

**MINUTES FOR ONE (1) PUBLIC HEARING
OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, JULY 1, 2014 AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

The July 1, 2014 Planning and Zoning meeting was called to order at 7:35 by Chairman Benjamin Gettinger.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Michael Dolan, John Grant, Jeanne Cervin (Vice Chair); Edward Mead, Carl Moore; Tom Nichol, Benjamin Gettinger (Chairman)

Not Present: Terrence Copeland, Tom Panzella, Jim Quish

Staff: David Sulkis, City Planner; Phyllis Legget, Board Clerk

C. CGS 8-24 APPROVAL – TO ABANDON A PORTION OF SCHOOLHOUSE RD.

1. Request by Kingdom Life Christian Church, Inc. to abandon a parcel of land identified on a map entitled "Road Abandonment by the City of Milford in Favor of Kingdom Life Christian Church, Inc., 553 West Avenue, Milford, CT", prepared by Scott K. Mundy, on Map 42, Block 335, Parcel 1, of which Kingdom Life Christian Church, Inc. is the owner.

Brian Stone, Esq., The Pellegrino Law Firm, Whitney Avenue, New Haven, CT, representing Kingdom Life Christian Church, Inc. Piece of Schoolhouse Road, the prior right of way to Schoolhouse Road that was relocated when I-95 was built, leaving an approximate 7,000 SF section that goes nowhere; just into the highway. It offers no benefit to the City and splits the parcel of land. Requested the Board of Aldermen abandon this piece of land, which the P & Z Board has to approve first under CGS 8-24.

Mr. Sulkis: Departmental reviews have determined no objection to the road abandonment.

Ms. Cervin: Asked what role Grillo Services has in this situation.

Mr. Stone: Explained Grillo hoped to purchase the parcel for their mulching operation, at which time they will be back before the Board for approval.

Motion: Made by Ms. Cervin for approval.

Second: Mr. Dolan.

Discussion: None.

Vote: All in favor.

Motion: Passes.

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D. NEW BUSINESS:

2. **460 BIC DRIVE (ZONE OD)** Acceptance of an application under Milford Zoning Regulations, Sec. 7.1.1.2, for an Affordable Housing Complex (257 units), on Map 41, Block 301, parcel 29, of which Garden Homes Residential , LP, is the owner.

Mr. Sulkis: This item was added to the agenda because the State moratorium is in place. The application was submitted but it does not conform with the zoning regulations. Due to the moratorium the zoning regulations cannot be waived, therefore, the application cannot be certified as being in compliance with the regulations under Section 7.1.1.2. If the Board denies the application it should be Denied Without Prejudice so that the applicant can return with an application that conforms to the regulations. The site plan is for 257 units of housing in a zone where only one unit of housing is allowed. [The site plan showing the proposed housing was circulated among the Board members for their inspection.]

Chairman Gettinger: For clarification: The Board is to vote on the acceptance of the application and not the application itself. Because of the moratorium on affordable housing in Milford there is no way of waiving the local regulations. The application is for 257 houses which is zoned for one single family home. The application can be denied without prejudice which will allow the applicant to resubmit a plan that is in compliance with the regulations.

Mr. Mead: Asked if the City Attorney was in agreement with what Mr. Sulkis told the Board.

Mr. Sulkis: The City Attorney was in agreement with his explanation.

Ms. Cervin: Motion for rejection of the application based on the moratorium that is in place which cannot be certified.

Mr. Sulkis: Asked that the motion be amended to state that the Board denies the acceptance of the application without prejudice, because it does not comply with the local zoning regulations as they currently stand.

Ms. Cervin amended her motion accordingly.

Second: Mr. Grant

Discussion: None.

Vote: All members voted in favor to deny acceptance of the application without prejudice.

Chairman Gettinger: The next item has been requested by the applicant to be tabled to the July 15, 2014 meeting.

3. **89 COOPER AVENUE (ZONE R-5)** Petition of Raphael Amaya, Architect, for Coastal Area Management Site Plan Review approval to construct a single family residence on Map 22, Block 458, Parcel 38, of which Laurie Robinson is the owner.

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E. PUBLIC HEARING CLOSSES BY 8/5/2014; EXPIRES ON 10/9/2014

4. **1595-1645 BOSTON POST ROAD (ZONE CDD-5)** – Petition of John Knuff, Esq., for Special Permit, Coastal Area Site Plan Review and Site Plan Review to construct a shopping center containing at least 40,000 square feet of floor area and eating places on Map 100, Block 805, Parcels 1, 11B and 12A, of which C & G Milford, LLC is the owner.

John Knuff, Esq. 147 Broad Street, Milford CT, representing C & G Milford, LLC, the contract purchaser. This property is the former Smiles Amusement Center; 7.5 acres in the CDD-5 zone. A small portion of the site is in the CAM zone as well as the Indian River Flood Plain. City officials as well as DEEP staff have thoroughly reviewed this application. Meetings began last fall with all parties and as recently as a site visit last week. He commended all City departments involved and staff members who participated in this refinement of this application.

A slightly revised plan to the stormwater basin was distributed to the Board members with other housekeeping materials.

This project is one more piece in the puzzle of enhancing the Boston Post Road to elevate the quality of new developments in this area in accordance with the POCD.

There is an interconnection easement with the neighboring Chase Bank property. Many environmental improvements will be made as well. The wetlands and water courses will be improved. The impervious coverage will be decreased by approximately 14,000 SF. The storm water basin has been enhanced upon the suggestion of John Gaucher of the DEEP. Of the 7.5 acres, only 64,000 SF of retail and restaurant space is being proposed (not including the warehouse which will be below). The landscaping plan is extensive, consisting of 865 new plants 104 new trees and 14,000 SF reduction in impervious coverage.

Raymond G. Paier, PE, Project Engineer, Westcott and Mapes, Inc., 142 Temple Street, New Haven, CT. The site is 7.53 acres in the CDD-5 for a proposed commercial development. All aspects of the colored rendering of the entire site plan including parking, drainage, landscaping, etc. were described. The site is 700 linear SF frontage of the site. All existing buildings on the site will be removed. He described the three buildings proposed for the site and associated parking and how they will fit in with the linear area of the property. Vehicular travel and pedestrian access was described with all the enhancements that will be made to the site.

The third building is a 4,420 SF Panera Bread restaurant with an outdoor patio area and a wrap around drive-thru This will be a very attractive shopping center with flexibility for the tenants to use these buildings.

A portion of the area is in the CAM zone. They have worked with John Gaucher of DEEP and complied with FEMA requirements by filing the required reports for the flood plain area. Expect a favorable review of the required forms.

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Ray Oliver, Project Architect, 3 Lafayette St, Milford. Described the proposed buildings. The main building will be 36,000 SF for commercial, retail and restaurant use, which will be on two levels. Upper story for the stores and restaurants. Right side for an anchor tenant and smaller shops around the rest of the building. Down the driveway side behind the building there is a parking garage with some covered parking with elevator access. Lower level will also have the service area for the commercial area and service area for the shops and warehouse. Freight elevators and dumpsters without having large trucks for access to the stores on the pedestrian side. Described the building materials, architecture and signage.

The second building for a single tenant will be 5,000 SF, potentially for Verizon. The building materials were described.

The third building for Panera Bread will be 4,400 SF with additional outdoor patio seating and a wrap around drive-thru.

This will be a very attractive shopping center with flexibility for the tenants to use these buildings.

Mr. Knuff: The photometric plan is in compliance, especially in the rear, where there are residential neighbors who will not be impacted by the lights.

Proud of this plan's design from every perspective. Appreciate all the time given by Staff and City departments.

Mr. Sulkis: It is a nice project. Staff worked closely with the applicant on this. If the Board approves it should condition approval that any state or federal permits required shall be received by the applicant prior to a zoning permit being issued.

Mr. Knuff: Include Sheet SC-2 and interconnection access easement between the property and Chase Bank.

Mr. Nichol asked questions on the traffic.

Mr. Knuff: Noted the traffic signal at Chase Bank will serve those who want to cross the Post Road. That was anticipated when Chase Bank had a traffic light and the interconnecting easement was established in view of a potential redevelopment of the applicant's property taking place. There will also be a designated left turn lane heading south, if you pass the Chase signal.

Sharat K. Kalluri, PE, Traffic Engineer, CDM Smith, 900 Chapel Street, New Haven CT. Met with DOT on the left hand access. Described how the ins and outs will work for deliveries, trucking, shipping, etc., as well as the drive-thru access to Panera Bread.

Mr. Mead: Said a sign should be installed at the drive thru for Panera Bread to exit at the interconnecting access to Chase to guide the traffic in that direction. He also suggested speed bumps at the various crosswalks due to the extensive frontage of the development.

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Mr. Knuff: The sign is a good idea and textured pavement for speed purposes at the crosswalks can be installed.

Mr. Dolan: Is there a tenant for the large building?

Mr. Knuff: No anchor tenant as yet. A couple of tenants known for the smaller retail stores.

Chairman Gettinger: Asked if anyone wished to speak in favor or against the application.
(No reply)

The Chair closed the public hearing.

Motion: By Mr. Mead to approve the application with the following conditions: 1) Speed bumps or textured surface for speed control at the crosswalks; 2) A sign at the end of Panera Bread drive-thru indicating the right turn use of the Chase Bank interconnecting access way; 3) All federal and state permits will be in place prior to a zoning permit being issued for the project.

Mr. Grant: Second.

Vote: All members voted in favor.

Discussion: None.

Motion: Passed.

F. LIAISON REPORTS - None

G. REGULATION SUBCOMMITTEE

Mr. Grant: Subcommittee meeting was held tonight. The subcommittee has proposed a regulation for Marijuana growth and dispensary facilities. There are also two deletions of regulations. He asked the Board to review the proposed marijuana regulation and the two suggested deletions in order for them to go to the next level of submission to regional agencies and then a public hearing where the public could have input on the regulations.

[A two minute break was taken for the Board to review the regulation information provided to them.]

There was discussion concerning distance from schools and playgrounds from marijuana dispensaries.

The Board members agreed to move the regulations to the next step of submission to regional agencies and the City Attorney.

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H. APPROVAL OF MINUTES – (6/17/2014)

Motion: To approve by Chairman Gettinger.

Second: Ms. Cervin.

Discussion: None.

Vote: All members voted in favor of approving the minutes.

Motion: Passed.

I. CHAIR'S REPORT – None

Ms. Cervin: Announced Senator Chris Murphy will be at the Parsons Complex in Conference Room A at 1:30 PM for a Q and A session at which time he will be introducing some legislature about global warming.

J. STAFF REPORT - None

Motion to adjourn by Mr. Mead.

Second by Mr. Dolan.

All members voted in favor of adjourning the meeting at 8:57 p.m.



Phyllis Leggett, Board Clerk