulkis's clerical changes were acceptable and that his client would accept additional modification of plaza square footage. He and Mr. Sulkis discussed storage space and parking calculations. **Mr. Mortimer** expressed concern about how the new units affect the City's affordable housing calculations. **Attorney Knuff** said consideration could be made of that topic under a Special Permit application.

**Chairman Quish** said he would like to delay the vote for further consideration. **Messrs. Satti** and **Castignoli** agreed. **Mr. Levin** expressed urgency to move ahead with the project, but a board consensus indicated that more time was needed to deliberate.

**Mr. Castignoli** *moved to continue the hearing to the next meeting.*

**Mr. Satti** seconded.

**Discussion:** None.

**Vote:** Motion passed unanimously. **Attorney Knuff** confirmed with **Mr. Sulkis** that the next meeting was Tuesday, 21 September.

**E. OLD BUSINESS** None.

**F. LIAISON REPORTS** None.

**G. SUBCOMMITTEE REPORTS** **Mr. Sulkis** and **Chairman Quish** said interviews for the POCD consultants were being scheduled.

**H. APPROVAL OF MINUTES – 8/3/2021** was unanimous.

**I. CHAIR’S REPORT** None.

**J. STAFF REPORT** **Mr. Sulkis** and **Chairman Quish** advised **Mr. Satti** that administrative approval was sufficient for a POCD consultant hiring decision but input from the subcommittee could be considered.

**K. ADJOURNMENT** was at 9:16.

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.**