

The Shelton Planning & Zoning Commission held a Special Meeting on February 27, 2007 at 6:45 P.M. in the Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Virginia Harger  
Comm. Patrick Lapera  
Comm. Anthony Pogoda  
Comm. Leon Sylvester  
Staff present: Richard Schultz, Planning Administrator  
Pat Garguillo, Court Reporter  
Diana Barry, Clerk

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.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to go into Executive Session at 6:50 P.M. and invite Richard Schultz and Thomas Welch, Corporation Counsel to attend.**

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to come out of Executive Session at 7:00 P.M.**

**On a motion made by Patrick Lapera seconded Anthony Pogoda it was unanimously voted to approve the proposed settlement in the matter of Armstrong Park vs. Planning & Zoning Commission. Armstrong Park has agreed to withdraw the action and authorize Corporation Counsel to execute said agreement which maybe amended by Corporation Counsel.**

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

**PUBLIC HEARINGS:**

**APPLICATION # 06-55 BROADBRIDGE HILL, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: MIX USE DEVELOPMENT) 126 BRIDGEPORT AVENUE/159 LONG HILL AVENUE (MAP 105, LOT 163) R-5/CB-2 DISTRICTS**

Comm. Pogoda read the call of the hearing and additional piece of correspondence from the City Engineer.

**Alan Shepard, Professional Engineer and Partner with Nowakowski, O'Bymachow and Kane, Howe Avenue, Shelton, addressed the Commission.** The parcel is on Long Hill Avenue and Bridgeport Avenue across from the Deli. This is a split zone with residential along Long Hill and commercial along Bridgeport Avenue. The architect came up with residential above and commercial toward Bridgeport Avenue. He showed pictures of what the building would look like. There are different lines in the roof heights. This is the old school way with living space above and the stores below. From Long Hill you would have residential with condos and two family houses. This gives you a residential feeling from Long Hill if you come back down from Route 110 at White Hills Shopping Center, the new commercial building; the visual impact is the roofline. The asphalt and shingle roof that is the view you get coming down Route 110. If the site was developed the commercial side would be developed. Basically you would have a roofline looking from Long Hill. So Colonial Village Condo's would be looking at roofs. So if you do it this way it would blend in with Colonial Village.

There are 2 car parking spaces for the 5 units and parking down below on Bridgeport Avenue. There is a box culvert for Burying Ground Brook, stated Alan Shepard.

We were careful with our grading and you need to be careful with a downtown area. We have detailed site plans during construction. There are numbers as to how to handle material, where there should be sediment and erosion control. I spelled it out for the developer.

Chairman Cribbins asked you mentioned two parking spaces up above, is that per unit? Two per unit, answered Alan Shepard. How many down below, questioned Chairman Cribbins? Alan Shepard answered 30 spaces off of Bridgeport Avenue

Comm. Sylvester arrived at 7:12 P.M.

Retail is over here with residential at the higher elevation. We looked at the drainage and for Long Hill there is a 3 foot landscaping wall on either side of the entrance way. There is a drainage structure in the back.

We want to keep the grades at the lower elevation here. The building is a divider at elevation at 115 to Bridgeport Avenue at 96/100.

The storm water system is a recharge system. That is good for downtown because it gets it back into the ground.

Chairman Cribbins asked could you address the commercial space? How much is available and the sizes? Alan Shepard stated that we have footprints here that show 5 retail spaces that are 1,091 square feet of utility storage, 4,234 for retail and a gross square footage of 5,325. Do you mean 5 or 4? 5 condos and 4 retail stated Alan Shepard.

Chairman Cribbins asked what square footage are the condos and how many bedrooms? Alan Shepard answered that there is a one-car garage going in, the living space is a den or office, dining room downstairs and each unit is 1875 square feet or 1920 square feet. They vary because the building is jogged. There is a master bedroom plus two more bedrooms. They are larger than a normal downtown unit. The design was to get larger units not more. The architect felt they are marketable for people wanting to live downtown.

Comm. Harger asked where is the kitchen? You come in to the living room then there is a kitchenette area and the dining room off that, answered Alan Shepard. The windows in the dining room look out to Bridgeport Avenue. Access is off Long Hill, questioned Comm. Harger? Is there anyway to pull this around, she added. Long Hill is where access will be and keep the two functions separate, answered Alan Shepard.

How large is the entire parcel, questioned Comm. Sylvester? Alan Shepard answered .75 of acre. Point .75 of an acre and we are going to have 5 condos and 4 retail stores, questioned Comm. Sylvester? The concept here is that it is a downtown area, answered Alan Shepard. It is a great mixed-use area and this is not out of character as to what is seen in a downtown area.

4 retail and 5 residential on  $\frac{3}{4}$  of an acre, questioned Comm. Sylvester? If we just went to retail, with a zone like that it would just be retail. The views from Long Hill Avenue are looking at a roof and we come before you with a creative idea to solve that problem, stated Alan Shepard.

Comm. Harger questioned one car underneath and is there some other space outside the units? Each residential unit has one inside parking unit and one outside parking space, answered Alan Shepard.

**John Todice, 130 Wakeley Avenue, addressed the Commission.** I am a neighbor, adjacent, to this property. My first question is R5 zone what is the square footage per dwelling per unit, without the PDD? I want to build a house in the R5 zone what is the square footage of the house, he questioned? 5000 square feet per dwelling unit, answered Richard Schultz. What we are doing with this development is over saturating the area, by far. I am opposing the condos on top. On Bridgeport Avenue, where this is, the cars are just one issue. The cars go 60m.p.h. everyday. It is a dangerous area. We are adding too much to the Bridgeport Avenue corridor.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Application # 06-55.**

**APPLICATION # 06-56 JOSEPH A MONACO FOR AN AMENDMENT TO THE ZONING REGULATIONS (SECTION 34.3.1 SIZE OF DOWNTOWN PARCEL TO QUALIFY FOR PDD ZONE CHANGE) AND APPLICATION # 06-57 JOSEPH A MONACO FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: MIX USE DEVELOPMENT) 332 AND 346-348 HOWE AVENUE (MAP 117B, LOTS 64 AND 65) CB-2 DISTRICT**

Comm. Pogoda read the call of the hearing and two additional pieces of correspondence, one from the City Engineer and one from the Valley Council of Governments.

**Jim Rotondo, Principal of Rotondo Engineering, LLC, 25 Brook Street, Shelton addressing the Commission.** He presented the receipt of mailings and several were not returned. I am here tonight representing Joseph Monaco who owns property at the corner of Cornell and Howe Street. The property is 85,000 square feet in size. We are here tonight and have two applications for this property.

The first is a text amendment related to the size for consideration of the PDD. We are requesting that the size of the parcel be decreased from the 10,000 square foot requirement to 5,000 square feet. We did an investigation of the area based on the tax maps. He showed a map with the areas in blue being the current parcels that are greater than 10,000 square feet or eligible for a PDD. The areas in yellow are the parcels that are between 5,000 and 10,000 square feet. If you approve this text amendment these parcels will be eligible for the PDD. There are several parcels less than 5000 square feet colored orange, stated Jim Rotondo. The Commission will still control the PDD and this will have any negative effect on the future development of the downtown area.

Mr. Monaco is willing to put a significant investment into this property to bring it up to standards. The change will provide more flexibility with the smaller parcels. The PDD application is based on the approval of the text amendments because the parcel is only 85000 square feet.

If there are any questions regarding the text amendment, questioned Jim Rotondo? Chairman Cribbins asked are there any questions on the text amendment? Hearing no response, he stated that we understand the text amendment.

I also have Barry Unger, who is the Project Architect and Mr. Gary Knauf, who will present a market analysis on the property, stated Jim Rotondo. The building being proposed is currently 7 stories high with commercial or retail on the first floor with residential development on floors 2-7. The numbers of residential is 39. The building is located with the setback from the street line by about 5 feet to enhance pedestrian circulation in the front of the building on Howe Avenue. There is 18 feet from the curb line to the face of the building.

We are proposing new concrete walks on Howe Avenue and Cornell Street and new granite curbing. We are proposing brick pavers to match what is in the downtown area. We will work with Staff on the patterns for the downtown area. There will be street trees on Howe Avenue and lighting on Cornell and Howe Avenue.

The building was designed considering services to the building, such as trash removal and recycling. There is a service area within the building with an overhead door to Cornell Street. That is where all the dumpsters and recycles will be interior to the building and they will be picked up through the overhead door at Cornell Street keeping that off Howe Avenue.

We are proposing a drop-off area on Cornell Street that will allow residents to pull in and drop off packages in a lock box area designed into the foyer, go park and come back for packages, stated Jim Rotondo.

This is the first knock down rebuild application to not be providing on-site parking. We looked at actually putting commercial on the first, parking on the second then residential above that. Through some dealings with the Downtown Sub-Committee we saw that wasn't efficient and we should take the parking out of the building. We are proposing the utilization of municipal parking and street parking for the development. We prepared a concept plan for showing what is available within a 300 foot radius of the site. There is the Cornell Howe Avenue parking area that holds 180-186 spaces. There is also a municipal lot on Howe that holds 22 spaces. There is a lot at Cornell and Coram that is unapproved. People do utilize it but that is not structured. We have identified spaces along Howe Avenue and Cornell that could be utilized for curbside parking. A second part to this proposal is a presentation to the Board of Aldermen trying to get a mechanism in place for on street parking or municipal lot. We are looking at permit parking or payment in lieu of. The City of Shelton doesn't have anything like that so we are going to approach the Board of Aldermen. In 300 feet there are 263 spaces, stated Jim Rotondo.

**Barry, Unger, President of Barry Unger Associates, we are Architectural and Construction Management Co. with offices on 631 Main Street, in Monroe, CT.** We were hired by Mr. Monaco to design a building that goes along with the downtown look. He is looking to put in condos and commercial on the first floor. The building will be brick with colonial style windows, dark asphalt roof and light color red bricks. It will have a green awning.

The building is setback for a sidewalk. The building will step so it is not like a flat plain. The building sets on the site and there will be no alleys around the building. There is a door to the side on Cornell where trash removal and meter reading and mechanics will be done off Cornell.

The view at the higher elevation, we do intend to put French doors to be able to look into the Valley. The bottom will have a lot of brick.

If you go up Cornell there will be an overhead door with access through the back. The grade change, the front is 76 feet tall and the back is 66 feet tall. We are only about 30 feet higher than the building behind him. We are not seen as a separate tower it will be hidden into the hill, stated Barry Unger.

The building shows retail on the first, 6 apartments on the second floor, 7 throughout the floors above and 5 on the top. The 5 will be larger units. The average set-up is 2 two-bedroom units on all floors and 5 studios. There is no one bedroom units.

We set the lobby to the corner and not the center. We would be near the parking and crosswalks. The tenants can pull over do a drop off either front or side. The lobby will have a lock room where they can leave their packages. On the first floor there is almost 46000-48000 retail space.

Comm. Sylvester asked the retail is on the bottom? Yes, we are on the other side here where Cornell is and you can pull the car here. So the drop off will access the second floor, questioned Comm. Sylvester? Everything enters to the retail level, to the side and the lobby is on the corner, stated Barry Unger. The drop off you would have to ascend one floor, questioned Comm. Sylvester? You would enter the main doors taking the elevator to the second or third floor, stated Barry Unger. There is a service hall and emergency access that will be fire rated. The building is moved in 5 feet to the left and 5 to the right to make the building a smaller square foot building. The tenants above can exit to the lobby or a corridor.

How many elevators in the lobby, now, questioned Chairman Cribbins? There is one elevator and two sets of steps, stated Barry Unger. You mentioned two bedroom units, but I didn't hear the square footage, questioned Chairman Cribbins? The two bedroom units are larger 900 to 860 square feet. The master bedrooms have walk in closets and full washer dryer. The second floor has 6 units the space doesn't allocate more because of the service area.

There are French doors over looking the view with the little balcony. The lower floors don't have that. There is a garbage shoot going down each level, stated Barry Unger.

There are 39 units, 34 two-bedroom units and 5 studio units. There are 6 units on the second floor, stated Barry Unger.

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

**Gary Knauf, a Real Estate Broker with an office at 940 White Plains Rd., Trumbull.** I am here tonight on behalf of Joseph Monaco. I started a business relationship with him 25 years ago and we have become friends over the years. I was asked to consult with Joe to sell his property as is. It is a mix use property. The laundry mat is the retail component. There is a garage that is used for his excavation business. There is a three family on the property. He bought the property in 1980 in deplorable condition. The discussion lead to development of the project. I felt I could lend a hand on the design. It is a nice and sensible plan.

The location is what stuck with me. There are two main arteries into the downtown area. Center St. and lower Howe Avenue. In real estate we refer to curb appeal. This is the gateway into the Community. We could all get excited on the big projects but the landscape of the town will change because of small properties like this.

There has to be diversity downtown and we all agree that there are three components, retail, office and housing stock. I see retail as the butcher, the baker and the candlestick maker. There are start up businesses and people who want to upgrade their business. The commercial space, office space is the same. Not everyone needs AAA corporate space. I think if you take Brook's corner where Jim Rotondo is, it is a vital need. Small companies wanting to locate downtown.

The mix though is the housing. The housing will be the flavor and fuel for the businesses that will come in. It would be nice if people could walk to work. It has an impact to the Corporate Communities located around town.

The design of the unit was deliberate. The market will be single, maybe first time to buy and start up. It would be nice for middle age for divorce or start over. There is a market for seniors. Within each class of those people \$20,000-\$30,000 would make the difference as to buy or not. There is a market for urban living. Shelton downtown is under valued. You need the blend and mix. The smaller properties don't have the flexibility. I think this Commission should work with the smaller ones to fit in, stated Gary Knauf.

**Lisa Hardy, 59 Cornell Street, addressed the Commission.** She stated that she is part owner and resident of 59 Cornell Street that will definitely be impacted by this facility. My major concern is the size of the building. While they want to give their residents a view they will be destroying ours. We are neighborhood of small homes. 300 spaces of parking are utilized already. You don't have 300. Cornell Street is used to bypass the traffic on Center. Your drop off will cause havoc. I can't get out of my driveway now. Then you add someone pulling over to drop something off. That will create another bottleneck. I have had to have cars towed from my driveway. There is a big concern with parking for everyone that is there.

**John Prenetta, a Professional Landscape & Engineer, 45 Nolan Street, Seymour, representing Carroll's Home Improvement, addressed the Commission.** We oppose the regulation change and the zone change. The regulation change will lower your PDD standards by half. No other standards were looked at. To do such a drastic change without looking at parking, buffers and other standards should not be done. It is not in compliance with good zoning. It would be a disaster for the downtown area. There should be no reduction to the 10,000 square foot parcel.

If this proposal was on any other site you would be looking at parking, buffers, setbacks and numerous other things, this intensity of development is down to 200 square feet per unit, stated John Prenetta.

Site specific all the parking is off site, which will impact the Howe Avenue businesses. Existing parking doesn't mean it is available. There is a parking problem now this will only add to it. There is no parking study. Your Engineer asked for a traffic study prior to the zone change and that should have been submitted tonight. Howe Avenue is a State Road and there is a Highway Encroachment Act allowing each owner to control off of his or her lines. Parking in front of someone else's property. The drop off on the street will ensure double parking. I don't know how you would construct a building like this. The impacts are beyond this site and beyond the 300 feet. To use the municipal parking you will probably need a light at Cornell Street to allow this parcel to be used. This intensity is not compatible to this site. It will impact this area and Carroll's has had their problems without this here. This is not revitalization this will enhance the problems that exist. It won't solve any problems except the way this site looks now. We would ask that you deny both the regulation and zone change, stated John Prenetta.

**Bill Carroll, 23 Stowe Drive, who owns the property at 320 Howe Avenue and 31 Hill Street, which is Carroll's, addressed the Commission.** There have been parking problems always. The laundry customers add to that from time to time. There have been blocked driveways, lost of customers parking, property damage and trash issues. To grant this application would extend the problems to a day-to-day event with hardship and lost survived by the rest of the people in the area. This application requires bypassing too many existing regulations and the worse being the requirements for boundaries. The boundary line construction has never existed on land on Center Street and Hill. So why start now? The construction would be the being of a downtown concrete jungle development.

**Jason Perillo, 454 Coram Avenue, addressed the Commission.** Mr. Knauf had a good point that we do get caught up in the larger scale projects and they consume us. Parcels of this size are important. This concept is good and I commend Mr. Monaco and Mr. Unger for designing a nice building.

This was given to the downtown subcommittee quiet a while ago. The project has progressed since then but I still have some concerns. Those concerns aren't any different from those of the people who have done such a nice job with their home on Cornell Street and the Carroll's, who have been here for a very long time, stated Jason Perillo. There are issues. One of which is the size of the building. 7 stories is something that we have not seen downtown. The unit count, 39 units on  $\frac{3}{4}$  of an acres. That is a lot of units on a  $\frac{3}{4}$  of piece of parcel. Another issue is the parking and downtown presents that problem of parking. This is a challenge because of the number of units and stories. The project will take a lot of spaces across the street but one way to lessen that impact, rather than have so many residential units but from a planning and marketing standpoint it may be better to create some office. The parking won't be peaked. We could share parking and this is a great opportunity to improve downtown. They could enhance downtown and the businesses operating there. The views are unbelievable. I would urge the Commission to consider the size, the density and intensity. Thank you.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Applications # 06-56 and 06-57.**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**  
**# 6543 WHITE HILLS HOMES, LLC REAGAN CIRCLE, HOUSE AND**  
**6544 WHITE HILLS HOMES, LLC REAGAN CIRCLE, HOUSE**

Richard Schultz stated the City Engineer is recommending access off of Meadow Street. Most of the Commissioners have visited the site.

Comm. Sylvester read the City Engineer's letter who doesn't endorse these applications. Chairman Cribbins stated I visited the site and I don't understand why you would not want to come off Meadow Street. Is there something to do with utilities or sewers, I don't understand what the issues are?

Attorney Stephen Bellis stated that you will have two more homes that would go off Meadow Street in close proximity to the houses that are next to them. There are slopes and you would have to have attached garages that make that home even longer. You will need 6 to 8 feet of fill to make the driveway that would not be in access of 10% grade. You will have 4 houses, the little yellow house, that is only 2 to 3 feet from the property line. You will have a house, a driveway, then a house, a house, then a driveway and all jammed into Meadow Street with a curb cut coming in to that street. You will have the buses once the school gets used again. The phone poles are off of Meadow Street and put them back to Reagan. The sewers come right into the middle of the property.

There is no reason for you to come off Meadow Street. The Engineer is doing this because he claims that there will be impact to the pond. Wetlands didn't want us to use Meadow Street, stated Atty. Bellis. This is a 2 lot free split that has taken us one year to be approved.

Honestly the access from Reagan Circle is awkward for the two lots and for the people who own property on each side. I know the area very well, stated Comm. Sylvester. . The property that is fenced off is adequate. The driveway is difficult. The driveway will go adjacent to the pond, stated Atty. Bellis, Their will only be one entrance, he added. I agree with that but I am concerned with the people who own property on either side of this, stated Comm. Sylvester. I live here, stated Atty. Bellis and I don't understand jamming these houses in here but I don't understand that and I think this is better this way, he added. Atty. Bellis stated that this has nothing to do with the application. He is prepared to go to Court on this, stated Richard Schultz. This is the second one in one year, he added.

I have another way to solve the problem, there is a street ordinance and Department of public works can sign it or his designate. I won't need to bring a lawsuit, stated Atty. Bellis. He is upset because the Wetlands Commission approved it. John Cook said squash it. So he came up with the letter and Tom Welch stated that there are no standards or regulations, he added. I am a nice guy and I will bring an action and I don't want to do that.

Comm. Sylvester stated I will call it awkward. For me if you would work with the people on each side to make it less intrusive on their lifestyle. I don't want to mess up the pond, stated Atty. Bellis. Which way do these houses face, asked Chairman Cribbins? Reagan Circle stated Atty. Bellis. I assumed they would face Meadow Street, stated Comm. Sylvester. I will plant some pine trees here to block that off and this would be the backyard, added Atty. Bellis. Won't that be awkward for the people on the other side, asked Comm. Sylvester? Fisher and the other house are close to the street, added Atty. Bellis.

Comm. Pogoda stated if you have to go out to Meadow Street you would have to blast? I wouldn't have to blast here because I am low but I know that there would be fill needed. I can't say about blasting, stated Atty. Bellis. If you went this way there would not be blasting, adding Comm. Sylvester. If you come off Reagan Circle you will go down. It will be filled in there, stated Atty. Bellis. .

We need to make sure that we are on firm ground. We should have kept Corporation Counsel here. We need something from him in writing, stated Chairman Cribbins. This is for Certificate of Zoning Compliance and if I can't get a driveway permit I can't get a building lot, stated Atty. Bellis. It doesn't mean I get a building permit I still will have to deal with the City Engineer. I just want to get a zoning approval.

Comm. Sylvester stated that my problem is the entrance to two houses . It will be flat and paved, stated Atty. Bellis. This circle was the City property and the edge of pavement is here. It will look normal when this is done. It will be paved all the way out to make it look normal, he added. I wish that the City Engineer was not so adamant about this, stated Comm. Sylvester. So do I, stated Atty. Bellis. That is why I want to be on firm ground before we take an action and end up in Court, stated Chairman Cribbins. I hope that we don't end up in Court because I think that I have a way to solve that, stated Atty. Bellis.

I have listened to both sides, stated Comm. Pogoda. We like to go off the cul-de-sac because we don't like to go off the Main road. They will face the cul-de-sac and I feel comfortable with it, he added.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was voted to approve Applications # 6543 and 6542 . Comm. Sylvester abstained from the vote.**

**APPLICATION # 07-04 MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 48 – DISCUSSION BY APPLICANT**

**Attorney Dominick Thomas , addressed the Commission.** I filed an application for a minor modification and I believe that is only a minor modification. I have prepared some parking information for what has been happening. This is Madison's and they were involved with legal issues with us. They have agreed to give up the hall as of January 15<sup>th</sup> and soon after that passed they came in saying that they could not stay in business. So what is happening because there is one lease signed. There will be a new restaurant with the bar staying. It will be a different style restaurant. The hall will be divided in three spaces.

There are two leases signed, one Colby's Japanese Rest. I have used 4000 square feet of patron area. The design is for large fish tanks that take up a lot of room.

We will use less parking and there will be one more door put in. The bar and door into the hall will stay. There will be one more door put in. There is one tenant for the one of the three spaces for a chiropractor.

The parking requirement shows you that we are reducing that number by 11 spaces. Enterprise needs 7 spaces and they have 10 stacking spaces. Even if you take the 81 then 10 out of that and 71 is provided with the 60 being required, stated Atty. Thomas. The activity won't be anywhere near to what Madison's was. The hall was the main cause and there is a restaurant coming in that is less intrusive. The tenant with the office still makes up less parking. There are no structural changes except for that one door.

This is minor because we are reducing the parking, stated Atty. Thomas. Is there potential for additional parking on the other side of the restaurant, asked Chairman Cribbins? We have made a bid on that property but there is a wetlands section of that property, stated Atty. Thomas. There is a stream that runs along here and through that property. The entire top of that property is wetlands. There is a panhandle that is adjacent to Scinto's. We made an offer for the lower portion, the entire piece, and we have made several offers. With respect to tenants and during Madison's time the hall was not being used. Now there won't be any events like weddings, the chief's dinner where I parked at Wendy's. Those are the events that caused the problem.

Does the bar size stay the same with Colby's, asked Chairman Cribbins? It will stay the same size and they are focused on serving food there. They looked at the parking and said there would be enough parking. There won't be the bar crowd, stated Atty. Thomas.

**End of Side 1B of 2A, tape 1 of 2 at 8:30 P.M.**

Comm. Pogoda stated that at the time Madison's was approved we did not anticipate the parking problems there. I know that the bar was popular. There bar is not really used as a social activity. It is a waiting bar. They intend to have this as the same as their other restaurants. The bar is a for the tenants that are there, stated some of the tenants, stated Atty. Thomas. That would not be the draw, now. They wanted less space, he added. There is a large kitchen area and there will be less seating. There won't be as much seating even in the restaurant. Will you pursue the additional parking, stated Comm. Pogoda? I call the Attorney everyday, stated Atty. Bellis.

The public hearing is set on this, stated Chairman Cribbins. I will say that I like the fact that the chiropractor is going in there. I hope that the other two won't draw a lot of people. Nothing you do tonight approves these tenants, stated Atty. Thomas. I got a call from an office style tenant that I thought would not get by you, he added. Chairman Cribbins stated that if I say this is an intense use is because we had problems on this parcel. I wanted the other businesses to come down to talk to us about it. It was out of control, he added. Atty. Thomas stated we have notified the tenants that Madison's is gone and they were happy. Richard Schultz stated the hearing is scheduled for the 13<sup>th</sup>. Comm. Harger stated lets go with the hearing. I feel comfortable with the one tenant and I have been in the Japanese restaurants and they will get them in and out and I feel comfortable with this, stated Comm. Pogoda. The uses are better than what was there, stated Comm. Lopera. Comm. Sylvester stated I have abstained from anything with this property and I will continue to do so.

We will have you withdraw and re-submit minor and act on that Administratively, stated Richard Schultz.

**APPLICATION # 4705 ROBERT & MARIAN USS, 30 CEDARWOOD LANE, IN-LAW**

Richard Schultz stated that this is for an in-law. It is 650 square feet and complies with regulations. Staff is recommending approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the Certificate of Zoning Compliance for Application # 4705**

**APPROVAL OF MINUTES: 12/12/2006 AND 1/9/07**

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the minutes of 12/12/2006 and 1/9/2007.**

**8-24 REFERRAL; ACQUISITION OF PROPERTY LOCATED AT 35 OLD TOWN ROAD**

Richard Schultz stated that this came from the Mayor's Office.

**On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to report favorably on the 8-24 Referral: Acquisition of property located at 35 Old Town Road.**

**8-24 REFERRAL: CLOSURE OF ACCESS ROAD INTERSECTION AT NELLS ROCK ROAD**

Richard Schultz stated that this is where the cars are and we never took any action on this. It is an ongoing issue that we never took any action on. This area will be eliminated. Richard Schultz read a letter from the Mayor's Office and the City Engineer's letter.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to report favorably on the 8-24 Referral: closure of Access Road Intersection at Nells Rock Road.**

**NICHOLS ESTATES: REQUEST FOR RELEASE OF PERFORMANCE BOND**

Richard Schultz stated that this is the subdivision on Beardsley Road. The City Engineer endorses the release.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve the release of the Performance Bond on Nichols Estates.**

**10 CONSTITUTION BOULEVARD SOUTH: REQUEST FOR RELEASE OF SITE BOND**

Richard Schultz stated that this is for DiSanto building. Staff recommends release of the site bond.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was voted to release the site bond on 10 Constitution Boulevard. Comm. Lopera abstained from the vote.**

**326 BRIDGEPORT AVENUE; REQUEST FOR RELEASE OF SITE BOND**

Richard Schultz stated that this is for Curtis Ryan's parking expansion. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to release the site bond on 326 Bridgeport Avenue.**

**85 PLATT ROAD : REQUEST FOR RELEASE OF SITE BOND**

Richard Schultz stated that this is for Ed Newman's site bond for the car wash. We have had several issues that some of which have been solved. Some of the brush has been removed. The Commission has requested additional landscaping and Mr. Newman rejected that idea. There was some additional landscaping on Platt Road.

Comm. Pogoda stated that I will make a motion to deny this. He wants an action stated Richard Schultz. I pass that property each day and at one point when he planted the original trees they all died. Nothing was ever replanted and he refuses to enhance that area. The branches have sat there for along time. Until it gets done I am for not releasing the bond, stated Comm. Pogoda. It is unsightly stated Comm. Harger.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to deny the release of site bond on 85 Platt Road.**

**350 BRIDGEPORT AVENUE: REQUEST FOR SITE BOND RELEASE**

Richard Schultz stated that this is for Mr. Botti's newest building. Staff recommends release at this time.

**On a motion made by Virginia Harger seconded by Anthony Pogoda it was voted to release the site bond on 350 Bridgeport Avenue. Comm. Sylvester and Comm. Lopera abstained from the vote.**

**504-514 BRIDGEPORT AVENUE: REQUEST FOR SITE BOND RELEASE**

Richard Schultz stated this is for Mr. Botti's Phase II. The site that we talked tonight about with Atty. Thomas. Staff is recommending the release at this time.

**On a motion made by Virginia Harger seconded by Anthony Pogoda it was voted to release the site bond on 504-514 Bridgeport Avenue. Comm. Sylvester abstained from the vote.**

**PAYMENT OF BILLS**

**On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to pay bills.**

**On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to adjourn at 9:00 P.M.**

Respectfully submitted by,

Diana Barry,  
Clerk