

The Shelton Planning & Zoning Commission held a regular meeting on September 12, 2006, at 7:00 P.M. in the Shelton City Hall Room 303, 54 Hill Street, Shelton, Ct.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Daniel Oraziotti,
Comm. Anthony Podoga
Comm. Leon Sylvester

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Diana Barry, Clerk

Members absent: Comm. Jason Perillo
Comm. Karen Tomko-McGovern

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

PRESENTATION OF PLAQUES AND REMARKS FROM PLANIMETRICS, CONSULTANT

Chairman Cribbins presented plaques to the members of the PUAC that included Chairman Frank Osak, Peter DiCarlo, Anthony Pogoda, Tom Harbinson, Jim Tate, and Fred Musante. Chairman Cribbins stated that in the next few weeks Rick and I will be going to Michael Adanti's house to present his to his family.

Glen Calder, a representative from Planimetrics, addressed the Commission. He thanked the PUAC and the Planning & Zoning Commission for all their hard work. He stated that this is a milestone in Shelton's history. He presented a bound copy suitable for a library. We nominated that this for an award that Shelton has received, as an exemplary process of this document, use that as a recognition. No Community in Connecticut had ever done that.

We are looking at the plan, some contents have been implemented and some will be. We are still in the process of looking at the implementation of this. Thank you for your work, stated Chairman Cribbins.

I am going to skip the applications for now, I do see some people here for Lava Real Estate so that we will take those two applications now, he added.

OLD BUSINESS

APPLICATION # 06-27, DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR SDA OVERLAY, 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) (PUBLIC HEARING CLOSED ON 5/23/06) - DISCUSSION AND ACTION AND APPLICATION # 06-28 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATE FOR PDD ZONE CHANGE (MULTI-FAMILY) 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) (PUBLIC HEARING CLOSED ON 5/23/06) - DISCUSSION AND ACTION

Richard Schultz stated that the Commission asked the Staff to prepare a resolution and Anthony Panico will read the attached resolution. Richard Schultz stated we are changing the effective date until September 22, 2006. Two Fridays from now, he added.

Chairman Cribbins stated that is a good summary of the applications and we will take these decisions one at a time. So we will start with item a. This is a transitional piece. We went to all the Boards and Commission. We had a public hearing on it. We went to the City to see if there was interest in purchasing this. So today we are taking this motion to move this forward. I need a motion for the SDA overlay with the effective date being September 22.

Chairman Cribbins asked for a motion. Comm. Pogoda stated I'll move it. Comm. Harger stated I'll second it. Any further discussion, asked Chairman Cribbins?

Comm. Sylvester stated that it is always difficult to be sitting at a table when you have good friends who have an interest in this property and rightfully so. You don't want to stand in the way of someone selling their property, like Mrs. Ramia, and I think that she should be allowed to do so. However, when you look at the new plan of development it is lacking in attitude toward the waterways in this fine City. We need a lot more recognition as to the value of the waterways, more specifically the Far Mill River and the development that will take place on the river. I feel strongly that the City should have purchased this property. It is a valuable piece of property. It is a beautiful piece of property. It would not have taken that much money. We have invested an enormous amount of money for large parcels that lay passively opened for walking recreation. This would have been an active spot for recreation. I think as a City we are making a mistake. However I understand that the politics of the City and the attitude of the people who are in charge are not interested in such a parcel. So we have to move on and it is a shame. I was willing to support the value of the property, be it the same if the City purchased it or a private developer. This is a perfect example of why the people of this Community feel they are being overdeveloped. We take pristine pieces of property and allow it to be developed in a fashion that is not appropriate or beneficial for the City of Shelton. That being said at least I am on record and I know that Danny felt the same way, stated Comm. Sylvester. We both feel very strongly about it. The vote is the vote and we have to move on. I think the City is missing the boat. That is reality.

Comm. Orazietti stated I actually took a ride up there. It is a beautiful piece of land that would be great for Open Space. I don't understand. We did go to the Board of Aldermen, stated Chairman Cribbins. Was it ever discussed formally, asked Comm. Sylvester? Yes, answered Richard Schultz. I was advised by President John Anglace that it was discussed and it would not go the next level, he added. The Aldermen were not interested in purchasing this, stated Comm. Sylvester. It was not a consensus of the Conservation Commission as a high priority issue. There are other pieces that are larger, stated Richard Schultz. I have said my peace, stated Comm. Sylvester.

I will take a roll call vote stated Chairman Cribbins starting with Comm. Pogoda. I stated Comm. Pogoda. Comm. Harger, asked Chairman Cribbins? I stated Comm. Harger. Comm. Orazietti asked Chairman Cribbins? Before I vote I just want to say that the reason for my vote is that this is a transitional piece in an LIP District, I vote I reluctantly, stated Comm. Orazietti. Chairman Cribbins asked Comm. Sylvester? I stated Comm. Sylvester. And Comm. Cribbins votes I.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Application # 06-27 Dominick Thomas on behalf of Lava Real Estates for SDA Overlay, 667 Bridgeport Avenue and two adjacent parcels (Map 38, Lots 2, 3, 4).

Thank you very much for that, he added, and we will now take Item B for Basic Development Plans. I need a motion for that.

The motion that is put forth here is a proposal to approve the Basic Development Plans with a series of stipulations and conditions. A favorable vote would be a vote for the basic development plans, stated Anthony Panico. So could I have a motion, asked Chairman Cribbins? Comm. Pogoda stated I 'll make that motion. Chairman Cribbins asked for a second? I 'll second that stated Comm. Harger. Chairman Cribbins asked for any further discussion and hearing none stated that we 'll have a roll call vote. Chairman Cribbins asked Comm. Pogoda? I, stated Comm. Pogoda. Comm. Harger asked Chairman Cribbins? I, stated Comm. Harger. Comm. Orazietti, asked Chairman Cribbins? I, stated Comm. Orazietti. Chairman Cribbins asked Comm. Sylvester? I, stated Comm. Sylvester. Chairman Cribbins votes, I too.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Application # 06-28 Dominick Thomas on behalf of Lava Real Estates for PDD Zone Change (multi-family) 667 Bridgeport Avenue and two adjacent parcels (Map 38, Lots 2, 3, 4).

Chairman Cribbins stated thank you very much for that and we will give them until January, 2007 to submit

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are 36 standards. Staff has reviewed these and they are in compliance with the regulations. I recommend approval.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #'s 1-36.

SEPARATES 5829, JAMES OSSO, 511 RIVER ROAD, ADDITION

Richard Schultz stated that we have finally come to a resolution in regard to the drainage. It will be on site. The State rejected hook-up to the State system on 110. City Engineer did not want on site. We looked at going to Surges for an easement that was rejected. Went to the State and that was rejected. The City Engineer has approved the original plan, which is on site drainage through a drywell. He has signed off on this and Staff recommends approval, he added.

On a motion made by Leon Sylvester seconded by Virginia Harger and Anthony Pogoda it was unanimously voted to approve Separate # 5829.

6305, CHRISTINE LESTER, 38 MONTGOMERY STREET, HOME OFFICE

Richard Schultz stated that this is for a contractor. Staff has imposed the normal conditions, no commercial vehicles, no storage, etc. He will use 100 square feet for the business area.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6305.

6313 DANIEL CAIRANO, 59 WELLS AVENUE, HOME OFFICE

Richard Schultz stated that this is for a home improvement contractor. 120 square feet, computer, desk, phone. Once again the same restrictions and staff recommends approval.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6313.

6233 DANIEL BYRON, SR., 126 HOWE AVENUE, HOME OFFICE

Richard Schultz stated that this for a home office. We do have a letter from the owner authorizing the tenant. Once again same restrictions on vehicles and storage of equipment, etc. This one is 200 square feet. Comm. Sylvester questioned where is this? This is on the corner, stated Richard Schultz. It is on the second floor stated Chairman Cribbins. There won't be people coming to the house, questioned Comm. Sylvester? No, stated Richard Schultz. Well there are people who come to the chiropractor now, questioned Comm. Sylvester? This is the tenant on the second floor, stated Richard Schultz. I understand now, stated Comm. Sylvester.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate # 6233.

6314 KUCHMA CORP., 860 BRIDGEPORT AVENUE, PARKING RECONFIGURATION

Richard Schultz stated that this is the bank parking at Naugatuck Valley on Bridgeport Avenue. The Commission recently approved the moderate modification. This is to confirm that they comply with all conditions. The brick will match Shelton Square.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6314.

6318 GUERRERA CONST. CO., INC. PERRY HILL ROAD @ REAGAN CIRCLE, RECLAIM MATERIALS

Richard Schultz stated the Commission approved the processing equipment for that project which expires September 1st. They need additional time and they are asking the Commission to extend that until November 1st. They have no reason to believe it will go beyond that. Commission does recall that we had issues with the start up time, that has been resolved and we have had no further complaints. It is a major undertaking, as you know. They need the additional time. Comm. Pogoda asked that is enough time? Staff has suggested that added Richard Schultz. Motion to approve subject to the November 1st date, stated Comm. Pogoda. So what are voting on, questioned Comm. Sylvester? Authorization to continue the temporary rock crusher up there, stated Richard Schultz. They are still working on all of the material that was excavated.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6318.

6275 RGR SHELTON, LLC, 745 RIVER ROAD, CONDOS PHASE II

Richard Schultz stated that this is the old Pinecrest. This is for Phase II that will consist of 21 units. They have completed Phase I, which is 33 units. As the Commission is aware the total number of units is 135 units. Please visit the site if you have not gone up there.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6275.

6193, PIC AND PORK REALTY, LLC, 50 CENTER STREET, EXT. RENOVATIONS

Richard Schultz stated that this is Porky's Café. This is just a formality.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6193.

6306 MIKE BURBRIDGE, 829 BRIDGEPORT AVENUE, TEMP. TRAILER

Richard Schultz stated that this is for the former Index building where Storage Deluxe is going in. They are requesting a temporary trailer for the duration of the project period, he added. The renovation period stated Anthony Panico. Comm. Harger questioned where on site would this be positioned? It is not highly visible stated Richard Schultz. It is there just during construction, stated Comm. Sylvester. We don't like them to stick around and that is why we go through this permit process, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6306.

6307 WAL-MART, 465 BRIDGEPORT AVENUE, ALTERATIONS

Richard Schultz stated that the Commission recently approved the roof enclosures for the back of the building. They are separating the sanitary sewer lines. This also involves alterations to the interior of the store. Comm. Sylvester stated you have approved relations with the administration. It is getting better however they have started a little early with the sweeping and we had issues with snow removal very late. There are issues when the new manager leaves and the assistant is in charge. Relationships have improved substantially. We have received no more complaints from Woodland or up on top.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6307.

6328 STAMFORD SIGN, 10 CONSTITUTION BOULEVARD SOUTH, SIGN

Richard Schultz stated this is for the lower building going up off of River Road. It is two metal signs, non-illuminated. One will be facing the building and one on the side. You are looking at the corner of the building and you won't even see them.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6328.

6336 CHRIS CARTISANO, 475 RIVER ROAD, SIGN

Richard Schultz stated that this is for the monument sign at Precision Tune Auto Care. It is consistent with the direction we are going in. The project is progressing nicely as well as the corner lot.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve Separate # 6336.

WAIVER OF SITE PLAN

6315 UNITED RECYCLING, 90 OLIVER TERRACE, BUSINESS

Richard Schultz stated that most of these involve the reuse of buildings and under regulations site plans are required. Just like downtown the Commission waives the site plan. This one is for 90 Oliver Terrace. There are multiple tenants in here. This is for United Recycling. I had an opportunity to visit the site. I walked the whole site. This is a site the City was contemplating for the relocation of the asphalt plant. The use is a permitted use. Total square footage of the building is 50,000. There are multiple tenants in there. The applicant will occupy 20,000 square feet. They will be using their processing equipment. They have paper in there and plastic hangers. It is quiet remarkable. As you know the State of Connecticut is doing its part with recycling including milling the roads that goes down to Brennan's. This deals with all the other items including plastics and newspapers. So Staff is recommending the use of the building and waiver of site plan, he added. Comm. Sylvester abstained from the vote.

On a motion made by Daniel Oraziatti seconded by Anthony Pogoda it was voted to approve # 6315 United Recycling, 90 Oliver Terrace, for waiver of site plan. Comm. Sylvester did not participate in the vote.

End of Side 1A of 2B, tape 1 of 2 at 7:45 P.M.

6335 YOUSAF KASHMIRI, 431 HOWE AVENUE, BUSINESS

Richard Schultz stated that this is on Howe Avenue and it is a tax service business. This is in the Dunkin Donuts building. They will occupy 900 square feet and have two employees. This is a seasonal office. This is to waive the site plan, which we normally do downtown.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve # 6335 Yousaf Kashmiri, 431 Howe Avenue, business.

6283 COMMERCE PARK DENTAL GROUP, 25 & 27 HUNTINGTON PLAZA, BUSINESS

Richard Schultz stated that this is the dental group in the back by the river. It used to be the Pediatric Group who has since moved to Scinto's building. The dental office will occupy both spaces. It will be 33,536 square feet. There will be 8 employees and they will need 24 parking spaces. There is plenty of parking there. I have visited the site and the owners have agreed to the roof mounted sign. We are trying to get them on the fascia board. They have agreed to do that.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve # 6283 Yousaf Kashmiri, 431 Howe Avenue for waiver of site plan.

6288 SHELTON PARROT ASSOC., ONE PARROTT DRIVE, BUSINESS EXPANSION AND INTERIOR RENOVATIONS

Richard Schultz reported that this is the Old Branson Building past Ruby Tuesday's. There are multi-tenants in the building. We have to watch this very carefully. They will expand to 52,000 square feet building. It is a 101,000 square feet. They will have 18 employees right now and they expect to go to 75. Staff went up to check the parking and there is a lot. You have to watch it when the other tenants come in. This is a research and development drug discovery lab. It is high end and they will be providing employment opportunities about to 75 people. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve # 6288 Shelton Parrot Assoc., One Parrot Drive for waiver of site plan.

6332 CUMBERLAND FARMS, INC., 20 HUNTINGTON STREET, CANOPY REPLACEMENT & BLDG FASICA

Richard Schultz stated that this is the Huntington Gulf Station. Cumberland Farms is proposing to upgrade the canopy and the principal building. There is no store there they own the Gulf component. The Commission allowed the renovations of the one on River Road. We got them to do a white canopy and it cleaned up nicely. We got a letter from them that they would agree to the white canopy at Huntington Street. It will be more consistent with the other buildings that have the white trim.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve # 6332 Cumberland Farms, Inc., 20 Huntington Street, waiver of site plan.

6324 CHUCK PASSARO, MALTBY STREET, DWELLING

Richard Schultz stated this involves a non-conforming, pre-existing lot and the Commission has directed the Administrator to carefully review these. This complies with the regulations and the more recently adopted policy of the Commission. Staff recommends approval.

On a motion made by Daniel Oraziatti seconded by Anthony Pogoda it was unanimously voted to approve # 6324, Chuck Passaro, Maltby Street, waiver of site plan.

6319 ELRAC, INC., 12 COMMERCE DRIVE, CORPORATE OFFICE

Richard Schultz stated that E L R A C doing business as Enterprise Rent A Car is proposing to occupy the balance of the site that is currently occupied by Latex. Total square footage of the building is 71,663 and they will be occupying 20,000 square feet. They will have up to 80 employees. Hours of operation are 8 to 6 and parking requirements are 54 at full occupancy. This will be the Corporate Headquarters who are moving from Wilton to Shelton. There is a large sales force that is why they will only need 54 spaces. Previous occupancy was Baldwin. This will be a corporate headquarters relocating from down the line.

Enterprise will occupy all the first floor space in that shaded area but not the mezzanine, stated a gentlemen from the audience.

On a motion made by Daniel Oraziatti seconded by Anthony Pogoda it was unanimously voted to approve # 6319, ELRAC, Inc., 12 Commerce Drive, waiver of site plan.

APPLICATION # 06-30 R.D. SCINTO, INC. FOR SPECIAL EXCEPTION (HIGH TRAFFIC GENERATOR) (LIGHT INDUSTRIAL BUILDING) 71 LONG HILL CROSS ROAD (MAP 51, LOT 7) LIP DISTRICT (PUBLIC HEARING CLOSED ON 7/11/2006) – EXTENSION AUTHORIZATION, DISCUSSION AND POSSIBLE ACTION AND APPLICATION # 06-33 R.D. SCINTO, INC. FOR SITE PLAN APPROVAL (LIGHT INDUSTRIAL BUILDING) 71 LONG HILL CROSS ROAD (MAP 51, LOT 7) LIP DISTRICT – EXTENSION, AUTHORIZATION, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that a motion would be in order to accept the extension that was submitted by the applicant. It could cover the both. It is to accept the extension on the review period and this will take us to October, he added.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the request for the extension on Applications # 06-30 and 06-33.

Staff has prepared a report and I believe you all have a copy in front of you. Anthony Panico read the attached report.

Comm. Oraziatti stated that he was not here in July and would not participate in the vote. Comm. Sylvester suggested if we have the time, I do apologize that I also missed this meeting and I didn't read the minutes. Richard Schultz stated we can put this off then until the 26th. I will put this off until the 26th because I would like your input on this, stated Chairman Cribbins. We will get this ready for a resolution on the 26th. Richard Schultz stated we'll have a hearing on the PDD rewrite and a small hearing on Master's Restaurant on River Road. I will put these two on, he added.

APPLICATION # 06-37, JOSE MOTA/PRIMROSE DEVELOPMENT, LLC FOR SUBDIVISION APPROVAL (3 LOTS) 86 WALNUT AVENUE (MAP 104, LOT 24) R-1 DISTRICT- DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that the City Engineer has finished his report, I have not received yet, but he is recommending to report favorable with more improvements to Walnut Avenue Extension. This is a subdivision as of right, do you want me to proceed because I did get all the other reports? We could make our motion and the City Engineer's report is favorable, stated Chairman Cribbins. The Clerk finds the City Engineer's report. This is the old Germania Club.

Richard Schultz read letters from the Conservation Commission, the Open Space Committee, Chief John Millo, Fire Chief and the City Engineer. He then read his Staff report.

Does the road run up there, the development for Perry Hill Road, doesn't the road run up there, questioned Comm. Sylvester? That is the sewer easement, stated Richard Schultz. It ends, the common driveway ends before it gets to the property line, he added. You have a common driveway coming from Perry Hill Road, up the hill, stated Comm. Sylvester. It doesn't come all the way, the road stops way back here, stated Chairman Cribbins. This is a private driveway, stated Comm. Sylvester. There's a house here and a house here, he added. It is too bad with the connection, we missed the boat. We allowed the development, we missed the boat. Instead of a driveway you could see the access from Perry Hill Road all the way up to Walnut, stated Comm. Sylvester. It is gone. If you look at this it looks like a road, it is built like a road. You have all houses here and you could see the stakes, I was there today, he added.

There are serious wetlands, stated Anthony Panico. There is a serious encroachment into the wetlands, he added.

Somehow Mr. Spinelli convinced us that the road should not go through, stated Anthony Panico. He must not have owned that, stated Comm. Sylvester. I know that but we looked at this and if this is topographically feasible we would have tried to get it, stated Anthony Panico. Probably we didn't want to open it up to any commercial development, stated Comm. Sylvester. We did give it consideration, stated Anthony Panico. At least we would have reserved the right of way with the rights to construct the road, he added.

Comm. Pogoda questioned the wetlands? All activities have been approved, stated Richard Schultz. He then read his draft motion

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Application # 06-37, Jose Mota/Primrose Development, LLC for subdivision approval (3 lots) 86 Walnut Avenue (Map 104, Lot 24) R-1 District.

Chairman Cribbins stated 3 lots on 3 acres. That is the last private club in the area, in the R-1, stated Richard Schultz. What is going on with the barn, questioned Comm. Sylvester? That is Roger Spinelli's and they renovating that, stated Richard Schultz. I read the paper on Sunday that Congress passed a law that you can no longer slaughter horses to sell to the European Market. That is what they did here, stated Comm. Sylvester. I used to walk by every Sunday morning and every Sunday morning there was a huge delivery of horses to be slaughtered.

APPLICATION # 06-39, DOMINICK THOMAS ON BEHALF OF JOHN AND NANCY TODICE FOR SPECIAL EXCEPTION APPROVAL (THREE FAMILY DWELLING) EAST AVENUE/MIDDLE AVENUE (MAP 105, LOT 145) R-4 DISTRICT (PUBLIC HEARING CLOSED ON 8/8/2006) – DISCUSSION AND POSSIBLE ACTION

Staff has provided a report, you all have copies of it, stated Richard Schultz. Comm. Oraziotti and Comm. Sylvester both missed the meeting. Chairman Cribbins stated I can't take a vote. This is administrative and I would take the vote, stated Richard Schultz. It is as of right, he added.

Anthony Panico read the attached staff report.

End of Side 1B of 2A, tape 1 of 2 at 8:35 P.M.

Anthony Panico continued to read the attached report. Richard Schultz then read the Fire Marshall's letter and the City Engineer's letter. (See attached)

Chairman Cribbins asked for a motion. Comm. Pogoda made that motion and a second, questioned Chairman Cribbins? Comm. Harger seconded. Chairman Cribbins stated there will be three votes and unanimous then would be approved. Further discussion asked Chairman Cribbins? Comm. Harger stated I wanted to go on record as saying that I went to see this. The neighborhood is small. I personally feel that this is too much for that neighborhood.

Anthony Panico stated that is permitted in that zone, it always has been. We have had problems in the past with inappropriate conversions with things like outside staircases, fire escape like things, and the Commission back then, a few years ago, said if we have to have them o.k. fine then we want to take a look at them to make sure they are done in a reasonable fashion. That is why this got put through this kind of a process, he added.

The architectural have been reviewed heavily, stated Richard Schultz. You want it to compliment the neighborhood, you don't want it to detract from the neighborhood. The issue really is the drainage, obviously the multi-family aspect of it, but the drainage was the key part, he added.

Comm. Sylvester questioned it is a matter of right? Pretty much so, stated Anthony Panico. They have to do it correctly so if you have a problem with the way it is being done, we can discuss it. There could be a house back there as part of the special exception, if you don't like the way the house is set you can control the design of the house, he added. In years past we had trouble especially downtown with the large multi-tenants with outside staircases and parking issues. Along with neighborhood impact stated Richard Schultz. There were commercial homes not being converted correctly, stated Anthony Panico. So if you have to have this make it subject to the special exception process, he added.

When we look at a three family we say you are going to have three families living here where are you going to park your cars, stated Anthony Panico. How are you going to get in and out of the three floors? In this case you have someone coming in to develop, constructing a building, expressing the designs with three garages, and extra spaces, he added. You increased the lot size, when I came back, you bumped it up to 75,000 stated Richard Schultz. This lot is in access of ½ an acre, added Anthony Panico. This is a lot tighter stated Richard Schultz. 15,000 square foot was the requirement 10 years ago for three family, he added. The lot next door is 5000 square feet, stated Anthony Panico. This lot is 4.5 times the size of that lot, stated Anthony Panico. I just want to make sure that it will compliment the neighborhood, stated Comm. Harger. It will look different, stated Anthony Panico. The landscaping is critical, stated Richard Schultz.

We could try to push the street through and cut it up into small lots, stated Anthony Panico. You could try to open up East Avenue making a lot on this side and a lot on this side, he added. You will still get three families living there.

Comm. Harger questioned the traffic from this? The on site traffic and parking availability shows that there are no reasons for parking on Middle Avenue, stated Anthony Panico.

There will be individual garbage pick-up at the curbside, stated Richard Schultz. No dumpsters.

The way the building ends up getting placed it is way back. The closest the building is to the street is 65 feet. You are looking at the end of the building. Not broadside. Someone from the audience states 120 feet. You won't be looking at three houses attached together, stated Anthony Panico. You are looking at the end of it, he added.

Chairman Cribbins asked for a roll call vote. Comm. Pogoda? I stated Comm. Pogoda? Comm. Harger? I stated Comm. Harger. Chairman Cribbins votes I.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted by all participating Commissioners to approve Application # 06-39. Commissioners Oraziotti and Sylvester did not participate in the vote.

Chairman Cribbins stated we have to be careful on the votes we take. I want to make sure because if anyone comes along and takes you to Court we have to be sure that we have the proper number of votes.

NEW BUSINESS

APPLICATION # 06-43 WESLEY HEIGHTS, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 26, (PHASE 2 AND 3 IMPROVEMENTS TO FACILITY) 580 LONG HILL AVENUE – ACCEPT, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that everyone is aware of the United Methodist Facility, this in particular is the Wesley Heights side. They are continuing to upgrade and they were recently awarded a HUD Grant. They will continue with their upgrade. This is Phase 2 and 3, he added.

This will be improving the parking arrangements and the vestibule area. They will be doing some internal improvements to the apartments. They will be putting on an elevator, stated Richard Schultz. So this is rather involved. He read a letter from the Robert Condon, Vice-President of Wesley Heights requesting the modifications.

Richard Schultz read the Fire Marshal's letter. (See attached) The City Engineer had no recommendations in so far as there are no changes to the storm water management. There are no wetlands activities associated with this, too.

Can you explain what they are doing again, asked Comm. Sylvester? It is not the front building it is the back of the building, he questioned? It is an addition in the back, stated Richard Schultz. The entrance lobby addition, he added, and a roof extension.

The Commission members are looking at the plans as submitted. The entrance is here, questioned Comm. Sylvester? Yes, stated Anthony Panico. This is where they put in the parking, stated Comm. Sylvester. The tiny panned object is the elevator in the corner there, stated Richard Schultz. The elevator is here on this side, questioned Anthony Panico. There are multiple sheets on that, on the next page, stated Richard Schultz. This is where the improvements will be done, they are shaded in, stated Anthony Panico.

So you have the entrance lobby addition, the roof extension and the reconfiguration of the front driveway, stated Richard Schultz. The addition of the elevator, renovations of the internal offices, the employee's dining room and 58 apartments. They are renovating their internal offices for Staff and the employee's dining room. That is not all the apartments, questioned Comm. Sylvester? In that building stated Richard Schultz. They have been allowing occupancy. They have to move out to an empty room and then renovate. So they have been phasing this, he added. This is known as Phase 2 and 3.

Chairman Cribbins stated we'll need a motion to accept. So moved, stated Anthony Pogoda. Second stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to accept Application # 06-43.

We have had some discussion and I feel if this is for some renovation of rooms within the building I like the fact that they are doing some improvements there, stated Chairman Cribbins. There plans are to upgrade the older portions of the entire facility, stated Richard Schultz.

So is everyone comfortable with this, stated Chairman Cribbins. Can I have a motion to approve this, he questioned? So moved, stated Comm. Pogoda. I have a motion do I have a second, he questioned? Second, stated Comm. Harger.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Application # 06-43.

Comm. Sylvester questioned you will monitor the activities in regard to the private residents across the street? Absolutely stated Richard Schultz.

APPLICATION # 06-44, AMERISUITES FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 27 (FACADE AND EXTERIOR COLOR CHANGES) 695 BRIDGEPORT AVENUE – ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to accept Application # 06-44.

Chairman Cribbins stated that this has just changed hands. Next month this will be converted from Amerisuites and will become a Holiday Inn Express and Suites, stated Richard Schultz. In preparation of this and to give the hotel a new identity they are requesting these modifications. There will be a new paint screen. I will pass three alternatives and leave this up to you, though Staff has a recommendation, he added. Please look at the color samples in the upper right hand side. The façade improvement and the colors are what we are doing tonight. The signage will come, that is what we are doing tonight. Comm. Sylvester stated this is the one you know we would like? I am an earth tone person, stated Richard Schultz. Do you think the people of Holiday Inn Express will have a problem with that, questioned Chairman Cribbins? They gave me three so I don't think so, stated Richard Schultz.

There was a discussion with regard to the profit that will be consistent with the profile, stated Richard Schultz. Put A on the one we like, he added.

On a motion made by Virginia Harger seconded by Anthony Pogoda it was unanimously voted to approve Application # 06-44.

APPLICATION # 06-45, HUNTINGTON WOOD, LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 52A (BLDG. 5: DRIVE THRU AND PARKING EXPANSION) 706 BRIDGEPORT AVENUE –ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 06-45.

The applicant is proposing a drive-thru and the expansion of the parking, stated Richard Schultz. This building has been adjusted and then we can accommodate the drive-thru with the expansion of the parking, stated Anthony Panico.

What are they going to have over there, questioned Chairman Cribbins? I don't know answered Anthony Panico. In preparation of tonight's meeting I asked the applicant to submit the occupancy because there is a lot of square footage that is not committed yet, stated Richard Schultz. They are not ready yet so you will be getting each individual occupancy, he added.

They are starting the earthwork, stated Anthony Panico. This is minor and it doesn't bother anyone back there. They have a bank and a coffee shop, stated Chairman Cribbins.

One thing is that we don't like is the drive-up windows with regard to circulation, stated Anthony Panico. They do these and there is activity burden especially like Botti's down the street. There is a lot of congestion coming out the front door, he added.

Many of the food service today offer take-out meals, stated Anthony Panico. That facilitates someone coming in and out. It is not just picking up at the window.

There is a rock cut here, stated Richard Schultz.

How large is this area, questioned Comm. Sylvester? 71,060 square feet answered Comm. Pogoda. That building can be split, there can be two or three tenants, added Anthony Panico.

It is hard to do this without knowing what is going in there, Tony described it well, stated Comm. Sylvester. The parking lot is oversized, stated Anthony Panico.

We suggested cutting the back spaces in for the employees and leave the front stated Anthony Panico. The more you keep the front for the customers you will be creating a better situation.

We could ask the developer maybe without naming potential clients maybe we could ask him how many and who are going in there, stated Chairman Cribbins? I mentioned Starbucks because Outback is not opened in the morning. If there is something opened at night competing for the parking, like what is at Huntington Center the little coffee place where people go in at night, he added. You would have all of this, stated Anthony Panico. Parking demands don't co-inside together. Here the peak times don't match, Wal-greens doesn't match with Outback.

Chairman Cribbins asked the developer if he had anything that he could share with us? I am talking with a day spa, stated Mr. Blakeman. Where the ladies go to get massages and we are talking with a hair salon. So they would enhance each other. They would get a complete day of beauty. We are thinking along the lines of a specialty coffee shop. There is only 18,000 square feet available, he added.

You are saying about 18,000 is available with the rest committed for other uses, stated Anthony Panico. That precludes a major food operation like a McDonalds because they would not go into that small a space, he added.

As far as the overflow I take the traffic into consideration even Outback. I was talking to the manager at Wal-greens who said that the people put their names in at Outback and come there to go shopping, stated Mr. Blakeman.

Comm. Sylvester stated that this doesn't appear to be a problem. This is in the far corner tucked away. This doesn't seem to present any strain on this development. You have stressed over the years that it might turn into something, he added. You have to be concerned about that, stated Anthony Panico. You have to ask yourself then will it still work, he added.

If I had to go up front to design a corner to tuck something in that is where I would put it. Where it is out of the way not messing up circulation in the rest of the site. This is the main access way going up to the back, stated Anthony Panico. Visually it is the back of the building and you won't see it from up above or in the turn area, you would not see the cars at all. For me it is a day spa, stated Chairman Cribbins. That is not intense and when they go there they will stay for a couple of hours, stated Comm. Pogoda.

Can I have a motion to approve, asked Chairman Cribbins? I will make that motion, stated Comm. Pogoda. Second, stated Comm. Sylvester. I guess that I should speak for the record, I have been challenged and had withdraw, other than to create a problem, on the approval on the site, with regard to a conflict. I did abide by the owners request to withdraw from the decision making. I don't see any reason for me not to be involved in this and I intend to vote and be part of it, he added. If he (the owner) wants to challenge it then he can.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Application # 06-45.

PUBLIC PORTION

Attorney Dominick Thomas, addressed the Commission. I spoke before the Commission on behalf of my client Barry Mucci. The last time we were here two Commission members were not here. Comm. Oraziotti and Comm. Sylvester were not here. I brought up the application on Todd Road for the PDD proposal for apartments that were affordable friendly. This is the Veterinary Hospital. Comm. Perillo had pointed out that the plan has this being office. I brought that back to my client and I presented it back to the Veterinary. I explained the process to him and the Doctor could not be here this evening. I have a letter from the Doctor and I will read it to you. This proposal is for expansion of the SDA and putting in 130 apartments that a portion would be designated as friendly affordable. He then read the Doctors letter.

End of Side 2A of 2B, tape 2 of 2 at 9:20 P.M.

I want to stress that this area was looked at for office and the Doctor has tried that with no takers, stated Attorney Thomas. There is no inclination of the strip of land being developed because there are wetlands running through that. We feel the use is appropriate with the proposal being for one and two bedroom apartments. That would not generate a lot of children. If my client goes forward then the SDA and the PDD would be the first step. We would hope you would keep an open mind as the Doctor has asked of you, he added. If there are any questions I have the map stated Attorney Thomas.

This is across from Wal-Mart. There are a couple of industrial buildings and Sikorsky is there. I know where it is stated Comm. Sylvester. When Attorney Thomas came last time he was looking for some indication of how we would look at this. We felt it would be a hard sell, stated Chairman Cribbins. The people can make application to us and we have to hear them, he added. What is the position of Spooner now, asked Comm. Pogoda? Ground breaking in October or November, stated Comm. Pogoda. Attorney Thomas stated that they have just received two big grants.

We allowed them to go in there and we put the LIP there, stated Chairman Cribbins. We would have to revise our plan of development for that particular piece of property, he added.

Thank you very much, we appreciate the opportunity to present our proposal, stated Attorney Thomas.

Anyone else from the public asked Chairman Cribbins?

Nancy Steiner, 23 Partridge Lane, addressed the Commission. When this Commission has an application that all in one night is accepted, discussed and voted on, where does that leave the public? Why would there not be a Public Hearing on such an application. Doesn't the public deserve a chance to comment? Why is the public being left out of this process?

Chairman Cribbins answered many of our applications are just done administratively and we don't have public hearings on certain items like the ones we discussed tonight. If they are minor modifications they don't go to a public hearing. There is something that we can do administratively. Something like internal renovations, in a building, like Wesley Heights, stated Chairman Cribbins. You had a bowling alley that you rejected and that was taken to a Public Hearing, stated Richard Schultz. Those are reasonable for us to make a decision on with or without public input, stated Chairman Cribbins. If we think it might be something that would be detrimental to the Community then we would allow Public comment on it.

Anthony Panico stated that these types of things that the Commission would accept, process and decide on the same evening are modifications of uses and developments that are in place with prior actions. With every development, even ones of major scopes, there's always little nukes and crannies that are adjusted. Under the regulations years ago those adjustments were made at a Staff level. Today we tend to do more things with the PDD's that are very rigid and to make adjustments this Commission has to be aware of them. That is why these are put on the table, to run it by the Commissioners, to make sure that they are in concert with the adjustments, before Staff goes ahead authorizing them. Those are the only things that I know of that are put on this table, discussed and acted on in the same night, he added.

Well within our rights, well within the Statutes, stated Chairman Cribbins. Absolutely, stated Anthony Panico.

Comm. Sylvester questioned Mrs. Steiner if there was a particular issue that troubles you? Is there one that we did that troubles you, I would be interested to know. I would like to know that what kind of thing that you are speaking about. I sense the issue and feel strongly about the issue you are expressing and I hope we didn't do anything that would not include the public.

I am not suggesting that you are going against any rules, stated Mrs. Steiner. I would have liked to ask a question on a certain application and couldn't because there was no public hearing. The question is wasn't there a drive-thru discussed and denied on the original application for Split Rock? We attended all the meetings and we seem to remember that Split Rock was a big concern for us. We remember that a drive thru was discussed. They all pertained to the development down below on Bridgeport Avenue, stated Anthony Panico.

Mrs. Steiner is correct and it was troubling as to if there would be fast food, stated Comm. Sylvester. I remember that it was some what of an understanding that fast food was not going to part of that. I certainly questioned that and I felt comfortable, he added. I hear your point.

The public feels helpless and you want to say something but you can't. We have something valuable to contribute there is no place to say anything. Particularly if it is on the agenda, stated Mrs. Steiner. It was listed on the agenda, stated Chairman Cribbins. The agenda comes in pretty late, stated Mrs. Steiner. It was all done in one night, she added. I personally think it is a point well taken, stated Comm. Sylvester.

Irving Steiner, 23 Partridge Lane, addressed the Commission. To expand on my wives comments, I am a little concerned about the fact that we have a portion of a major project that is being changed, it is opened, discussed and action is taken. Now my concern with this whole process is only what degree change, is there a line drawn in the sand? This could be a lot more major and where do we define how major? When do we say this has to be opened for public discussion? That is my only question. You can't define a particular, how much is too much? Here we do have a little change in the traffic problem because they are still coming in from the road to go back out again. That is one of the items that concerned a lot of us on the drive-thru. That added to the traffic situation at the intersection. Thank you, stated Mr. Steiner.

Anthony Panico stated that every modification of the planned development district no matter how small is put before your Commission, for your Commission to make the judgment as to the scope and magnitude of it. As you know, one that comes to point, when we reviewed Pinecrest where the Condos are, within the first month we had to go back to revisit a few things on the site plan, after we had signed off. We didn't dare do it at a Staff level without putting it before the Commission and discussing what those changes were. It was agreed upon that they were minor, changed and incorporated.

It was obvious that this particular issue did trouble us, not trouble us, but present us with thought and the answer that you gave, the description that you gave, the way you described it, and the description that the owner/developer gave was, I thought, satisfactory, stated Comm. Sylvester.

Chairman Cribbins stated I was ready to push it off for two weeks. I would have expected that to happen, stated Comm. Sylvester. I understand where they are coming from because it was on Joseph's (Alan Cribbin's) mind and it is obvious it was on other people's minds that is why we questioned it, he added.

By all means Mr. Sylvester, if we were dealing with a PDD that involved one building, that building, and suddenly on that one building you added a drive-up window I would say by all means we would have to go back to a hearing, stated Anthony Panico. However, this is one little increment of a major development, it is internal to the site, and the circulation pattern is there. The traffic increase will be so minor that you will not even know the difference, he added.

I would be interested to know, I have heard people say before, and again maybe I wasn't as intent as if I was participating in the approval process, I have heard people accuse this Board of or saying that this Board promised not to do certain things over there, stated Comm. Sylvester, as Mrs. Steiner said a drive-thru. I don't remember that, it would be interesting if the minutes do show it. I do believe it was fast food and fast food was an issue with this Board that promised it would never happen there.

I think I remember a drive-thru similar to the one across the street in the gas station that was initially proposed, it was a gas station, convenience store and a drive-up window for coffee, stated Chairman Cribbins. We took out that component and that settled everything, stated Comm. Pogoda.

Mark Widomski, addressed the Commission. Would it behoove the Board, to accept, not to table, but to have the Staff review it a little more in depth after you have discussed it and in that way the public would have an opportunity to call to speak to the Staff about it. My concern tonight with that drive-thru is that in two or three years from now what is stopping the spa from moving out and the salon from moving out and a McDonalds popping up? We all want to look to the future, he added. Only us, answered Chairman Cribbins, or the future Board. There is no opportunity for the public, stated Mark Widomski. There sure would be if that ever happened, stated Anthony Panico. That is a major modification, added Chairman Cribbins.

We would interpret that proposal, if that ever happened, we would conclude that proposal was a major deviation from the approved planned development district and that would constitute a major modification so that we would have a public hearing on it, stated Anthony Panico. That is why this Board approves every Certificate of Occupancy that comes along for every store or outlet that happens. Rather it is in a normal conventional zone or one of these planned development districts, he added. They still have to go across the table.

It was the judgment of our Staff that this modification was minor and it triggered us by saying possible action, stated Chairman Cribbins. Possible action to us means that he feels that it is relatively small, relatively minor and we could do that. If it were something that was a little more major he would put accept and discuss or accept it. We only accept a lot and then there are some that we put accept and discuss. The bowling alley is a good example, stated Richard Schultz. It was a kiddy bowling alley and it was minor but the Commission had to hear it, he added.

It was the nature of the beast, stated Anthony Panico. When the Commission acts on something they want to be aware of any little change on the PDD. The bowling alley was denied, we set it for public hearing and the Commission is capable of doing it, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to close the Public Portion.

OTHER BUSINESS **APPROVAL OF MINUTES**

Chairman Cribbins stated that he had just received the approval of the minutes of 8/8 in his folder this evening, he didn't know if anyone had gotten a chance to read them? There has to be some corrections, so we will do that in house, so we will table that, stated Richard Schultz.

8-24 REFERRAL: WATER MAIN EXTENSION (PORTION OF WALNUT TREE HILL ROAD)

Richard Schultz stated that we got a request from the Board of Aldermen for the proposed water main extension from 343-352 Walnut Tree Hill Road. I will show you the map. He then read the City Engineers report. (See attached) Staff is recommending reporting favorably, he added.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to report favorably on the 8-24 Referral: water main extension (portion of Walnut Tree Hill Road).

JEFFREY ESTATES SUBDIVISION: PAYMENT IN LIEU OF OPEN SPACE

Richard Schultz stated that the Commission had recently approved the 3-lot subdivision adjacent to Mohegan School. One of the conditions was to have the appraisal completed. He then read the appraisal report. This subdivision required the developer to eliminate the Open Space and provide a 15 foot wide Conservation Easement from Mohegan Road all the way to the back.

This report was prepared by John (?) Real Estate Appraisal and Richard Schultz then read from his report. The market value of the property is \$225,000.00 Accordingly 10% of that is \$22,500.00.

The developer has agreed to comply with the extension of the public water. His Engineer had stated that was costly so the developer is asking the Commission to take that into consideration and to reduce that to \$22,500.00. He is going to do a lump sum instead of the fraction method. Consider a reduction in the \$22,500.00, in light of the Conservation Easement and the water extension of \$15,000.00, stated Richard Schultz.

I think if I remember the discussion was that the developer should get some leeway because of the Conservation Easement without putting out the full amount. We didn't have an amount at that time, stated Comm. Pogoda. He should be given some credit for that easement. The amount of \$22,500.00 just came in and I hear he wants \$15,000.00. That seems to be a little low.

An easement, questioned Comm. Sylvester? What we did was give him an easement, a conservation easement, on the side where Mohegan driveway is to allow the school system to go in there or the City to improve the site line there, stated Chairman Cribbins.

That is the wisest decision that this Board has made in 100 years, stated Comm. Sylvester. I am serious, that is a problem and that is the worst site line that exists in the City as far as a school was concerned, he added.

We gave him the easement and along with that in our discussions we asked that he bring the water line up here as far up as he could get it so in some cases we could go to High Ridge, stated Chairman Cribbins. We have water at the school though, stated Comm. Sylvester.

Comm. Pogoda stated I remember when we discussed this, this is not suppose to come out here, it is suppose to cut in here and get a better site line around this corner. This is showing that flat out, he questioned? What are going to gain over here? Zero, he stated. No the purpose of the Conservation easement is to preclude, stated Richard Schultz. I understand that, I thought that this was suppose to be, stated Comm. Pogoda. This is already cleared out, stated the developer. The site line has been adjusted, stated Comm. Pogoda. One of the biggest problems we faced, there was always a reflective mirror there, stated Comm. Sylvester.

That is why we put the Conservation Easement so that we can go there to cut it, stated Chairman Cribbins. There used to be a line here to establish the easement, stated Comm. Pogoda.

This was originally proposed to have fee in lieu of, stated Chairman Cribbins. This reduction of \$15,000.00 with the site line and the water so that in the future High Ridge will be involved in the water issue, stated Chairman Cribbins.

The \$15,000.00 is not significant but working with Phil to improve the whole site, stated Comm. Sylvester. We will make the conservation easement go around the corner, stated Chairman Cribbins. They wanted to give that to the City, stated Richard Schultz. Conservation didn't want to support that they wanted the 100% payment, he added.

I will make that motion but I don't know how to make it, stated Comm. Sylvester? What do you want to say, questioned Anthony Panico? I want to say that I would approve the reduction in the fee, based on the ability to work out, based on the satisfactory negotiation and appropriate easement rights to the portion of property, stated Comm. Sylvester. Can I have a second on that, questioned Chairman Cribbins? Second, stated Comm. Harger. Any other discussion, stated Chairman Cribbins?

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve the payment in lieu of Open Space on Jeffrey Estates Subdivision.

25/40 SURREY DRIVE: AUTHORIZATION TO CONDUCT SITE IMPROVEMENTS

Richard Schultz stated as the Commission is aware I have been reporting on the property located adjacent to the Widomski property. The Commission directed Corporation Counsel to initiate legal action. He started preparation of that. Staff was required to provide all records and I did so. They called a meeting to bring all parties together and have the owners at 25/40 to implement the drainage plan that was submitted to this Commission. It was never implemented, stated Richard Schultz. The City Engineer stamped the drainage plan for this project. I got him to submit the drainage plan. Corporation Counsel is recommending this Commission to authorize him to do the work. Right now there is a cease and desist order and for the City to initiate the Legal Action. Your vote tonight would allow the owner of 25/40 Surrey Drive to implement the drainage improvement plan that includes drainage improvements on top off where the lawn area and driveway is. There will be drainage improvements on the slope that is called a level spreader. There are areas where the water concentrates, stated Richard Schultz.

O'Bymachow is the Project Engineer and Al Shepard was at the meeting. He will work with his clients. Staff is concerned that the owner would do it himself but Al Shepard stated he would get him to hire a professional and monitor it. Mr. Sheperd will have to submit an as built report on the topographic information.

When we concluded the meeting, Staff and Corporation Counsel believe that it is worthy of the property owners to do the work. The adjacent owners are still questioning this. We don't have a lot of time so if you authorize this work it has to be done now, stated Richard Schultz. I recommend that the termination be November 15th because we need to get stabilized by then.

Comm. Pogoda stated just for discussion, I have been up there, this has been dragging on for about a year, he has been instructed numerous amounts of time, we went after him before.

Since he submitted this drainage improvement plan and maintenance of sediment erosion control, he has several corals where the horses run around. There are berms that get knocked down, then the sheet flow comes, concentrates, gets several property owners and goes onto Christine Drive, stated Richard Schultz.

Now we have an Engineer saying that we have a drainage solution, stated Chairman Cribbins. Corporation Counsel says o.k., he added. Present this to your Commission and get approval, stated Richard Schultz. You are saying he has until November 15 to complete this, stated Comm.Pogoda. You can't allow it to go beyond that because we need to stabilize those disturbed area, stated Richard Schultz. What happens if he doesn't do that, questioned Comm. Pogoda? Then the Engineer will tweak the drainage plans as discussed along with some details that will be done satisfactorily. I understand all of that but what if he doesn't do this, asked Comm. Pogoda? Failure to execute it, we will go to Court, stated Richard Schultz. I would say lets take an action today, stated Chairman Cribbins. This has been dragging on for so long with this person, he has been to you, to the person down below, he always comes up with an oh well you know, stated Comm. Pogoda. This came out of Corporation Counsels office, stated Richard Schultz. There is a plan that was never implemented, he added.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the authorization to conduct site improvements at 25/40 Surrey Drive.

ANCO ENGINEERING: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz received a letter requesting the release of the site bond.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the request for release of the site bond at Anco Engineering.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to pay bills, if funds are available.

STAFF REPORT:

Richard Schultz stated that ZBA's agenda is there for the meeting on the 19th. They are mostly straight forward except for the last one, Ed Newman's car wash. They will uphold your decision, reverse, modify or deny your decision.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to adjourn at 10:00 P.M.

Respectfully submitted by,

Diana Barry, Clerk