

**MINUTES FOR (2) PUBLIC HEARINGS
OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, JUNE 2, 2015 AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Benjamin Gettinger called to order the June 2, 2015 Planning and Zoning meeting at 7:33 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Anthony Sutton, Michael Dolan, John Grant, Edward Mead, Tom Nichol, Tom Panzella, Jim Quish, Benjamin Gettinger (Chairman)

Not Present: Jeanne Cervin, Carl S. Moore

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

C. NEW BUSINESS

1. **220 ROCK LANE (ZONE LI)** – Petition of Robert Blanchette, PE, for Site Plan Review approval to construct a 28,800 SF addition to an existing warehouse located on Map 92, Block 0705, Parcel 0001D, of which SMI Realty, LLC is the owner.

Rob Blanchette, Borghesi Engineering, representing Stevens Manufacturing. Mr. Blanchette distributed original copies of the survey site to the Board. Stevens is a manufacturer of airplane and helicopter parts. They function out of a 37,700 SF building, and a 28,800 SF addition is being proposed that will be used for additional manufacturing and warehousing. Via a site plan he described the site and addition. Parking for 65 cars at this time and 36 spaces will be added. There is one loading dock that is only accessible from the road. Will add a loading area with access on site for tractor trailers. Project meets all the zoning requirements. Will add landscaping in the parking areas and in some wetlands.

Mr. Sulkis: The easternmost parking area is supposed to have a 10-foot buffer but does not. It is preexisting nonconforming.

Motion: Mr. Quish to approve as presented.

Second: Mr. Nichol.

Discussion: None.

Vote: All in favor

Motion: Passed.

D. PUBLIC HEARINGS – CLOSE BY 7/7/2015; EXPIRES ON 9/10/2015

2. **11 WARFIELD STREET (ZONE LI)** – Petition of Thomas Lynch, Esq., for Special Permit and Site Plan Review approval to establish an auto repair facility on Map 23, Block 344, Parcel 1, 1A, of which XLO Realty, LLC is the owner.

Thomas Lynch, Esq., Lynch Trembicki and Boynton, 63 Cherry Street, Milford, representing Gary Dulin, who will be purchasing the property from Xcello Tools in order to

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open another arm of his existing automotive repair facility for his son to run an auto body repair facility.

They went to the Zoning Board of Appeals in December 2014 to obtain four variances for the use of this building. The building is in the LI zone and requires one acre in order to operate an auto repair facility, gas station or in this case, an auto body repair facility, for which the variance was sought. The ZBA granted the variances. No changes will be made to the building. An appeal was made in Superior Court, but a settlement with 16 Warfield Street was made. The area will be cleaned up outside. The hours of operation will be from 8:00 am to 4:00 pm Monday to Friday.

Chairman Gettinger: Opened the hearing to the public and read the procedure for public speaking. Asked if anyone was in favor of the application.

Jeff Solomon, 109 Pascal Drive, Milford. He has been an employee of Xcello Tool for 37 years on Warfield Street. Has known Gary Dulin for over 20 years. He has a very successful business and contributes to the community.

[There was no one to speak in opposition.]

The Chair closed the public hearing.

Motion: By Mr. Nichol for approval.

Second: By Mr. Grant

Discussion: None

Vote: All in favor.

Motion: Passes

3. **335 MEADOWSIDE ROAD (ZONE R-12.5)** – Petition of Thomas B. Lynch, Esq., for Special Permit and Site Plan Review approval to construct 18 multi-family units under Connecticut General Statutes Section. 8-30g, on Map 26, Block 213, Parcel 34, of which 3356 Meadowside, LLC is the owner.

Thomas B. Lynch, Esq., Lynch, Trembicki and Boynton, 63 Cherry Street, Milford, representing the applicants, Warren Field, Jr. and Christopher Field, for the construction of an 18 unit multi-family residential development under CGS Section 8-30g. Also present: Bob Wheway, engineer and David Spear, traffic consultant. Meadowside Road is a major feeder street from Milford Center to the west shore of Milford and the beaches in Devon. . The property has a house constructed in 1879 that is in a delapidated state. It has no historic significance and has gone through major building changes over the years.

Attorney Lynch distributed a handout that showed the site plan layout. There will be six buildings, with three units in each building. They will be the same as those built at 229 West Main Street. Photos of the interiors of those units was included in the handout. There are three affordable units rented in that project which confirm the need for affordable housing in the area. The reputation on blogs, petitions and other online entries that affordable housing is low income housing is erroneous and none of the affordable projects are of low income caliber.

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The Affordability Plan outlines six two-bedroom units will have rents computed upon the formula set forth in Section 8-30g. The two-bedroom units for those individuals earning 80% of the State median (\$62,000 per family), is not low income. This income group includes teachers, policemen, firemen and Sikorsky. Young professionals at the beginning of their careers who can stay in Milford and afford to live in buildings such as these.

Handout also showed proximity of this property to many other multi-family developments with many more units and in close proximity to the proposed project. Single family and multi-family mixed in this zone. This will not be out of character in the area.

The concern of adding school children to the system: The Board of Ed statistics show Meadowside School had a drop of 66 students from 2013 to 2014. (Information in handout)

Attorney Lynch discussed the Affordability Plan. All City departments have signed off on the project. There is no issue of health and safety.

Robert Wheway, LPE Codespoti & Associates, 263 Boston Post Road, Orange. Discussed the site plan elements from the engineering aspect. The impervious surface areas will be increased to .58 ac. for the buildings and parking areas; storm water management plan will address the increase in impervious surfaces. Mr. Wheway explained the storm water management plan. There is a detailed landscaping and lighting plan. There is a snow shelf area outside the paved parking area.

Milton Gregory Grew, Architect, Main Street, Woodbury. Simple design. Six 3-story townhouses with 3 units per townhouse. Floor plans were described. All units have a single car garage with the exception of one unit. Fire safety with sprinkler systems; energy efficient.

David Spear, Traffic Consultant, DLS Traffic Engineers, Windsor, CT. Three intersections for the study were chosen: Meadowside Road at Elgid Drive, Meadowside Road at Great Meadow Drive and Meadowside Road at the site drive. These locations were based on proximity to the site drive. The intersections away from this area are not relevant to this application because of the size of the application. The trip generation rate is 13-15 trips per peak hour. Using ITE Guidelines and DOT rule of thumb, once you get away from the site drive, it has less than 100 trips, which is under the threshold for the selection of intersections. The study area was selected for the proximity of the intersections to the site drive intersection. Mr. Spear described the number of trips during the peak hours AM and PM, which are considered moderate volumes based on traffic engineering standards.

The accident history from DOT from January 2011 to December 2013 had no accidents in the study area which was within 400 feet from the site drive intersection. Milford Police Department data indicated there were two accidents within the 400 foot study area. These accidents were not directly on Meadowside Road and were not personal injuries.

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Mr. Sulkis: His staff report expresses concern about the design of sidewalks and driveways in Units N, O and P. He referred to the handout that showed the landscape and site plan layout. Pedestrian access to Units N, O and P are from the driveway of Unit N. Thought this was very unusual. The applicant stated there would be no parking in front of Unit N. That is not a practical solution. If a car is parked in front for any reason, there is no access to N, O and P. A solution would be to get rid of Unit O.

Attorney Lynch: Unit N has a garage and a parking space in front of it. O does not have a garage. The garage at Unit N can be eliminated. He does not want to eliminate a unit. There is plenty of parking on the site to accommodate the 18 units.

Mr. Sulkis: There could be no driveway at Unit N so the sidewalks could go out into the main parking area. It should be done in a way that they will not get blocked by Unit M.

Attorney Lynch: That could be a proposed stipulation.

Discussion: Questions concerning storm water overflow; traffic on Meadowside Road in the summer going to Silver Sands; school children walking within the development; play area in the development; Units N and O have issues with parking and drop off areas.

Attorney Lynch: Solution appears to be removing the parking in front of those two units and use the parking available on the west side of the complex. Similar situations exist in other development.

Mr. Spear: The traffic count was done in June 2013. Based on the size of the development it would have not impact on the amount of traffic that would be generated during the summer months.

Chairman Gettinger: Opened the hearing to the public and read the procedure for public speaking. Asked if anyone was in favor of the application.

Marcy Pitney, 229 West Main Street, Milford. She is the face of affordable housing. Moved to Milford 19 years ago. She is 50 years old, college educated and now a single mother, due to a divorce, with a 16-year old son in high school. Wanted to keep her son in the Milford school system. Without the opportunity to rent through affordable housing, she does not know where she would be at this time. Feels fortunate.

Chairman Gettinger: Anyone else in favor of the application? (No response). Anyone opposed to the application?

Frank Ginise, 331 Meadowside Road distributed information to the Board and circulated photos. His wife in 2010 was asked to sell her house to the Field Bros because they were going to be building low income housing in front of her property. She refused. They tried to subdivide the property but were denied by Planning and Zoning (sic). Photos of the house show the bad condition of the house on the property with a family with four children living in it. Traffic is an issue in the area. No overflow parking in the area. Children use

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that area to play and ride bikes. The R-12.5 zone for single family houses, with this project his house will be 8'9" away from his property line in the back corner.

With the snow such as we had last year there is no place to put the snow after the 3rd or 4th plow. Where will the snow go from the development and where will the runoff flow.

He questioned the fire equipment access. There is no area for the number of emergency vehicles that would have to go on the property and turn around in the case of a fire or need for emergency vehicles in that development

With all the 8-30g buildings coming to town, there will be a need to add extra fire, and police personnel and equipment. Increased noise, lighting and trash; change in the water table due to the runoff, which is an issue. These are safety issues.

Kermit Hua, KWH LLC, 227 Reservoir Avenue, Meriden, CT. Traffic consultant brought in by Mr. Ginise to look at the traffic study and do a general review of the traffic operation of the area. He stated his background and experience as a traffic engineer. He disagreed on the scope of Mr. Spear's study. He did not think DOT requirements were relevant to Meadowside Road. Meadowside Road is a neighborhood road and a study should be sensitive to the location. Thought five major intersections should have been included in the study: Meadowside Road and Seaside Avenue; Robert Treat Parkway; Silver Sands Parkway, which are located 400-500 feet from the site. During the summer traffic is heavier. Meadows End Road and Pumpkin Delight are also important intersections.

Fifty accident records were obtained from the Milford Police Department website from 2012-2015. Meadowside road is approximately 2-3 miles long. 31 of those accidents occurred at the five key intersections.

Driveway location: Not preferable to locate a driveway in the immediate vicinity of a key intersection being Great Meadow Drive and Meadowside Drive. Believes it is unsafe.

William Healey, 37 West Shore Drive. A couple of years ago ZBA denied the construction of two houses on the property as overuse of the property. Now proposing six building on the property. Water runoff. Public safety. Fire equipment with aerial apparatus. Won't be able to enter the property. Tower truck is 43 feet long.

Rob Willox, 34 Elgid Drive. 31 year resident. Lot of change has taken place in the surrounding area. This section of Milford has given to the greater good. Don't see the need to do any more.

Sharon Reilly, 24 West Shore Drive. Financial loss to residents. Three houses for sale on the street but sales were lost due to the impending further construction. Houses that were up for sale have lost value. Reassessment will make the residents pay more for homes that are devalued. Water problems. Loss of exposure to the sun due to the height of the proposed project. No privacy in the rear of her home, which they currently enjoy.

John Pagliano, 325 Meadowside Drive. His wife was hit by a car on Meadowside Drive nine months ago and was seriously injured. There are a lot of multiple family houses. Don't need more.

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Mark Marcone, 53 West Shore Drive. Moved from Pumpkin Delight Road to current location for safety and quiet environment to raise his son. Sees a change in the area.

Karen Craig, 43 Elgid Drive. Grew up in Milford. Parents had to move twice due to building that was taking place where they lived in this area. There have been constant changes in the area. Other housing developments in the area were on larger parcels of land, not on one acre. The impact of the existing properties will decline; traffic will increase. Increased traffic goes down to Walnut Beach in the summer as well.

Kathy Apruzzese, 5 Great Meadow Drive, directly across from the 335 Meadowside Drive. The house on the property is in shambles since purchased by the Field brothers. House was well taken care of by the former owner. No new siding or windows was put on the house.

Gwen Bruno, 1 Vincent St. Not against affordable housing. Has a son who could qualify, but would not live there. The area is densely populated with one family homes. 18 units on one acre is too dense. Distributed a photo to the Board showing what the existing house looked like before the Fields bought it and what it looks like today. A family with four children is living in that house in dilapidated condition. If they don't maintain the house now, how will the apartment units be maintained?

Mike Apruzzese, 5 Great Meadow Drive. Against the development for all the reasons previously stated.

Joseph Perkowski, 7 Elgid Drive. What will happen to the area if the State puts a toll at Silver Sands Park. Where will the excess traffic go? How will it be controlled?

Robert Perkowski, 7 Elgid Drive. Backyard is adjacent to the project. Concerned about water runoff. Lights will be shining in his backyard and bedrooms.

Lionel Cowell, 17 West Shore Drive. Three harsh winters. 2013 38" of snow. Area has mostly cul de sacs. Took 3-4 days to have the streets plowed and no place to put it. Had to have payloaders and a dump truck come in. Cars are left abandoned in these weather conditions on the street.

Rebuttal by the Applicant:

Attorney Lynch: These applications generate emotions. The statute allows developers to build in these areas in order to provide affordable housing. The statute allows developers to take property in areas where multi-family development would not be allowed and bring applications to the Board. The Board has to weigh the need for affordable housing with concerns that would counter that along the area of public health and safety. Mr. Spear did a detailed traffic analysis. Mr. Hua did not provide empirical data. He made no traffic counts. Mr. Spear stated his traffic analysis was determined by the DOT to be relevant data, which are traffic counts with proximity to the site. This project of 18 units is small relative to the other 8-30g applications that the Planning and Zoning Board has or is considered. The Police Department report concurred with Mr. Spear's traffic study.

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A judge would rule that the traffic impact from this project is diminimus and will not affect health and safety to the residents.

Chairman Gettinger: Why was the traffic count done in 2013, two years ago? Traffic patterns can change.

Mr. Spear: That was when he was first contacted to do the study. Traffic counts have a shelf life of about three years. Numbers were projected up to the design year. He repeated that the size of the project is too small to make any impact on the road.

Chairman Gettinger: Noted he has come before this board on a few applications in the past and has always been hired by the applicant. Asked if he came back and told the applicant after the study it was unsafe?

Mr. Spear: Recommendations are suggested in that case, but would not say it was unsafe. Small developments have been done in Milford so they have had no significant impact. There would be no reason to come back with mitigation measures.

Chairman Gettinger to Mr. Hua: Does he have a professional opinion as to whether the traffic count form 2013 is still good today?

Mr. Hua: The burden is on the preparer of the traffic study to demonstrate to the Board that the traffic has changed. They have not provided that evidence. He has no way of knowing one way or the other whether the traffic has changed.

Chairman Gettinger: In his professional opinion does he think this project will have either a negative or positive impact on the public safety.

Mr. Hua: From the number of traffic accidents, yes, because of the 50 accidents that had occurred on a short stretch of roadway. The increased traffic volume from this development in a predominantly single family road, there will be more traffic to increase the potential for accidents on Meadowside Road. The other intersections should be looked at because they are not far away. All the five intersections are within one mile away from the site. He has no data because he did not do a count. He is not the preparer of the report.

Attorney Lynch: Disputed the opponent's traffic claims of accidents and the fact he provided no data. The accident report shows within 400 feet of the site there were 2 accidents; from 500-1000 feet, 14 accidents; from 1500-2013 and over 2000 feet away from the site, 19 accidents. Majority of accidents took place a half mile away from the site. The information Attorney Lynch read from was distributed to the Board.

Rebut the Rebuttal:

Frank Ginise: Noted this area already had four multi-family dwellings in the area, so the 8-30g premise of putting affordable houses in areas that do not have it is not the case.

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Kids are on skateboard on the streets. In the summer it gets twice as busy. Speed surveys were done by the ball field, not near his house which is next door to the proposed site. Only two accidents in the area where no one got hurt is not true.

Mr. Ginise: Asked if a letter was received from State Representative Kim Rose in opposition to the application.

Board Clerk: The office had not received anything from Kim Rose as of 5:45 p.m.

Chairman Gettinger: The public hearing is closed except to receive information as to whether a letter was received from Kim Rose within the time of this hearing. The Board will most likely vote on this application at the next meeting.

E. LIAISON REPORTS - None

F. REGULATION SUBCOMMITTEE - (Update)

Mr. Grant: At the next Board meeting there will be a handout for recommended zoning changes. He will ask the Board to review the information in detail. Call him or Staff with any comments or questions regarding the information.

G. APPROVAL OF MINUTES – (5/19/2015)

Mr. Mead: Motion to approve the Minutes of 5/19/15.

Chairman Gettinger: Second.

Discussion: None

Vote: All members voted in favor.

Minutes approved.

H CHAIR'S REPORT - None

I. STAFF REPORT – None.

Mr. Dolan: Motion to adjourn

Mr. Sutton: Second

Discussion: None

Vote: All in favor

The meeting adjourned at 10:00 p.m. The next Planning and Zoning Board meeting will be held on Tuesday, June 16, 2015.

Phyllis Leggett

Phyllis Leggett, Board Clerk