

The Shelton Planning & Zoning Commission held a Special Meeting on September 27, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Jason Perillo
(sitting in for Comm. Papale)
Comm. Anthony Pogoda
Comm. Karen Tomko-McGovern
(sitting in for Comm. Sylvester)

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguillo, Court Stenographer

Members absent: Comm. Daniel Orazietti
Comm. William Papale
Comm. Leon Sylvester

Staff absent: Diana Barry

Tapes (2) and correspondence are on file in the City/Town Clerk's Office and the Planning & Zoning Office. Attachments are not available on the website.

PUBLIC HEARINGS:

APPLICATION # 05-35, DOMINICK THOMAS FOR SPECIAL EXCEPTION APPROVAL (HIGH-TRAFFIC GENERATOR: ADDITION TO RESTAURANT) 66 HUNTINGTON STREET (MAP 74, LOT 28) CA-2 DISTRICT (CONTINUED FROM 9/13/2005)

Chairman Cribbins stated that this hearing was left opened because we wanted to receive some testimony from the Fire Chief and the Fire Marshall. Comm. Pogoda read a letter from the Shelton Fire Chief John Millo, another letter from Fire Marshall James Tortora and the third letter is from Dr. Michael Montonaro dated September 21, 2005 with regard to parking at 66 Huntington Street.

I know that we took a lot of testimony and that we held it opened for that, stated Chairman Cribbins.

Attorney Dominick Thomas addressed the Commission. I have another letter from the other tenant concerning the parking issue that was raised, stated Attorney Thomas. I have a brief report with observations on traffic, I will be turning in both of these, he added.

A question was raised about Wetlands and the application will be finalized, the architect and myself have spoken to John Cook. After review of all the plans, Mr. Cook indicated that while it appeared to be a potentially administrative act, up to the (inaudible) area on existing pavement you might want to put in a condition at the next Wetlands meetings and we are going to comply with is that there are no real changes he wants improvements on the oil water separators to bring them up to modern technology. We did agree to do that, stated Attorney Thomas. He didn't want to approve this as administrative and we will be appearing before them at their next meeting.

There are no parking issues and we have spoken to Catherine Blakeman, who is an adjacent property owner, with regard to sharing additional parking at night. You are all familiar with her property, asked Attorney Thomas? Chairman Cribbins answered yes.

Attorney Thomas summarized the traffic and stated that there was an informal study that was done. We don't believe there is any traffic impact. This is an existing restaurant. Over two days at 3:45P.M.-4:45P.M. and 4:45P.M.-5:45P.M., the architectural firm actually stationed someone out there to do a count. Total volume of vehicles on Thursday, September 22 and Friday, September 23 going down Huntington Street were 212 on the Thursday between 3:45P.M.-4:45P.M. and 313 between 4:45P.M. and 5:45P.M. During that time turning in to the site between 3:45-4:45 were 5 vehicles. Turning out of the site were 4 vehicles. 4:45-5:45 turning into the site were 3 vehicles. 4:45-5:45 turning out of the site were 4 vehicles. On the 23, the total volume in the first hour was 207 and in the second hour 334. That is the total number of vehicles going on Huntington Street, a one-way street for one hour. Turning into the site was 3 during the first hour and 3 during the second hour and coming out of the site 4 during the first and 2 during the second, stated. Chairman Cribbins asked if we would get a copy of that? I did make an extra copy stated Attorney Thomas.

Any further questions from any Commissioners, if not, can I have a motion to close the hearing, asked Chairman Cribbins? I will make that motion, stated Comm. Perillo. Second, stated Comm. Pogoda.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Application # 05-35.

APPLICATION # 05-42, DOMINICK THOMAS ON BEHALF OF OTTAVIO DISANTO/DISANTO TECHNOLOGY FOR RE-SUBDIVISION APPROVAL (2 LOTS) 10-20 CONSTITUTION BLVD. SOUTH (MAP 53, LOT 51) AND CAM SITE PLAN AND APPLICATION # 05-43, DOMINICK THOMAS ON BEHALF OF OTTAVIO DISANTO/DISANTO TECHNOLOGY FOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 29 (LIGHT MANUFACTURING FACILITY) 10-20 CONSTITUTION BLVD. SOUTH (MAP 53, LOT 51) AND CAM SITE PLAN

Comm. Pogoda read the call of the hearing. There was no additional correspondence. Comm. Lapera recused himself because he represents an abutting landowner.

Attorney Dominick Thomas addressed the Commission. He presented the notice of mailings along with the return receipts and some photos. Attorney Thomas stated PDD # 29, a large portion of the property is part of an industrial subdivision along Constitution Boulevard. That lot was originally approved by this Commission to be a Griffin Hospital Health Center.

Approximately two years the property was purchased by T.H. Real Estate Shelton. They came in before this Commission applying for a modification to PDD # 29. At which point that modification was granted resulting in the approval of the detailed development plans for the Sure Source building which now exists on this site. This is the last lot if you go down Constitution Boulevard towards River Road, stated Attorney Thomas.

At the time that we presented that, I was the Attorney for T.H. Realty, we informed the Commission that the lower portion of the property, as you may be aware of, the lower portion was to be reserved for a possible future subdivision. Just to orient you, Attorney Thomas stated, since this hearing is the subdivision hearing the map here is the subdivision map. This shows the Sure Source property to the rear and the property to be subdivided which is the lower area.

You might notice that the Sure Source piece and the piece that we are proposing to subdivide have little 50-foot strips out to Constitution Blvd. Both of these pieces access Constitution Boulevard through the Ivy Brook Greenway. As part of PDD # 29 there were Conservation Easements and deeded Open Space to the City of Shelton establishing the Ivy Brook Greenway along the edge.

I will tell you that as part of the subdivision proposal the Engineers and Surveyors have discovered that the existing paved driveway going into the lower portion was not situated exactly within the 50 feet as shown in the map. We then went to the Board of Aldermen to apply for an even land swap, stated Attorney Thomas. The land swap was sent to your Commission for an 8-24 and you referred it out favorably. The Board of Aldermen have approved the land swap and that will be taking care of to move the 50 foot portion and line it up with the existing pavement, stated Attorney Thomas.

So we come before with two applications, one is to re-subdivide the property. This is not a free split. This 20 acres was part of an industrial subdivision that occurred after 1963. We have to have a re-subdivision for the remaining lot, which is 4 acres. It complies with the Statement of Use and the minimum lot size because we developed the Statement of Use for the modified PDD # 29 contemplating the fact that this would be subdivided.

Who is DiSanto Technology, questioned Attorney Thomas? DiSanto Technology is a business, light industrial manufacturing, hi-tech manufacturing, currently located in Stamford, CT. DiSanto makes medical devices. They engineer in hi-tech fashion the artificial joints, knees, hips, tailor making them to the specifications given to them by the (inaudible).

They have approximately 70 some odd employees now and it is their intention to come to Shelton for a variety of reasons, not the least of which is to be closer to their employees, stated Attorney Thomas. They propose to build a 25,000 square foot building expandable to 30,000 square feet and hope with the success of their business to then increase their employees to approximately 95. They operate in shifts and we had to adjust parking issues as will be explained to address the shift overlap.

The second Public Hearing before you that you are considering is the modification of the detailed development plans for PDD # 29 to allow the lower building to be put into the lot that was created below. With that summary with where we are going I would like to turn it over to Joseph Rend, the Project Engineer, stated Attorney Thomas.

Joseph Rend, Project Engineer, addressed the Commission. He presented 4 sets of revised plans and the geo-technical reports. The presentation for tonight is on those sets of revised plans, he stated. Attorney Thomas had gone into with great detail on the history and PDD # 29 that was split into two parcels. The one that we are concerned with is about 4.5 acres on the lower portion and now noted as the Sure Source parcel. The building (Sure Source) is located above which you can see on these plans.

The site is across from Riverdale Diner and close to the intersection of Route 110 and Constitution Boulevard South, stated Joseph Rend. It is located within the CAM zone, at least partially. That is why you have the CAM application. We have received some information from DEP on that and I will get into that later on.

CAM for those of you who don't know, stated Chairman Cribbins, means the Coastal Area Management. So when there are things going on within a certain yardage to the River we have to submit a plan also to the State, he added.

We have attended some technical review sessions with the Staff and members of the Commission to develop the plans that you have before you today, stated Joseph Rend.

We have been before Wetlands for a concept review, stated Joseph Rend. The one main concern was the quality (inaudible). We did attend two WPCA hearings and receive their approval, he added. The sewerage treatment plant will be able to handle the site.

Attorney Thomas talked on the land swap. These two gray strips on either side of the cookie cut, is a 50-foot strip on both sides. It is about .02 acres and the reason for that was when the 50-foot strip was originally created the contractor built the access roadway. The pavement was constructed partially in the City of Shelton's property. The reason for the land swap is to get this centered down and in the right location. Otherwise we would have the pavement in the City of Shelton property. That was accepted by the Board of Aldermen.

As part of the original PDD there was some Open Space corridors provided to the City of Shelton. They exist on both sides of the access driveway along the Ivy Brook corridor, stated Joseph Rend. There are Wetlands associated with the southern most strip. The northern strip have no Wetlands associated with that area of Ivy Brook because probably 20-25 years ago that area was relocated and there are no wetland soils in that portion of the Brook. We still have the Wetlands setbacks from Ivy Brook. The Wetlands show on all the plans as 75 feet.

There is a Conservation Easement across the future site in the northeast corner, stated Joseph Rend. It is a triangle piece of property approximately .3 or .4 acres. This is the Conservation Easement and we have no proposed development within that easement area.

Ivy Brook is a sensitive waterway. It is a direct feeder to the Housatonic River. It is more appropriate as a Wetlands issue but we tried to keep most of the development out of the 50 foot restricted buffer zone and we looked at the 75-foot Wetlands (inaudible) from the edge of Ivy Brook which shows on the detailed and site plans. There is very limited development within the regulated area. There is minor amount of development within the 75-foot area.

The proposed building is 25,000 square feet and shown on this plan and 4,000 square foot addition on the south side of the building for future expansion, stated Joseph Rend. The owner/applicant of the building will do the blasting and grading to get that to grade at this time because of the sensitive equipment they would not be able to blast at a later date. The building as proposed meets all the required setbacks. There is a 75 foot increased setback because of the residential buffer on the south side. The building is way out of that, the closest the building gets to the residential area is 100 feet. There is some parking inside of that 75-foot setback with as much clearing as possible away from the property line. There is a 200-foot square minimum that we show on the plans and that meets the requirements.

The parking requires 75 spaces. In speaking with the owners and with the shift they want to accommodate that. We are providing for 91 parking spaces including 3 handicapped spaces.

The loading dock is to the rear of the building and is not visible from the front, stated Joseph Rend.

The utilities include City Sewers and Municipal Water that essentially is required is there at Constitution Boulevard South. We will provide under electrical and gas as well as underground sewer and water service.

Storm water management on the site, we have just received Office of Long Island Sound comments just tonight. Some of their concerns are addressed on the new plans. (inaudible) moved further from Ivy Brook. It is at least 6 or 7 feet from Ivy Brook.

It is a difficult site because the entire site is rock. We have to blast everywhere. We have 2 feet maximum (inaudible). The most part it is all ledge.

We are providing an oil separator, stated Joseph Rend.

The proximity of the river and no wetlands on the northern corner of Ivy Brook. That portion of Ivy Brook was relocated from the east to the west at some point in the past. There were no wetlands then in the past and we are within our Wetlands setbacks.

The landscaping, show three separate plans for clarity. There is an overall site plan, the second one is for drainage and utilities and the third one is for landscaping. We have all the trees lined up. The landscaping is difficult and we try to get as much trees to break up the pavement. This site shows every 4 feet counts because of the 30-foot rock crop on the northwest corner of the site and on the southwest corner we have a 20-foot cut. As you spread your parking apart the site gets pushed out to make it difficult to grade the site.

The other thing that was discussed at a technical session is the design of the parking space which usually is a 9 by 18 spaces on this plan because of the amount of rock that needs to be taken out of the site for the grade we need. The standard parking space in a lot of town is 9 by 18 and some towns go to 9 by 20. In some areas the parking spaces including the handicap are 9 by 18, stated Joseph Rend.

The landscaping shows ledge and there is no soil out there. The plants will need (inaudible) to survive. Within the islands and parking we show trees and shrubs. We require at least 2 to 3 feet of plantings along (inaudible) to grow.

The dumpster enclosure is to the back of the building to the left where the loading dock is. That area is right up against the rock cut. There is about 12 feet between the rock and building. That was the recommendation of the geo-technical consultant. Sure Source sits about 60-70 feet higher in elevation, they look down from their site to the parking and probably can see the roof, stated Joseph Rend.

It was recommended that the building face Constitution Boulevard South. There is a good buffer along Ivy Brook.

The entrance to the building and access to the roadway. There is a 45-foot turning radius so a tractor-trailer could get on and off the site. We show the dimension of the 30 foot wide strip and 24 was too narrow. We put guardrails along the side that come into the turning radius area. We will put the building sign just below the Sure Source sign. We will put the same guardrails that are there now, stated Joseph Rend.

Did I hear you say that someone will address the building itself, questioned Chairman Cribbins?

Attorney Thomas stated that the Statement of Use provides for light industrial and through conversations with Staff we have suggested modifications to some of the bulk standards relative to setback of the residential areas. We are proposing a slight modification that within the 75 foot setback there be allowed a small percentage of parking, he added. The Architect will now speak to the building design.

Mark, (inaudible) Project Architect, addressed the Commission. It is a light manufacturing facility. We want to create a process area, a docking area with shipping & receiving and an entrance way at Constitution Boulevard. There will be a cut out around the façade of the roof. The office area is glass. Along Constitution Boulevard we will dress up the façade with glass panels that go around the building. The rear will face the rock wall and we will use standard metal panels. The Constitution Boulevard elevation you will see the office area with glass. The building will jump up and we will carry the panels along the building with glass above that. The other façade facing in this direction here will be mostly aggregate panels and decorative (inaudible). The elevation here would be the backside here and the elevation here is lower. This is cut down for the rocks. We went through numerous elevations and design. This was the acceptable setting we agreed on with masonry and aggregate material.

What is on the roof, what will you see from the street, questioned Chairman Cribbins, from Route 110? Basically you will see the façade across here, the roof is one half of 12 slope. There is a little sliver and as you look up you won't see any roof, stated the Architect. What about the AC, questioned Comm. Pogoda? The AC is a split system that is inside the structure of the building, stated the Architect. There is a little patio area that is screened from Constitution Boulevard. If this requires AC and with the devices they need it, we will put two units on the back of the roof, two twenty ton units, 6 foot by 10 feet long, on the back side of the roof so that these units will be back here, stated the Architect.

End of Side 1A of 2A, Tape 1 of 2 at approximately 7:45 P.M. (no time given on tape or in notes)

There is nitro acid used and the rest is water (inaudible) oils that are trucked off the premises, stated the Architect. Any of our cleaning solutions are trucked off and evaporated. Do they have filtering systems on the exhaust, asked Comm. Pogoda? It goes through an evaporation system and the ph is adjusted, stated the Architect. You could get a permit to put it down the drain but we decided not to do that. Our companies are Fortune 500 Companies, like Johnson & Johnson and they wanted us to adhere to regulations, he added.

When I look at the site, I wonder what the Fire Marshall will say because generally they want access around the building, stated Chairman Cribbins. I know you have 12 foot around there, he added. The building is fully sprinklered and you don't need a fire land around the entire building by code, stated the Architect. You will access the building from here and here. You are fully sprinklered and by code you don't need it. He will tell us what we need, stated Chairman Cribbins. I understand, stated the Architect. The building is squared and this is about the 4th design. It is a difficult site, he added.

I am not sure of the left side of the building as you are coming up Route 110, stated Chairman Cribbins. The side of the building won't be attractive. It is metal and having that as the gateway to an industrial park there you would want to see something attractive, he added.

It is a basic wall of trees and as you approach it you won't see that until you get to the point of the cul-de-sac stated Attorney Thomas. I will look again when I drive by, stated Chairman Cribbins.

The parking on the left side, where is the 75 foot setback, I would like to see some additional plantings there, something to further buffer that because we have residents there, stated Comm. Perillo.

Chairman Cribbins asked if there was anyone in the audience that wished to speak for or against this proposal.

Joan Flannery, 8 Partridge Lane, addressed the Commission. I would like for the builder to design the most appropriate for the traffic going by Route 110. I would like to emphasize that. I also would like to know what kind of tax revenue we would be getting from this building compared to if it was all office that would have computers and things like that which could be taxed.

As I understand it you are changing the zoning with the PDD, now, asked Joan Flannery. No, stated Chairman Cribbins. I still would be interested to now what kind of tax revenue we will be getting from this building, thank you, stated Joan Flannery.

Attorney Thomas (?) speaks to the revenues. Compared to the equipment that will be in this building there will be artificial joints, computers are throw aways, paper plate throw aways, when it comes to taxes. The taxes, this is a former LIP Zone, this is a PDD permitted light industrial, and this is a light industrial building that is a permitted use within the zone. The personal property taxes will grossly exceed any office building put on there, he added. Frankly it would grossly exceed any computers there. Each one of our machines are about \$125,000-\$200,000 each. Over the next two years we will have 10-12 more machines.

To clarify for some of the people in the audience typically industrial will bring almost always-higher taxes, stated Comm. Perillo.

A women from 251 Coram Road, addressed the Commission. My concern is lights because we have had problems before with lights. She is concerned with emissions because Latex Foam said there would be no emissions and there are.

Anyone else asking to speak for or against this, asked Chairman Cribbins?

Vincent Cuminotto, I represent Shelton Office Park 2, owners of adjacent property, addressed the Commission. We always envisioned that this park would be subdivided like this even when we bought the property. We welcome that. The only question that I have is the back of the building will it be steel?

The metal panels are standards answered someone from the applicant's team. There are steel panels and we have corrugated steel that we have used, stated Vincent Cuminotto. You won't see that from Route 110 only from Constitution Blvd, answered someone from the applicant's team.

A women addressed the Commission. (very difficult hearing her). She questions the air conditioners.

Lights, odors and emissions, would you like to respond, questions Chairman Cribbins of Attorney Thomas. Joseph Rend answered on the landscaping plan it does show 15 exterior light fixtures in the parking lot. They were just placed on the site in general locations usually that is the understanding that the electrical engineers come up with the plan. You can see the lights are in general locations. They are focused on the parking lot for security purposes.

Joseph Rend stated the other thing I would like to bring up is that the southside of the building. The majority of that is 100 feet is the expansion. There is a corner that on the southeast corner that has a door. The majority is the metal panel, he added.

That can be addressed with Staff stated Attorney Thomas. It is an expansion wall, he added. We will address the issues and the clients have two issues.

Mr. DiSanto addressed the Commission with regard to emissions. Our requirements are from our customers and the manufacturing department is like an operating room. Our floors are spotless and if there are any odors it is not from what is processed here. Noises, we try to keep them down to a minimum level. It is a tight location with the residential right there. There are residential condos all around where we are now and we have no problem now.

The air conditioners were addressed from someone in the applicant's team. The air conditioners are in the office area and located in the back corner here. The two units here will admit the most sound. We will keep them away from the property lines and there are standards that are allowed, decimals at the property line.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to close the Public Hearings on Application # 05-42 and 05-43. Comm. Lopera had recused himself and didn't take part in the hearing or the voting.

APPLICATION # 05-44, DOMINICK THOMAS ON BEHALF OF C&D CART ENTERPRISES FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: MOTOR VEHICLE SERVICE/MIX USE FACILITY) RIVER ROAD (MAP 66, LOTS 1 & 2) CA-2 DISTRICT

Comm. Pogoda read the call of the hearing. He read an additional piece of correspondence from Maria Cataldo, 43 Anna Street, against the development of this parcel for this reason.

Attorney Dominick Thomas, representing the applicant, addressed the Commission. He presented the receipt notices and stated all were received back. This is an application for a limited repair license facility in a CA-2 zone. This area has been a CA-2 zone for a substantial period of time. A limited repair facility like this is permitted by site plan. However, Staff determines, and I disagreed with it, that under the high-traffic generator section are special exceptions. This is not a gas station and frankly is not a high-traffic generator. It is a limited repair service facility. Limited repair means there will not be any major repairs done to motors and transmissions.

The owners are to here explain the level of repair work that include oil changes, filters, tune-ups and there will be a mechanic (approximately 3) with 5 bays facing front and 5 bays facing the back, stated Attorney Thomas. There is no need for a mechanic at every bay. There is an office area and on the second floor, that could be rented out, which is approximately 1500 square feet. This is a CA-2 zone. From the letter from Mrs. Cataldo she might be on the other side of Latex Foam. The nearest residential homes are on Coram Road several hundred feet away. They are on a much higher elevation. This property will require some rock cuts. Use is limited repair license with the vehicles built today is relatively hi-tech. The zone is appropriate and the hearing is on the special exception rule.

James Swift, Professional Engineer and Landscape Architect, addressed the Commission. As Dominick mentioned this property is located almost directly across from the A & P site. There is one parcel that is adjacent to Petremont Street and we are the second parcel in. The parcel is 30,000 square feet and CA-2 district with the residential district line running across the back of our property right at the rear of the property line. The appropriate residential setbacks are there for parking and structures. The building itself as proposed is a light repair oil change facility. There are 10 bays of stations for repair and this side is for support with office space above that. We have 23 parking spaces on the side of the building to support that. The traffic circulation shows us entering the site here from the fruit stand there, we access in that area of the cut, there is generous pavement here and cars can get in and out. We circulate to the back of the building for the bays back there. We anticipate most of the traffic entering from the back of the building then exiting out through the front. As you see there is appropriate dimension for cars to back out the same way they came in.

This is a State Highway and has to go through DOT driveway regulations. We have provided a minimum of 560 feet of site difference. We have an access of that, stated James Swift. They require a minimum of 3% grade for a distance of 25 feet and 10% thereafter. We meet regulations on those grades and from a State standpoint we do have a safe access into the site for the traffic.

Grading from the old fruit stand they have excavated some material to have some useable space. We have grading cutting to the back and some retaining walls in the back.

The drainage will discharge to the front of the site, stated James Swift. There is a DOT 24 inch pipe in roadway. Immediately on the site there will be water quality structures.

Water and gas is available to the front of the site. One utility we don't have is the sewer system. We have performed some testing for an on site septic system. This conforms to all requirements.

We have a full erosion control plan to take care of possible run off when we are preparing the site, stated James Swift. There is a temporary basin for holding water.

Landscaping is simple with a low evergreen hedge at the front of the site. There will be bumper plantings to the side for the adjoiners. There will be evergreens in front of the transformer. There will be additional plantings back here to soften the rock cut in the back. There will be white birch from where you can see it from the road.

Trash is located in the back, stated James Swift.

What about you oil retention, questioned Comm. Pogoda? Oil retention will be in tanks inside the building, stated James Swift.

John Ruffaleo, 415 Howe Avenue, addressed the Commission. We have located the bay area through here and in the back. (It is very difficult to hear). The support office area is 45-46 rectangular. There is an area for customers and will have a lobby entrance for the second floor. There are restrooms on that floor and a waiting area, a computer area, a refreshment area and a little area for children waiting with their parents. There will be a managers office and storage area.

There will be 10 bays and one is extended for a larger panel truck so that their oil can be changed. There is an area for the employee's room.

There are two tanks for oil retention, approximately 275 gallons each. Under this area there will be a basement and there is a storage room and locker area above it. The basement is approximately 250-300 square feet.

There is an exhaust system and there will be ventilation units.

Are there lifts there or are there pits there, questioned Chairman Cribbins? All the lifts are floor mounted, 6 lifts, no pits, stated John Ruffaleo.

The second floor area is basic. We are not required to have an elevator. It will be an open type space that can be used for an office.

Actually you are looking for a non-related use on that second floor, questioned Chairman Cribbins? Yes, answered one of the applicant's team.

It is very difficult to hear John Ruffaleo.

The roof system is a panel system. The backside of this building (inaudible) panel system.

This is the east side elevation, this is the front. On the west side (inaudible) in the bay area here.

This wall will be a cement wall.

Comm. Pogoda asked how many parking spaces will there be? 23 answered John Ruffaleo. Blasting, questioned Comm. Pogoda? Yes, answered John Ruffaleo. There would be an underground for the exhaust, will that be vented, how is that getting into the air, questioned Comm. Pogoda? The owner answered this is (inaudible) system. The exhaust will be evacuated out, stated the owner. It is collected and exhausted out, he added. Comm. Pogoda questioned the overhead doors that appear to be just metal doors just like you would have on, that to me is decorative and it looks like a storage area. Especially something on the River Road that people are going by all the time with residents all along there. That bothers me, stated Comm. Pogoda. Secondly the metal roof. There is nothing around there that has a metal roof. I mean the metal roof, it bothers me, we have everything around that is asphalt roofing. My last question is identification sign for this area and where will be placed.

The sign location will be in this island adjacent to the main entrance, stated James Swift.

End of Side 1B of 2A, Tape 1 of 2 at approximately 8:45 P.M.

Is this a franchise, questioned Chairman Cribbins? (inaudible) answer back from the applicant. What type of license are they applying for from the Transportation Department, questioned one of the Commissioners? Attorney Thomas answered that it is called a Limited Repair License that we have already gotten approval from the (inaudible) and it is covered under regulations # 37.

The location will be run by appointments and will do mostly tune-ups, stated Attorney Thomas. The article I read in the paper are not concerned with emissions. It is less the greasy fingers and a lot of computers. There will be oil changes and no major stuff. Very little concern with cars running all the time.

A small office is the site plan approval and we are preparing for a perspective tenant, he added. The roof, we had looked at the analysis of the roof and it is similar to the Dunkin Donuts downtown, stated Attorney Thomas.

Anyone in the audience wishing to speak for or against this application, questioned Chairman Cribbins?

A women in the audience, addressed the Commission. She questions the floor plan and the line? It is difficult to hear her.

Anyone else wishing to speak, questioned Chairman Cribbins? It is good that we are having this Public Hearing to put all these things on the table. Most of us go to the diner or the funeral home upon occasion or we go next door to DiMauro's. If you turn to look across the street there are cars all along the side, all around the back and you say Oh my God look at this, stated Chairman Cribbins. What a site it is? It is very good that we get to hear that this will be a nice clean operation and at night there will be no cars out there. No cars left for three or four days and we want to get that understanding for the neighborhoods. You can speak to buffer zones and how close we are getting.

Attorney Thomas stated there will be no cars unless someone can't get to pick up there cars. There will not be parking outside. The repairs will be in and out and there is a security system. The adjacent property is residential and there are setbacks requirements. There is much more landscaping then you will see at existing places. This is a franchise and this is an unusual look for a gas station. This is a different look with the peak roof and dormers, the play area for the kids and computers. The issue of the landscaping, you have the site plan, stated Attorney Thomas.

Hours of operation, questioned Comm. Pogoda? The owner stated hours of operation will be Monday – Friday 8 a.m. to 5 p.m. and Saturday 8 a.m. to 3 p.m. You don't have any speakers for noise or music going on outside, questioned Comm. Pogoda? You won't have what goes on at Bridgeport Avenue, stated Attorney Thomas.

Any further questions or discussion, questioned Chairman Cribbins? I will ask for a motion to close the hearing then, stated Attorney Thomas.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Application # 05-44.

APPLICATION # 05-46 MDC/INVESTMENT PROPERTY XI, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR; PARKING EXPANSION) ONE WATERVIEW DRIVE, (MAP 78, LOT 16) LIP DISTRICT

Comm. Pogoda read the call of the hearing. There was no additional correspondence.

A gentlemen who represents the applicant (inaudible) addressed the Commission. This application is to expand the parking by 99 spaces. The notices have been sent to adjacent property owners and all were received back except for two. The purpose of the expansion in the parking is for a potential (inaudible). We wish to expand to 5 per 1000. The proposed parking fields are at grade.

Where are the new spaces on the site plan, questioned Chairman Cribbins? The new spaces are here in the shaded area and here, stated the applicant's representative. What is there now, questioned Comm., Pogoda? Just woods, answered the applicant's representative. Is there lighting on the site, would there be additional, questioned Comm. Pogoda? Yes there is and there would be additional in the fields, answered the applicant's representative. What is to the left, questioned Comm. Pogoda, there are no residents? No residents, stated the applicant's representative. There are condos on the other side.

Is there anything magical about the number of spaces, questioned Anthony Panico? No just 5 per 1000 stated the applicant's representative. The concern is that this will be dead ended courts and then require to back out and turn around. You don't just circulate around and to eliminate that condition you would lose 12 spaces. Can you do that, questioned Anthony Panico? Yes, answered the applicant's representative. I was curious why you didn't put parking in that wooded strip that separates you from the adjacent property. The topography wouldn't permit that, stated the applicant's representative.

I did look at the plans today to review the circulation and it can be done and results in the lost of the spaces, stated Anthony Panico. In terms of marketing the 5 per 1000 it is better stated the applicant's representative. Did you contact the State that you are exceeding their opinions, questioned Anthony Panico? I would request you receive a letter from them that they have no interest in the expansion, he added.

Chairman Cribbins questioned if you are doing this for a perspective tenant would you advertise it like that but if there was no requirement for it not put it in? Essentially we do this for perspective tenants and build it that way, stated the applicant's representative. Anyone wishing to speak for or against this, questioned Chairman Cribbins? Hearing none I would ask for a motion to close the Public Hearing.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Application # 05-46.

APPLICATION # 05-47 ONE MOUNTAIN VIEW ASSOCIATES FOR TEMPORARY SPECIAL EXCEPTION (EARTH REMOVAL) 1 MOUNTAIN VIEW DRIVE (MAP 65, LOT 12)

Comm. Pogoda read the call of the hearing. There was no additional correspondence.

James Rotondo, a Licensed Professional Engineer, a principal of Rotondo LLC, offices at Canal Street, addressed the Commission. He handed in the notices of mailings and one notification didn't come in. I am here representing 1 Mountain View Drive. We are requesting a temporary special exception for earth removal pursuant to Section 32 of the zoning regulations. The site is located at the intersection of Ivy Brook Road and Mountain View Drive. Constitution Boulevard runs east and west direction to the plan. The property is located in the LIP zone and we are developing a site plan application for a light industrial, light manufacturing type use.

Mr. Knauf and Mr. Malisci are currently marketing the site and what they would like to do is start the earth removal for grading. The site as shown here is for us to make these grades with access for earth excavation from Mountain View Drive. This is basically on grade with Mountain View and there is rock ledge bordering the site. Earthwork will be above that and pushing that down to make a pattern banking it on the lower portion of the site. Recently there was a PDD approved for Ivy Brook professional park right next door. There is a sediment control plan that will be in place throughout, stated James Rotondo.

So you don't know the use, stated Chairman Cribbins. Anthony Panico questioned first of all since this is a TSE application we would want to see a grading plan respective of future plans that we will or won't see. All the plans I saw were clouded with what I thought you wanted to do and that is good for a background. We do want to prepare the site with a grading plan to which you want to prepare the site. There is an established plan on the recent PDD. That work is under way and your plan should relate to those contours, stated Anthony Panico. You need to clarify for us the retaining wall in the front, will that be filled in the TSE or slope it. That needs to be clarified and we don't know when the site will be developed with buildings, etc. It could be seamless and go right through but there also could be a delay, he added. Therefore we anticipate the possibility of a delay so that the site could be stabilized prior to whenever the next step will take place.

You mentioned it is a cut and fill operation. Take from the top and fill the bottom, stated Anthony Panico. It is a balanced operation or is material leaving the site, he questioned? We are planning to make it a balance operation, stated James Rotondo. So you have no intention of any material leaving the site, questioned Anthony Panico? Not at this time, stated James Rotondo. What about crushing or processing of any material, asked Anthony Panico? At this time no, stated James Rotondo. Those are all details we are concerned about, stated Anthony Panico. Do you know the degree of blasting, he questioned? How much over burden can you move and if this information is not available to us it makes our review difficult, he stated?

That needs to be clarified for us. You would enter the site on the southeasterly corner and your grading plan won't show the other driveway, stated Anthony Panico.

Essentially we are proposing the grades stated James Rotondo. Discuss what the site will be left like if there is no site plan for the proposed plans, stated Anthony Panico.

Comm. Lapera recused himself.

Comm. Pogoda stated that Tony had asked his questions.

Anyone wishing to speak for or against this application, questioned Chairman Cribbins/

Vincent Cuminotto, addressed the Commission. I am the developer for the adjacent property. We are seeing the anticipation of the grading. We are concerned with the excavation of the site down to these elevations allowing us the right grade. That is our only concern. We welcome the excavation being done sooner than later. Our concerns is the approach, he added.

Any further comments, concerns or questions, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to close the Public Hearing on Application # 05-47. Comm. Lapera abstained from the vote.

APPLICATION # 05-58 DOMINICK THOMAS ON BEHALF OF STORAGE DELUXE FOR SDA OVERLAY ZONE, 811-829 BRIDGEPORT AVENUE AND 2 TRAP FALLS ROAD (MAP 18, LOTS 13, 14, 15 AND 26) – ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 05-59 DOMINICK THOMAS ON BEHALF OF STORAGE DELUXE FOR PDD ZONE CHANGE, 823-829 BRIDGEPORT AVENUE, (MAP 18, LOTS 14 AND 26) LIP/IA-2 DISTRICTS – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept and schedule the Public Hearing for October 25th, 2005.

WOODS AT LAKE ROAD, PHASE II SUBDIVISION: REQUEST FOR 1ST 90-DAY EXTENSION TO RECORD MYLAR MAP

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the request for the 1st 90-day extension to record the Mylar map on the Woods at Lake Road.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:12 p.m.

Respectfully submitted by,

Diana Barry,
Clerk