

The Shelton Planning and Zoning Commission held a regular meeting on August 14, 2007 in Shelton City Hall, Auditorium, at 7:00 p.m., 54 Hill Street, Shelton, CT.

The Chairman reserves the right to take items out of sequence.

Members Present: Chairman Alan Cribbins
Comm. Anthony Pogoda
Comm. Leon Sylvester
Comm. Virginia Harger
Comm. Patrick Lopera
Comm. Ruth Parkins (for Comm. Daniel Orazetti)

Staff Present: Richard Schultz, Administrator
Anthony Panico, Consultant
Patricia Garguilo, Court Reporter
Karin Tuke, Recording Secretary

Tapes (3) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

Chairman Cribbins opened the meeting at 7:03 p.m. with the Pledge of Allegiance.

Public Hearing

APPLICATION #07-30, HUNAN PAN FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (HIGH TRAFFIC GENERATOR: RESTAURANT AND PARKING EXPANSION), 303 BRIDGEPORT AVENUE (MAP 91, LOT 16), RBD DISTRICT.

Comm. Pogoda read the call of the hearing and two pieces of correspondence.

***See attached letter dated 3/26/07 and revised 4/23/07 to Richard Schultz from Robert Kulacz, City Engineer.**

***See attached letter dated 8/14/07 to Richard Schultz from James Turturo, Fire Marshal.**

Chairman Cribbins stated to audience members that the procedure would be for the Applicant to make his presentation first, followed by any questions from Commissioners with public comments to be heard last.

Joseph Mingoello, Mingoello & Hayes Architects, 90 Huntington Street, Shelton, CT addressed the Commission. He presented the Certificates of Mailing to the P&Z Administrator, Richard Schultz.

Mr. Mingoello stated that he is speaking on behalf of the Hunan Pan restaurant that has been operating on 303 Bridgeport Avenue for 10 years. Prior to that, Lauretti's Restaurant operated there for approx. 13 years. Mr. Mingoello noted that he has been a resident and remains a property owner at Sunwood Condominiums, and he has frequented events at both of these restaurants.

Mr. Mingoello stated that the goal this evening was for site plan approval with an application to convert an existing party room and banquet facility that is located in the basement of Hunan Pan. It is a walk-out basement (out to the back) with lower level parking and upper level of parking. He will explain that in more detail on his site plan.

He presented a site plan prepared by nok (Nowakowski O'Bymachow & Kane) engineers/land surveyors in Shelton. It shows Bridgeport Avenue with the Sunwood Drive entrance into the condominiums. The plan identifies three different easements that were given from the Cayer family to Tom Mohyde and the development of Sunwood. The first easement (identified on the plan as Easement A) was accessed from Mr. Mohyde's property, the second Easement B on Sunwood Drive, and Easement C (between property owners) to get up into Sunwood Condominiums. Additionally, easement F was a parking easement on the land records from the Cayers to Mr. Mohyde.

Mr. Mingoello showed a drawing of the existing building as it is today with two levels of parking. The upper level services the restaurant at one grade. The topography slopes off to the lower level of parking upon entering up onto Sunwood Drive.

The proposal is for Hunan Pan to use the basement, and in doing so, he wanted to explain the parking requirements. The existing restaurant and patron area is approx. 2000 square feet. In using the Zoning Requirements for parking calculations, one space is required for every 75 square feet of patron area. Therefore, 27 parking spaces are needed for the existing restaurant on the upper grade.

The basement, party area, is 2500 square feet. This calculation yields another 33 parking spaces required. Sixty spaces are required by the regulations as the restaurant stands right now.

Mr. Mingolello showed his architectural plan that shows a reduction of the 2500 sq. ft. banquet area to 1500 sq. ft. With this plan, they anticipate less patron traffic. The existing parking (upper and lower levels) totals 40 spaces. They plan to add seven spaces for a total of 47 spaces. Based on the new proposal of 1500 sq. ft. banquet area, 47 spaces would be the parking requirement.

Mr. Mingolello added that in discussions with Staff, they felt that overflow parking would be necessary during high traffic hours. On the site plan, he showed property north of the knoll coming out to Sunwood where they anticipate putting seven additional parking spaces.

Mr. Mingolello showed the plan for the basement level. A drawing of the existing basement shows a staircase coming from the existing restaurant to the lower level. It can also be accessed from the lower parking level from an existing door/lobby area at the back of the building. They plan to create a small waiting area inside the existing doorway, a service bar, a cash register area and three hibachi grills. These are double hibachi grills that serve approx. 18 people (9 per single grill). A prep kitchen would be located in the corner that could be serviced from the exterior. They are planning to upgrade the restrooms to code. Also, there will be a small storage room, office and liquor storage. The total public space is 1500 square feet. There will be a total of 54 seats.

Mr. Mingolello concluded that this plan shows there is a reduction in intensity of use - going from a 2500 sq. ft banquet room to a 1500 sq. ft. Hibachi room. This is just another venue that they are adding to Hunan Pan that has been operating there for ten years.

Mr. Panico asked if the lower level of the restaurant was going to function independently of the upper level. He asked for clarification because there had been mention of another cash register downstairs and separate waiting areas.

Mr. Mingolello stated that Jean Ho was present at the meeting to answer questions about their restaurant operations.

Jean Ho, 303 Bridgeport Avenue, Shelton, CT addressed the Commission. She responded that this was not two businesses – just one. The hibachi grills are part of Hunan Pan.

Mr. Panico asked if the second cash register area was there just for convenience.

Ms. Ho stated that it was just for convenience – there was only one business – Hunan Pan.

Chairman Cribbins asked Richard Schultz if there had ever been any parking complaints for this area by the Chief.

Mr. Schultz stated that over the last 10 ½ years there haven't been any problems that his office has been aware of. Obviously, there are peak times, especially with the development that is occurring on Bridgeport Avenue.

Mr. Panico stated that at one time there used to be an auxiliary parking area across the street.

Mr. Schultz stated that was eliminated when the daycare center was put there.

Comm. Harger asked Mr. Mingolello if this would be a service bar or a bar with seating.

Mr. Mingoello said it was a service bar with no seating.

Comm. Sylvester commented that this is a typical example of squeezing something that was not made for the property – into the property – and then expanding it. It started as a simple dance studio. Then it became a restaurant. At that time, this Commission haggled over whether or not a restaurant should be allowed at this location. It lacked parking and it wasn't an appropriate site for a restaurant. He stated that he sympathized with people trying to do business in an area that really isn't conducive to their type of business. This is the perfect example of it.

Comm. Sylvester added that having people coming in at the top and bottom of the restaurant, parking and walking across the street seems completely disjointed. He doesn't have a problem with the expansion, but he wants to know how the people of Sunwood feel about the expansion and the additional parking. They are the people most affected because it is only an intrusion to that general area. He asked Rick Schultz if there had been any comments from the residents of Sunwood.

Mr. Schultz stated that they are represented and here this evening to speak in the public portion.

Chairman Cribbins asked if there were any further questions from the Commissioners or anyone from the public who wished to speak for or against this application.

Atty. Kristie Leff, 3308 Whitney Avenue, Hamden, CT addressed the Commission.

She stated that she is an attorney representing Sunwood Condominiums Association. She asked the Sunwood unit owners that were present in the audience opposing this application to please stand up. Approximately twenty residents stood up.

Ms. Leff stated that they are opposing the site plan and special exemption application as not being in conformance with the City of Shelton Zoning Regulations, specifically Section 31.4 Paragraph 1-4 and 33.4 Paragraph 1-7. Additionally, she has three legal issues that she would like to bring to the attention of the Commission before turning it over to members of the Association.

Ms. Leff began with the easement issue and access issue. The easement on which the proposed seven perpendicular parking spaces are located, was granted in 1981 for the purpose of vehicle parking. At that time, Sunwood Condominiums did not exist. The condominiums were developed in the mid-80's. Since then the use of the access road, Sunwood Drive, has changed tremendously. There are now 168 condominium units, and hundreds of residents that use Sunwood Drive to get to and from their homes. This perpendicular parking area is right on Sunwood Drive.

She continued to state the proposed parking area would severely impact their ability to safely access their homes. These safety hazards were not contemplated when the easement was originally granted. Cars would be backing in and out of Sunwood Drive as residents are trying to get to their homes from Sunwood Drive. Common sense would show this is a dangerous situation.

Ms. Leff asked the Commission if the Police Commissioner has issued any statements as to whether or not this proposal would create any new traffic hazards.

Chairman Cribbins stated that Shelton doesn't have a police commissioner, but they do have a traffic authority. He clarified that the Commission would request information from them before making any decisions.

Ms. Leff stressed the importance of traffic info and requested that be obtained because this would create an overburdening of the easement through the increased traffic. Backing in and out of these parking spots onto Sunwood Drive, especially in such close proximity to Bridgeport Avenue, would be a traffic hazard. She added that the peak times for the restaurant would probably coincide with residents coming home from work.

Ms. Leff stated that Section 24.8 Paragraph 2 states that there should be no more than two driveways entering any lot from any one street. As this is proposed they are two existing parking areas plus a proposed one to the west for a total of three. She wanted to bring that to the Commission's attention.

She continued that Sunwood opposes the expanded use of the restaurant because it would create the necessity of having more parking spaces which would overburden the easement and create traffic hazards.

The second point that Ms. Leff brought to the Commission's attention was the subject of flooding and drainage. She referenced Section 31.4 Paragraph 4 of the Zoning Regulations and 33.4 Paragraph 7. Both the proposed upper parking area and the proposed lower parking lot perpendicular spaces are in close proximity to the wetlands. She indicated that she checked today at the Inland Wetland Commission and there has been no application nor a permit issued for these proposed parking areas. She feels this is an issue that needs to be addressed.

In reference to the letter from the City Engineer to Richard Schultz, Ms. Leff noted that "a grading plan for the proposed perpendicular parking area which may require approval from the Wetlands Commission due to its proximity to (inaudible) Brook. Additionally, there is uncertainty as to whether or not the proposal meets buffer and setback requirements.

The City Engineer's letter also suggests additional construction details for the overflow parking lot. She asked the Commission whether or not that had been done, and, if so, what were the results.

Ms. Leff stated that more importantly there are definite drainage issues on Glenwood Drive. In the area where the proposed seven perpendicular parking spaces are located, there is a large puddle that forms if there is any precipitation at all. She saw it there last week herself, and she understands it can become a small lake at times. This is where the grade of the road slopes down and flattens out where those spaces have been proposed. There is a catch basin above there but it can't handle this runoff. Sunwood has been trying to correct that problem but has not been successful. The proposed perpendicular parking will create even more runoff, exacerbating this problem and create a severe safety hazard as far as flooding and icing on the road. There are definite Wetlands draining/flooding issue involved here.

Furthermore, because Sunwood maintains this road it would negatively impact the Sunwood Association by creating an undue maintenance burden and increasing its liability issues. She added that if this pool of water freezes over in the winter and there are people walking back and forth to the restaurant it will create tremendous liability and maintenance burden on Sunwood.

Ms. Leff spoke about her third issue by referring to the Shelton Zoning Regulations Section 31.4 Paragraph 3 and 33.4 Paragraph 4. She quoted from the regulations "the site plan and architectural plan shall be of a character that shall harmonize with the neighborhood to accomplish a transition character values and to preserve and enhance the beauty of the neighborhood." She added that the Commission should consider the effect upon property values taking into account topography, character of location and landscaping.

Sunwood as its name suggests is a beautiful, wooded area. The Sunwood residents want to preserve the character of their neighborhood. The proposed parking areas would definitely impact the charm and character that they now enjoy and negatively impact their property values. It would not be in keeping with the letter of the zoning regulations, especially the proposed overflow parking lot further up the hill that directly abuts Sunwood property.

Ms. Leff concluded that the neighborhood does not want an expanded restaurant. It would not be in keeping with the character of their neighborhood. The additional parking proposed would result in increased traffic, safety hazards and a negative impact on the charm of the area.

The regulations also call for a 12 foot buffer zone with landscaping such as trees and shrubs. She stated that she is uncertain if that is contained in their proposal.

Sunwood asks that this application be denied because it does not conform to the standards as set forward in the City of Shelton Zoning Regulations. It is not in the best interests of the community to expand the restaurant and thus create a need for more parking. There is serious safety, draining and aesthetic issues involved. She asked the Commission that this proposal be denied.

Chairman Cribbins asked Ms. Leff if she was representing the residents of Sunwood or the Sunwood Association.

Ms. Leff responded that she was representing the Association.

Mr. Harry Weide, 443 Wooded Lane, Shelton, CT addressed the Commission and provided them with some documents (letters from unit owners, a copy of his presentation, supporting documentation). He requested that they be entered into the record.

Mr. Weide began by clarifying that with regard to the seven proposed parking spaces at the foot of Sunwood Drive near Old Bridgeport Avenue, it is very important that the Commission realize that traffic patronizing the restaurant would need to pull in to these spaces. Therefore, to get out of these parking spaces, drivers would have to back their vehicles out into Sunwood Drive (75% of the length of the vehicle must be exposed before seeing around cars parked in the other spaces). He noted that cars coming into Sunwood Drive and cars backing out of these parking spots would definitely have blind spots in that part of the road.

Mr. Weide noted that there is also a misconception about percentage numbers this evening. He believes the applicant is trying to give the impression that they are reducing the amount of traffic that will be visiting the restaurant by referencing reduced square feet and available seating. However, the lower part of the restaurant was used as a party room, and the only time that Sunwood was directly affected by the party room was during the holidays. However, during the balance of the year there was few times that the party room was utilized. This application changes the occasional use to a daily use. Additionally, he questioned the accuracy of the number of seating and requested that a clarification should be given as to the total number of additional seats that would be downstairs.

Mr. Weide stated that he was speaking this evening as the President of Sunwood Condominium Association and as a unit owner for 15 years. He realizes that the Applicant has the right to increase the size of his restaurant, the right to put in seven new parking spaces and the right to install sidewalks. The sidewalks were not previously brought up. There are going to be a hundred feet of sidewalk that the Applicant is proposing to put into the Sunwood community that does not, right now, have any sidewalks whatsoever.

He stated that he is aware that the Applicant has a right to put in the overflow parking area. Those items are permitted in a CB1 zone as long as the applicant is zoning compliant.

Mr. Weide has been active in Sunwood for years and he wanted to provide some pertinent background information as to why they are here tonight. In 1981 during the development of Sunwood, easements had been entered into between the developer and Mohyde, the former owner of the property at 303 Bridgeport Avenue and from whom the applicant purchased the property.

Although he is uncertain as to the business relationship between the Sunwood developer and Mohyde, he has learned that Mohyde gave and received certain benefits from the developer. This included the responsibility placed on Sunwood to preserve and maintain 600 feet of road – Sunwood Drive – that was being used, simultaneously, by the restaurant. Mohyde and the developer were concerned that this piece of commercial property blends in with the community. Mohyde became a very friendly neighbor of Sunwood. He had the same vertical siding on this building as Sunwood and replicated the color of the Sunwood buildings. The match was so good that for years people coming into the community thought the restaurant belonged to Sunwood.

Mohyde's good neighbor policy was embraced by the original owner of the restaurant, Mayor Lauretti. Lauretti kept the interior and exterior of the building in pristine condition. Mr. Weide commented that it isn't like that today. Lauretti's Restaurant was concerned about traffic and signage. He has looked into Sunwood files, and Sunwood never had a problem with the Lauretti establishment unlike the problems that they have with the current establishment.

Mr. Weide referred to the fact that Sunwood monitors its own roads. They installed No Parking signs and fire signs down by the Hunan Pan restaurant. On a regular basis, Sunwood residents will go down to tag cars that are illegally parked on Sunwood Drive.

Recently, they experienced a fire in community, and they can't visualize what it would be like if there were cars parking on the side of the streets.

Mr. Weide noted that the first thing to change when Lauretti vacated the building was that the pristine exterior that matched Sunwood was changed from Sunwood brown to a putty gray – completely out of character with the neighborhood, and certainly not a good neighbor policy.

The parking requirement before the Commission tonight is not the first time a parking application has been before this Board. In 1987 when Lauretti proposed a similar expansion he was already leasing ten parking spaces from 301 Bridgeport Avenue (across the street from the upper parking). These parking spaces were completely out of the view of Sunwood property. As part of his expansion needs, Lauretti agreed that he would lease an additional parking spaces, already paved, in the daycare facility so he would not infringe upon Sunwood property. The parking lot at the daycare center is currently only used during the daytime; it is available at night.

Mr. Weide stated that if the applicant today put the 1987 Lauretti plan in place, they would have 56 parking spaces, and that is 11 more than required with this application. Instead, they are proposing seven parking spaces in an environmentally sensitive area, plagued by water runoff. It seems there are easier ways for Hunan Pan to accommodate this parking situation.

With regard to the proposed, non-required parking, Mr. Weide used the site map to show the large 40 ft x 100 ft parking area including the anti-track apron. He stated that the anti-track apron, to him, means that they wouldn't be no surfacing on parking area with a material that isn't going to move. The plan doesn't state if they plan to put down tar or gravel, but the anti-track would prevent whatever was on the ground from coming into Sunwood Drive. The overflow parking area abuts 35 acres of Sunwood and it is on the main interest. To reach the overflow parking area, the applicant wants to install a sidewalk going from the upper parking area up Sunwood Drive, almost 100 feet, to connect the overflow parking. It has been stated that would be for employees. If a restaurant customer pulls into the upper lot and it is full and sees the sidewalk with the parking lot at the end of it, he will assume it is patron parking. The site plan also shows numerous trees around the restaurant. However, it does not show the mature white pine trees that would have to be removed to put that sidewalk in. There is no mention of that in the proposal.

Mr. Weide showed the Commission a photograph of a pristine view from a unit owner's living room window (Joseph and Mary Miller on 101 Blackbirds Court) indicating that is where the planned overflow parking would be located. There will be no camouflage or screening provided by the applicant that can block that view from the Millers.

Mr. Weide stated that when the Commission looks at an application for a Certificate of Zoning Compliance, it should look at the type of business and the means by which the revenue is generated. Hunan Pan is a restaurant that serves take-out incidental to the primary use of seated dining. Since the restaurant has opened, Sunwood residents have seen an increase in traffic, not so much from the restaurant as from the take-out service. Only the applicant knows what percentage of the total sales comes from the take-out portion.

Mr. Weide referenced a photograph that he provided to the Commissioner, Exhibit 5, depicting the deterioration of Sunwood Drive from the foot of Old Bridgeport Avenue to the applicant's business. No other road in the Sunwood community is in such deplorable conditions. They are required by this easement to maintain the roads – it is going to be the unit owners of Sunwood, not the restaurant that will feel the impact of a special assessment for road rehabilitation. Further deterioration of the road will be in direct proportion to the increase in their business because customers must travel that piece of road in order to reach the restaurant.

Mr. Weide stated that he counted 62 more seats in this plan, although a lesser number was presented by the applicant. He is concerned about these 62 patrons, alcohol consumption, cars traveling unfamiliar, narrow and dimly lit Sunwood roads. Sunwood roads have no sidewalks, a lot of daytime pedestrians, children, a swimming pool, tennis courts, a clubhouse and a daycare center across the street. He feels this is a disaster waiting to happen.

In closing, Mr. Weide contended that because of the unique country character of Sunwood and its proximity to Hunan Pan, that Sunwood's quality of life will be forever changed if the Commission deems that requirements for a Certificate of Zoning Compliance have been met. Please don't allow the applicant to pave over our Sunwood paradise with a parking lot. Mr. Weide thanked the Commission.

Richard R. Lewis, 299 Bridgeport Avenue, Shelton, CT addressed the Commission. Mr. Lewis told the Commission that the town of Shelton was incorporated in 1789 and his house was built in 1749 - that is how long it has been there. The Hunan Pan proposal is going to change the nature of the neighborhood. Every business on that street is closed by 6 p.m. and closed on the weekends. At 9 o'clock in the evening even the Hunan Pan is quiet. Their proposal would change a quiet neighborhood into a noisy neighborhood. When alcohol is served, people smoke. If they can't smoke inside, they smoke outside.

Mr. Lewis stated that the proposed seven parking spots are perpendicular to Sunwood but their patron's car headlights point directly at my house about 10 – 15 feet away. He will have to put up with the lights shining in his window, the automatic beeping for locks/alarms all evening.

Mr. Lewis added that at the end of Bridgeport Avenue there are three bus stops for children, his children. They have to walk by those parking spots where cars would be backing out.

He expressed concern about wetlands issues because the retaining wall near the brook is collapsing due to poor drainage. When it rains, pools of water remain for days. This will be exacerbated by having parked cars there and by eliminating more grass and more trees. Mr. Lewis asked that these issues be addressed.

Mr. Lewis concluded by stating that Hunan Pan wants to make a banquet hall, and this would bring weddings, graduations, parties, etc. and, consequently, a traffic nightmare.

Mr. Joe Miller, 101 Black Birch Court, Shelton, CT addressed the Commission. He showed the Commissioners a Shelton brochure with a photograph that had been taken near his Sunwood unit. He told them that he bought his place because he liked the rural setting. He is concerned that his property value will be reduced with a parking lot across the street and the country atmosphere will be lost. Mr. Miller added that even though the applicant spoke about a 12 foot buffer zone, his unit is a bit higher than the parking lot so the car lights and parking lot lights will constantly be in his window anyway. Mr. Miller asked the Commission to consider their quality of life and do something to prevent this from happening.

Kathryn English, 102 Blackbird Court, Shelton, CT addressed the Commission. She stated that she agrees with the other Sunwood residents. The big porch on the back of her townhouse is on Sunwood Drive. Ms. English stated that she came to Shelton because she liked its rustic nature and attractions. She is concerned about the safety of the children at Sunwood and the children that go to the daycare center. Sunwood has a diverse community, young and old residents that use the walking path. She has spoken to neighbors that plan to move out of Sunwood and Shelton if the proposed plan goes through. This parking lot will decrease the value of their homes. If the sidewalks go in, they will have to pay to maintain something that they do not want and that isn't fair. She doesn't want to leave Shelton because she likes it here. Ms. English asked the Commission not to change the quality of her life and her neighbors' lives.

Alan Shepard, Professional Engineer, Nowakowski, O'Bymachow & Kane addressed the Commission. He wanted to shed some light on some of the issues raised tonight. They conducted their survey and looked at this property and the parking issues. There is a current, existing parking easement on the land records for the parking spaces across the street. Those spaces were placed there at the time of the construction of Sunwood, and they considered that maintenance of existing parking. Mr. Shepard stated that he questioned whether they should take away existing parking that was approved and installed due to lack of maintenance and the impact that could have on the restaurant business.

Mr. Shepard indicated that he looked into the drainage situation there. There was supposed to be a drainage structure. There is a manhole which should be a catch basin. A catch basin there could alleviate some of the drainage issues at that location.

He looked at the conditions there after a rainstorm and has seen the puddling, and they have proposed the maintenance of that structure. As far as the Wetlands impact, Mr. Shepard said he presented that information to John Cook with their interpretation that it would be maintenance of existing parking facilities. The overflow parking was not part of the requirements asked of us, but they would take a look at that.

Walter Hudson, 103 Black Birch Wood, Shelton, CT addressed the Commission.

He stated this restaurant will be doubling the size of their operations, and they are located directly across the street from a daycare center. He indicated that the daycare center is active until 5 p.m. in the evening. There are women that walk down there to pick up their children, and the restaurant expansion will increase the traffic there. Mr. Hudson told the Commission that he thinks that is something that should be considered. It is a threat of injury to children and a threat to the environment.

Chairman Cribbins asked if there were any further comments from the public or questions from the commissioners.

Joe Mingoello addressed some of the issues by restating Mr. Shepard's comments that they are aware of the drainage issues and they realize there are maintenance issues to take care of as well.

Chairman Cribbins asked if there were plans to put lighting in that upper parking lot.

Mr. Mingoello responded that they feel that the lower parking and the additional seven spaces are adequate. If the Staff and Commission feel they need that overflow parking, they will put it in. They don't want to put the parking in, the sidewalks or any lights.

Chairman Cribbins asked if there would be any changes in the hours of operation.

Mr. Mingoello stated that they would be the same.

Chairman Cribbins asked if there were plans for additional staff.

Mr. Mingoello asked Jean Ho who indicated there would not be at this time.

Chairman Cribbins asked if there would be additional staff for the hibachi grills.

Mr. Mingoello asked Jean Ho who indicated that the existing staff would accommodate those grills.

Comm. Sylvester asked for clarification about the 1981 arrangement with Sunwood and Mr. Mohyde. He had recalled that it wasn't originally a restaurant at all, but a ballroom dance facility that existed there. It seems to him that the arrangement that was made between Sunwood and this facility was made in good spirit with a more appropriate establishment for a residential neighborhood. It didn't blend in as well as soon as it became a restaurant. Comm. Sylvester understands why residents in the area would be upset by what appears to be an expansion.

He added that he has been to that restaurant on different occasions, and it seemed as though the parking for a party was more intrusive than the parking for the every day restaurant operations. Comm. Sylvester stated that he feels that the problem is that this is for an expansion of something that already does not blend in with this residential neighborhood.

Comm. Parkins asked what the maximum seating in the upstairs portion of the restaurant is.

Mr. Mingoello asked Jean Ho who indicated it was approximately 80 seats, with 54 for the hibachi grills and some space for waiting.

Comm. Harger asked where the other entrances/exits to Sunwood were located.

Mr. Mingoello stated that there were two on Nells Rock Road for the top and bottom.

Comm. Pogoda asked if there was still an active sit down bar upstairs.

Mr. Mingoello stated that there was – with six seats.

Chairman Cribbins asked for further comments. There were none.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to close Application #07-30.

APPLICATION #07-37, PHILIP WEINER ON BEHALF OF HEALTH NET OF NORTHEAST, INC. FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #1A (PARKING GARAGE FOR HEALTH NET), ONE FAR MILL CROSSING (MAP 29, LOT 18)

Comm. Pogoda read the call of the hearing and one piece of correspondence.
***See attached letter to Richard Schultz dated 8/14/07 from James Turturo, Fire Marshal.**

Philip Weiner, architect for CPG Architects addressed the Commission. He is working with Healthnet on this proposal for the parking garage at this site. He introduced Bob McDermott, Director of the Northeast Facilities for Healthnet who is assisting him with this presentation.

Mr. Weiner stated that the original PDD #1A was adopted in 1997, and the original site of 75 acres has not changed significantly. According to the Statement of Uses and Standards it includes off-street parking, loading facilities and parking structures. The proposed use that is presented tonight is permitted in PDD #1A.

Mr. Weiner showed a drawing of the existing site plan with the location of the Healthnet facility with three buildings, which act as one large building, in the center of the site. There are several parking areas surrounding this building. Presently, there are a total of 738 parking spaces.

Chairman Cribbins asked for a clarification on the 738 parking spaces. He wanted to know if that was provided for the area as it exists today or an area that has to potential to increase.

Mr. Weiner stated that the 738 parking spaces were for the area that exists today. That is at one grade and there are 70 spaces located in one of the buildings.

Chairman Cribbins asked about the time when the first PDD was put in because he recalled that there was an area put in for a potential parking structure.

Mr. Bob McDermott, Director, Northeast Facilities, Healthnet addressed the Commission. He confirmed that was exactly where they want to put the proposed parking structure today .

Mr. Weiner used the site drawing to show where the proposed parking garage would go. Presently, there is a parking lot there with 47 spaces. The impervious area of this site is not going to increase greatly by this project. It is going to replace an existing parking lot.

Mr. McDermott added that the parking lot was added in 1998 and takes up approximately 2/3 of the space where the parking structure was planned in 1996.

Mr. Weiner showed the proposed site plan of the parking garage. It is roughly a rectangle with 123 x 193 square feet, 3 level garage, 53 feet at the highest point but the average height is about 36 feet. The egress from the road is where the present entrance to the parking lot is located. He showed the location of the proposed sidewalk, crosswalk and speed bumps leading from the parking garage to the complex.

Mr. McDermott showed the Commissioners some aerial photographs of the property and where the structure would be put.

Mr. Weiner provided the Commissioners with a handout showing a breakdown of all the parking areas on their site and the square footage of the buildings which totals approximately 252,000 usable square feet.

Chairman Cribbins asked Mr. McDermott if the parking structure is being built today because they can't accommodate the people that are there right now, or do they plan on bringing additional people to this site.

Mr. McDermott stated that Healthnet recently sold the property and leased it back. As part of that process, the new owners felt the site was slightly under-parked. As part of the agreement, they are going to pay for the parking garage. By the end of their ten year lease, which they have two 10 year renewal options on, they'll set up to be a sole tenant lease. There is a parking structure underneath Building C that currently holds 70 cars. If they need additional space down the road, today they do not, those spaces for 70 cars would become office space. In the event of that happening, they would need a place to put those 70 cars. Currently, today, on a normal day, there are approx. 70 cars parked on the roadways because they have maxed out all the parking.

Mr. McDermott continued that when they did a slight modification to the front parking lot in 2002, they agreed with the City that they wouldn't request any additional parking on the property. There was plenty of land to do surface parking. They would like to go back to the original 1996 plan when PHS purchased the property from Proctor & Gamble that showed the parking structure. They will be displacing 47 cars currently in that parking lot. If you total the 47 cars displaced, the 70 cars under Building C and the approx. 70 cars on the road, they won't be adding that many spaces.

He explained that as a corporation, Shelton is their Northeast headquarters. However, they have 700 employees in the Scinto building next door because there were no more parking spaces at the Far Mill Crossing site. Additionally, they have the fifth floor at 4 Research Drive which they occupied due to an immediate need to add employees being relocated from California to Connecticut. They could have accommodated the people at Far Mill Crossing, but they couldn't accommodate the parking for them.

He stated that they are looking at this as an opportunity that is part of the sale and lease back of the property. They have an owner that is willing to contribute over 6 million dollars to building this structure. They are at a place in their business operations that they don't really need it right now, but it is such a long process that it may become too late if they wait until it is needed. As part of the sale of the property, Healthnet agreed to pursue this and begin the process, building the garage while they have the ability to shift cars between their buildings. They will utilize a shuttle service to transport employees between buildings during construction. Presently, Healthnet is occupying approx. 95% of the Scinto building next door where they have an additional 70 spaces. If they wait until the corporation has additional staff, it could take years to conduct this process.

Mr. Weiner added that the proposed construction does not add any office area to the complex. They aren't proposing any more employees coming or going from the site; they are only accommodating people that are already there. This isn't a traffic-related issue.

Mr. McDermott clarified that the only times that there would be a traffic issue is when there's a large meeting at the property. They are the Northeast headquarters, and they do have quarterly meetings with upper level management from New York and New Jersey. There are problems parking on those days because it adds about 40 -50 more people. Bob Scinto usually allows us to park at his facilities on those occasions.

Chairman Cribbins asked him to discuss the types of construction materials being used.

Mr. Weiner stated that the garage will be constructed of pre-cast concrete, designed by Walter Parking Consultants. It will look similar to the parking garage on Corporate Drive – the Scinto building. The schematics show the first floor with 60 spaces and 7 accessible parking spaces scattered throughout. In the corner there is a stair and elevator tower. There is also a stair tower in the back. He showed the side of the parking garage that would be seen from the roadway.

The second floor, as well as the third floor, has a conventional ramping up design. There is a smaller level at the top where it terminates. He showed the south or front elevation. The elevator tower has glass panels. The west elevation which won't be seen due to the foliage at the driveway entrance.

Comm. Pogoda asked if the tower would be about 53 feet.

Mr. Weiner said it would be with about 30 feet with about 20 feet above for ? (inaudible).

Comm. Harger, while referring to the aerial photograph, inquired about some units located on Stratford side of the property. She asked for clarification as to what they were.

Mr. McDermott provided a larger, color photograph and pointed out the proposed garage structure and Far Mill River; however, he was unclear as to what the structures Comm. Harger inquired about. Mr. Weiner added that he would measure the area to determine what might be located there.

Comm. Harger inquired if this garage would have any visual impact for whoever was there.

Mr. Weiner stated that a few residents called after notification, and he explained to one of them, the head of the neighborhood association there, that it wouldn't be seen from their location.

Mr. McDermott added that they are hoping that the mature trees along the roadway will not be disturbed. They want to fit the garage behind those trees, if possible. It appears to be a doable thing.

Comm. Harger indicated that she was asking because someone in that area had called her about this issue.

Mr. McDermott relayed that he would be happy to give anyone a tour if they wanted it.

Chairman Cribbins asked Mr. Weiner what that distance was on the map.

Mr. Weiner measured from the property line and stated it was approx. 500 feet according to scale.

Mr. Panico asked what lower point he was referring to.

Mr. Weiner indicated that it was approx. 500 feet across the river to those lots.

Comm. Sylvester recalled how in the development of this corporate structure, the former occupant, Richardson-Vicks exercised all the cautions possible to protect the environment and to set this complex back so it wouldn't be very visible. The Town worried about the aesthetics of these towers and the heating/air conditioning units showing. They were very careful during the development of this project. Therefore, Comm. Sylvester wanted to know how this garage would visually impact the public with this garage structure being so close to the front of the property.

Mr. Panico added that it would have negligible impact from anywhere that the public could view it. He stated that obviously, the employees who work there will be aware of it. Additionally, the people driving over the Far Mill River Crossing bridge and up to Scinto's office buildings, if they look over to the right, will see it. Staff will look at it again, but it appears that the nearest residents are in excess of 500 feet away. Because of the other buildings and complexes in that area, it won't suddenly sprout out of virgin ground. He believes that most won't be aware of it at all and will have to look for it.

Mr. Weiner wanted to add some comments about the environmental issues. He stated that it would probably be an improvement because there will be an oil and water separator in this building that presently does not exist in the parking lot. There will be less on the street parking and less runoff. They will be tying into the existing storm drain system that runs through the area.

Mr. Weiner added that the contours around this area make it difficult to put this garage anywhere that they want. It is an existing level area. The ground goes up quite a bit behind there so it can't be tucked too far back on the property and it would require excavation there. Additionally, if it is set too far back, people can't walk conveniently to it.

Mr. Panico agreed that if there is a need for 250 car parking spread out on the ground, 2 – 3 acres of area would have to be cleared.

Mr. McDermott added that it would be that much farther from the building as well.

Mr. Panico commented that aside from the logistics of the parking garage locations, he understands that there are difficulties right now because employees parking on the existing roadways because the remote lots are so far away.

Mr. McDermott stated that is true. The remote parking lots are affectionately known as the loser lots.

Mr. Panico stated that if the parking is not within reasonable proximity to the building, there is no sense putting it in because it won't be utilized. A similar situation occurred at Pitney Bowes where employees used street parking because the lot was so far away. They recently approved a garage at a building owned by Mr. Scinto that had a 350 foot parking lot that wasn't being used. People were parking around the cul-de-sac.

Mr. McDermott stated that they believed they would be able to screen a large portion of this garage with existing mature trees that are there. They have enough property to build behind those trees.

Mr. McDermott commented that he appreciated the kind comments about the property. It was built back in 1981 and he was the first employee there with Richardson-Vicks. He has been there ever since.

Comm. Sylvester noted that Richardson-Vicks was the best community partners that ever existed in Shelton. When he was involved in the educational system back then, they were terrific.

Mr. McDermott stated that Healthnet would like to be even better. Healthnet has a management that believes in that.

Comm. Sylvester asked if they would be taking down foliage adjacent to the property.

Mr. McDermott stated that it would be very little. They are trying to place it in the existing parking lot. There is a little bit of a rock ledge that would be to the western side, but they will go behind the trees. One of the reasons that there is a stairwell in the back left corner is because they have a woodchip pathway that connects their two facilities and gets a lot of pedestrian traffic. A lot of employees use this during the day to travel between buildings. They want put the garage where employees from both buildings can use it.

Chairman Cribbins commented that a hot button issue in our community is blasting. He asked if any blasting would take place.

Mr. McDermott stated that it would be very minimal. That is one of the reasons they chose this site. If they went somewhere else it would require major excavation.

Mr. Weiner added that the garage is designed to ramp up 6 feet from one end to the other as cars go up. The lot is already pitched and they are going with the natural grade.

Mr. Panico asked how far above the uppermost parking level does the elevator tower project.

Mr. Weiner responded that it was approximately 20 feet.

Mr. Panico asked if it was for the elevator and safety area.

End of Tape 1

Mr. Weiner stated that it depended upon the type of elevator.

Mr. Panico stated that when measuring a ramped garage, depending upon where it is measured, the result will be a different number. There would be 8 feet of difference from one end of the garage to the other if the ground were level, which it isn't. He plans to visit the property with Rick Schultz to look at the area and surrounding foliage.

Mr. Weiner clarified that it is 10-12 feet above the uppermost level of the elevator. It could probably be reduced somewhat as they get into the design phase.

Mr. Panico asked if the lines of the façade would be following the ramps.

Mr. Weiner stated that they would with a slight slope.

Mr. Panico asked if a level platform could be maintained in the front with two bays.

Mr. Weiner responded that would take more space. It is a fairly small garage to have a ramp that goes into flat parking.

Mr. McDermott stated that they originally looked at a five bay garage, and they reduced it to a four bay to fit it on the site better.

Mr. Panico commented that they alluded to the appearance of this structure being comparable to the garages at Corporate Park. He recalled that those all have horizontal bands on the outside. The ramping is internal. It will have a distinctively different look with sloping bands.

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

Mary Bower?, Brooklyn, NY (inaudible and did not sign in) addressed the Commission. She wanted to comment about what she has heard this evening. She asked about the 252,000 square feet of usable space and application to increase the parking garage space for 254 cars. Specifically, she asked the applicant if they left the existing facility as it is, would there be the capacity to increase their space by 254 people. She wanted to know how full the facility was.

Mr. McDermott stated that no there isn't the capacity. At the present time, there are many doubled up and tripled up offices in the building. There are no large vacant areas in the building. To add a significant number of people they would (inaudible)

Chairman Cribbins asked if that was why they went off of their campus.

Mr. McDermott stated yes.

Mr. Weiner added that the lot is really for about 200 cars.

David Jacobs, 63 Cold Spring Circle, Shelton, CT addressed the Commission. He stated that his home is adjacent to the referenced "loser lot." In the summertime when there are leaves on the trees, he can't see Healthnet at all, but in the wintertime when they aren't any leaves, he has a very good view of their parking lot from his house. Also, the lights shine all night long/7 days a week and that is an issue of concern to him. Mr. Jacobs stated that he doesn't believe it is a visual impediment but he isn't sure if this garage is going to be higher than the tree line. He wanted to know if there would be lighting on the top level of the garage, and how much.

Mr. Weiner responded that it wouldn't be much more than the pole lighting that already exists. The parking lights for the garage would be inside the garage.

Mr. Jacobs responded that he was asking about the top floor which will probably be open with lights shining outward. It could be hundreds of feet from where he lives, but that light radiates far through the darkness.

Comm. Sylvester asked Mr. Jacobs if he sees light at night in the fall from the main building.

Mr. Jacobs replied that he doesn't get it from the building, but he gets it from the parking lot. He pointed to the area on the aerial photograph to the approx. location where he resides.

A great deal of inaudible discussion began in regard to the distance of Cold Spring Circle residents to the proposed parking garage/existing parking lot.

Chairman Cribbins called the meeting to order.

Mr. Weiner clarified that they are about 1000 feet from Mr. Jacob's property.

Mr. Jacobs asked if this garage would be closer to the guard house because that would give him a better understanding of where the lights would be.

Mr. Weiner stated that it would be.

Mr. Bob Leif, 31 Cold Spring Circle, Shelton, CT addressed the Commission. He stated that he moved to Cold Spring Circle in 1985 because he liked the area and the layout. Since then Constitution Boulevard has destroyed the skyline behind his home that used to be all trees. When the parking lot being discussed was put in a few years ago, there was a lot of blasting and tree cutting back there.

Mr. Leif stated that even when he just drives through Cold Spring Circle he can look through his neighbors backyard and see that parking lot. That is how close it is. He indicated that you don't have to be right behind their house to see it. It is not 1000 feet, but more like 400 – 500 feet. In the winter, you can hear everything going on there – like car alarms.

Comm. Sylvester interrupted to relay his confusion about which parking lot they were speaking about.

Mr. Leif answered that he is talking about the new parking lot.

Comm. Sylvester asked if that was the parking lot that the garage is proposed to go on.

Someone responded that it was.

Comm. Sylvester asked Mr. Leif if he could see that parking lot from Cold Spring Circle.

Mr. Leif answered that yes, you can.

Comm. Harger asked Mr. Leif to identify where he lives on the aerial photograph of the area.

Mr. Leif, Mr. Panico, Comm. Harger, Comm. Parkins tried to identify the approximate location of Cold Spring Circle in relation to the proposed parking garage. Many side inaudible side discussions took place.

Chairman Cribbins stated that they are going to take a visit to Cold Spring and other areas.

Mr. Leif asked about emergency access roads for fire department vehicles because it is going to be an isolated area.

Mr. Weiner responded that there would be the required clearance around the structure.

Mr. Leif asked how big of a clearance that would be and if anyone has looked at a measurement on that.

Mr. Weiner stated that if it hasn't been looked at, it certainly will be looked at, when they get further into this process.

Mr. Leif stated that there has to be access in the back of the building in case of an emergency. He stated that he has walked backed there. There are a lot of deer, a lot of wetlands, and Cold Spring Stream that runs down that valley to the Far Mill River.

Mr. Weiner stated that the stream runs between C Building and A Building on the side of the other parking lot. This garage is no where near it.

Chairman Cribbins stated that they will look into that as well.

Mr. Leif asked if anyone had done a study on the environmental impact. This parking garage is going to be very close to the river and its all down slope to the river. It eventually goes down to the Housatonic River.

Mr. Weiner restated that they will be connecting into the storm drain system, and they will have an oil/water separator. Because of the storm system, it won't be channeled in that direction, and hopefully, it won't be a water shed.

Mr. Leif commented that he has heard a lot of "hopefully" and "maybe" from this presentation which indicates that nothing is locked in stone with this plan. He added that

he would like to know how much of this is going to deviate from what they will actually see.

Chairman Cribbins interjected that the Commission has a City Engineer that looks at this plan on their behalf. If there are environmental impacts, the City Engineer will take issue with that. Additionally, the Fire Marshal and the other City Departments have to sign off on this. All of their concerns are incorporated and must be addressed before any proposal can move forward.

Mr. Leif asked about the additional elevation and if there would be lighting that high up on the outside of the building

Mr. Weiner answered that they haven't gotten that far yet.

Comm. Sylvester added that all these questions will be discussed with Mr. Panico. It will all be in our record – the clearing of the property, the lighting and all of it will be discussed. The surprise this evening is the Cold Spring view of this facility. He didn't expect that.

Mr. Leif concluded that he can definitely see it.

Gil Pastore, 150 ? Trail, Shelton, CT addressed the Commission. He wanted to relay that he walked through the property that has been discussed. He noticed that a lot of Healthnet employees are parking on the road because they don't want to walk from their current parking lots that have plenty of vacant spaces. It is about 100 yards to the building from their parking lot. It seems like simple laziness.

Mr. Pastore added that Mr. McDermott stated that there are approx. 50 cars that park along the roadway near the complex; however, he counted only 9 or 10 today. He counted vacant parking spaces in their lots, and they had about 41 unused spots. Basically, they have plenty of parking right now. There is no reason to build this elaborate parking garage because they have more than sufficient space. They are building it because they might possibly need it in the future.

Mr. Pastore added that a lot of time and effort was put in to having this site blend in with current landscape of the Far Mill River basin. It should be considered that this parking garage would interfere with the topography that currently exists. At present, the corporate building isn't visible, but this garage is going overboard and will really stick out like a sore thumb for residents.

Mr. Weiner wanted to note that there is 250,000 square feet of usable space there. If using conventional parking ratios, there is not an overload of parking on this site. They would like to harmonize with the natural contours of the property. The front elevation is the only portion that will be seen because most of the garage will be behind the trees. They will work with the architecture to compliment the surroundings.

Anthony Genovese, 51 Cold Spring Circle addressed the Commission. His house is up high and overlooks everything. Right now they look at trees, but November through May they can see the whole parking lot and the lights that shine into the backyard and bedroom windows. He stated that he is concerned about this parking garage being so high that he is going to be looking right into it.

Mr. Weiner stated that cut-off lighting fixtures are made for sensitive areas like this and that is what they will try to concentrate on to direct them away from residential areas.

Mr. Genovese asked if they were building on the existing lot or expanding the lot out.

Mr. Weiner stated that it would be about 25% larger than the existing lot.

Mr. Genovese asked if they had property lines that were in dispute.

Mr. Weiner stated that he isn't aware of any property line disputes because this would be in the center of a 75 acre parcel that is owned by Healthnet.

Mr. Genovese asked if it was backing up to anyone's private properties.

Mr. Weiner stated that it was not. He has received questions about that. The rule is that neighbors within 200 feet should be notified. Some neighbors have called him and

asked if this parking garage was going to be within 200 feet of their house. He stated that it is 200 feet from the property line and there are 75 acres.

Mr. McDermott explained that Cold Spring is on the eastern side of the Healthnet property, but the garage is going in on the western side.

Chairman Cribbins stated again that they will be taking a ride to that area.

More inaudible discussions ensued about the location of Cold Spring in relation to the proposed parking garage on the Healthnet property. It was inaudible.

Chairman Cribbins asked if there were any more public comments.

Diane Conklin, One Two House Lane addressed the Commission. After listening to tonight's discussion, she wanted to ask why, if there is enough parking for the current employee base when all the parking spaces were used, and the building allows no room for expansion, then why put in a parking garage?

Chairman Cribbins asked if there were any more comments from the public for or against this application. There were none.

On a motion made by Leon Sylvester seconded by Patrick Lapera, it was unanimously voted to close Application #07-37.

APPLICATION #07-39, WILLIAM HODOSI FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (NEW BUILDING: DEALER'S LICENSE FOR AUTOBODY REPAIR), 803 RIVER ROAD (MAP 12, LOT 27), CB-2 DISTRICT.

Comm. Pogoda read the call of the hearing and one piece of correspondence.

*See attached letter to Richard Schultz dated 8/14/07 from James Turturo, Fire Marshal.

Alan Shepard, Professional Engineer, Nowakowski, O'Bymachow & Kane addressed the Commission. Mr. Shepard stated that Mr. Hodosi is proposing a small auto body repair shop, less than 5000 square feet. He presented the certificates of mailing to Chairman Cribbins. He showed a landscaping plan of the property. He identified the buffers on the parking in the front and back. The building would only have two bays.

They are proposing to put the building into the hillside. There will be some blasting. He spoke to the landfill people about the gas lines across the road. He talked to the owner about including those in the pre-blast survey.

He spoke to the Fire Marshal and the blasters, and he expects that they'll use small charges in a series to achieve the blasting necessary. They would notch the building into the hillside.

He showed a drawing of the front elevation of the building, 4600 square feet. It will have a residential appeal to it, not like a regular 10-day auto body repair shop. This will be for a resident who grew up in the auto body repair business. It has taken him a while to find this location and he would like to stay in Shelton.

Mr. Panico asked what the use of the second floor was for.

Mr. Shepard responded that he plans to use it for car storage. He is going to put a lift in there. One of the problems with auto body shops is that there isn't enough space inside and cars constantly have to be shuffled. Because that isn't an efficient way to do business, there will be spaces upstairs to store cars. Typically, what occurs is a car requiring work will come in but discussions have to occur with insurance companies, some work can be done, but then they need to wait for a part. Mr. Hodosi is considering 2 or 3 employees at the most.

Comm. Sylvester asked if the lift was bringing the cars up to the second floor to be stored.

Mr. Shepard stated that was correct.

Comm. Sylvester asked again if they would be having parking on the second floor.

Mr. Shepard said yes they would have parking on the second floor with everything inside.

Comm. Sylvester wanted to know if there would be any cars outside awaiting repairs.

Mr. Shepard stated that the whole intent is that there would not be.

Mr. Panico asked what they were going to do with the damaged or demolished vehicles that come in and have to wait for insurance company resolutions. He wanted to know if those cars were going to be inside.

Mr. Shepard stated that there would be some parking spaces in the back. There would be a screened fence and landscaping as well. There is some outside storage.

Mr. Panico commented that usually they look to have a totally enclosed yard to keep those vehicles out of sight.

Mr. Shepard stated that this set up would be out of sight. He asked Mr. Panico to look at the grades, the screening in front, fencing on the side with double landscaping - seven spaces would be in the back. And because of the hillside, it would be notched into the hillside. He pointed from one location over to a wall stating it would be a seven foot cut in back. It should not be very visible coming down River Road. He will have Mr. Hodosi discuss this further, but the whole intent is to have this operation inside.

Mr. Panico indicated that his experience has always been that an operation of this nature, if it the site isn't adequate size, things just pile up.

Mr. Shepard responded that he would like Mr. Hodosi to address that because he has grown up in this business and can better explain this.

Mr. William Hodosi, 303 River Road, Shelton, CT addressed the Commission. He stated that he is proposing to keep all cars inside. Any cars that are outside will be behind the fence with plantings to be accomplished by professional landscape architects.

He used the site drawing to show where plantings would be with the cars behind the fence. There is also going to be a 16 foot door to bring cars in on the side and the front. He showed the rear lifting gear to bring any cars they need to go up to the second floor. Also, if you look at the rear elevation on the second floor, there is door that can be used to access a car on the second floor. He'll be able to drive a car around the back of the shop and up to the second floor. Mr. Hodosi stressed the point that this will be the cleanest, neatest auto body shop around.

Mr. Panico asked Mr. Shepard about the wall around there and how they were going to access up the back.

Mr. Shepard stated that Mr. Hodosi has an easement on the property to access it in the back.

Mr. Panico asked if that was for the bituminous driveway in the back – there's a 13 foot grade difference there.

Mr. Shepard stated that Mr. Panico doesn't miss much, so he'll explain that. They talked to the neighbor in the back – his driveway coming up in the back is 20% which is above what Shelton would allow for any commercial use in the future if he ever decides to do that. Mr. Hodosi is trying to get in touch with him now, he is away on vacation, to ask him to grade off the driveway at the town standard so they won't have that 13 foot cut. It isn't part of this proposal, but he going to have Mr. Hodosi put in the door anyway because if that large parcel is ever used in the back, they will have to bring it down to 12%.

Mr. Panico commented that more than likely they would want to bring it down to River Road grade. When the architectural was shown before, he got the appearance of a single story, gabled roof. He asked how that was going to work with that grade condition. He wanted to know how much upstairs they would have left to park a car in there, if it is under the slopes of the roof. Mr. Panico also asked if there was a cross section through the building and if the gable runs side to side or front to back.

Mr. Shepard replied that they would use a false soffit to bring the roof line down. The entire second floor has a nine foot ceiling.

Mr. Panico asked if it would be over a 100% of the first floor.

Mr. Shepard stated yes it would be, and it would be a façade that is brought down. In speaking with Mr. Hodosi, he wants to keep a lower profile building.

Mr. Panico commented that he understands that but when this thing is being pushed into the side of the hill – how tall is the building right now?

Mr. Shepard stated that top to bottom it is 29 feet.

Mr. Panico added that would put the top of the roof only about four feet higher than the driveway grade in the back.

Mr. Shepard responded yes, from the existing driveway grade, there would be cut in back. They are hoping that if someday in the future, the neighbor lowers the driveway, because they do have an easement over it, they will be able to access the back of the building. They are planning ahead for the future. In the meantime, Mr. Hodosi is putting the lift in the building to get the cars internally from the lift. So access to the back of the building, where they are putting in the doorway, won't be functional right away.

Mr. Panico asked Mr. Shepard if he drew an elevation of that or what are the architectural.

Mr. Shepard agreed with Mr. Panico and showed a schematic of the back of the building, their grade, the roofline, and the door on the second floor. He explained that they intentionally did that to keep the profile down. After looking at several properties, he asked Mr. Hodosi to come up with something residential looking. The original rendition had the garage doors on the front and that didn't look right. So that put the garage doors on the side, doors in the front and brought the roofline down to lessen the scale on it.

Chairman Cribbins stated that he still can't understand the movement of the cars on the second floor. He asked how they get them from the first to the second floor.

Mr. Hodosi responded that they use a car elevator like the New York garages.

Chairman Cribbins asked if they would lift them up there in one bay.

Mr. Hodosi responded that the building is 38 feet deep and 68 feet long, he could lift the car up and drive it around up there easily.

Comm. Pogoda asked if he planned on doing the repairs up there.

Mr. Hodosi answered that no repairs would be done on the second floor, only storage. That is his intent. He is not going to keep cars outside where they are visible. The cars will be kept inside on the second floor.

Comm. Parkins asked how many cars could be kept on the second floor.

Mr. Hodosi stated that he could easily fit 8 cars on the second floor.

Mr. Shepard added that was one of the features put in so they wouldn't have cars on the outside. This is something that Mr. Hodosi has spent a lot of time planning.

Mr. Hodosi stated that he originally drew a building that was much taller and bigger, but he got the feeling that the City didn't like that size building; it was too big and too overpowering. He added that it has been scaled down with a roof that gives it a more residential look. He brought a brick sample as well.

Mr. Panico commented that the size of the building has to be balanced with the activity going on there and the site space required to support it. He indicated that he has a lot of reservations if they have that space on site to support. If that backyard is enclosed for storage, there are only three spaces up front. Are three spaces adequate there?

Mr. Shepard responded that he has discussed all of these issues with Mr. Hodosi and his intent of the business is to be himself and maybe one other employee.

Mr. Panico stated that he understands his intent but because of the time delays inherent in this type of business that are created by the auto insurance company paperwork, cars can stay around an auto body shop for four or five months, undoubtedly.

Mr. Shepard stated that Mr. Hodosi realizes that is a problem in his business. That is why he decided to put in more money for this lift to the second floor.

Mr. Panico added that the Code indicates 10 spaces per bay – there are two bays but there aren't enough spaces. Your intent is to use $\frac{3}{4}$ of those spaces for storage – cars awaiting repair. There is a difference between a storage area and a parking area.

Mr. Shepard thought that this might be an issue of semantics because he feels they have the required parking. He wanted to note that his client has grown up in this business and is extremely knowledgeable. Mr. Hodosi has thought about this for a long time and, he trusts his expertise.

Mr. Panico indicated that they have no problem with Mr. Hodosi, and they know he has been doing business in town for a long time. However, he is concerned about what will happen when Mr. Hodosi leaves or sells this business to someone else in the future. Clearly, there is a lot to look at here.

Mr. Hodosi wanted to show his brick masonry samples from Homer C. Godfrey. He offered to leave the sample and he provided the Commission with a letter that he has written about his business history in town.

Chairman Cribbins asked if there were any further questions or comments for or against this application.

Richard Conklin, One Two House Lane, Shelton, CT addressed the Commission.

He didn't plan to speak tonight and he isn't going to speak for or against this application. However, he would like to go on the record by saying that the P&Z Commission has a lot of responsibility here.

He bikes up River Road every day from Myrtle Street to Long Hill Avenue. Mr. Conklin stated that he knows River Road very well, and there have been many auto accidents in the last few years. He hopes that the Commission considers that when making decisions as to what goes on River Road. It is getting worse and worse traffic-wise. If anyone were to check with the Chief of Police, they would probably be amazed find out how many accidents occur on River Road.

Every day when he rides his bike, he sees skid marks going off the road, bumpers, broken lights and car parts. It probably is a good spot for an auto body place right across from that golf place where so many accidents happen. A woman was killed there just last Friday at Long Hill Avenue and River Road. No matter what goes on that road, it is going to make the situation worse. Please keep that in mind. He has nothing against Mr. Hodosi – he is a good businessman. River Road is not what it was when he was a kid – it isn't safe.

Mr. Hodosi wanted to add a final comment that his shop is going to be kept immaculate. He has gone to great expense to do this – buying the property, hiring professional architects and professional landscape architects. He realizes that there are no guarantees who may take it over one day, but his plans are to stay there and do the work as long as he is able. Eventually, he'd like to have his son take over the business.

Mr. Panico asked about a statement in the application that alludes to car sales because he may sell a couple cars a year. He asked for some clarification about that.

Mr. Hodosi stated that his expertise was in car repairs not car sales, but he may sell one or two cars a year at the most because he has to get rid of them.

Chairman Cribbins asked if there were any further questions or comments. There were none.

On a motion made by Leon Sylvester seconded by Anthony Pogoda, it was unanimously voted to close Application #07-39.

APPLICATION #07-41, DOMINICK THOMAS ON BEHALF OF ST. VINCENT'S SPECIAL NEEDS SERVICES FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND DETAILED DEVELOPMENT PLANS FOR PDD #2 (FORMER WALK-IN MEDICAL FACILITY) (ADD DAYCARE SERVICES FOR DISABLED ADULTS AS A PERMITTED USE AND INTERNAL/EXTERIOR ALTERATIONS TO BUILDING), 15 ARMSTRONG ROAD (MAP 9, LOT 14)

Comm. Pogoda read the call of the hearing and one piece of correspondence. *See attached letter to Richard Schultz dated 8/14/07 from James Turturo, Fire Marshal.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. He presented the Commission with photos of posted signage and certificates of mailing. He began by stating that St. Vincent's Walk-In Medical Facility has moved to a different site and this facility has not been used for approx. one year. St. Vincent's Special Needs Center, affiliated with St. Vincent's will be utilizing this property now as a life skills and daycare center for DMR clients.

There will be up to 20 clients, approx. five employees. They will be transported to and from the building in private buses. There will be renovations to the inside of the building to accommodate the program which will involve social activities, socialization, and life skills activities for the DMR daycare clients. They will be substantially redoing the landscaping as seen from one of the photos submitted to the Commission. There has been growth in the landscaping beds. There was an existing handicapped ramp that will be rebuilt to meet code. Nothing else will be done to the outside except they will be rebuilding the trash enclosure. He suggested that this Commission prefers that the trash enclosure be a masonry structure similar to the building. They have agreed to do that.

He introduced Mr. Barry Upsbond, President of St. Vincent's Special Needs who is present to answer any questions.

Comm. Harger asked about the 20 clients and if they would be picked up from their homes.

Atty. Thomas clarified that the clients are transported by bus from their homes. They are at a level below VARCA but still able to address socialization. Some come from group homes and can benefit from life skills and social activities. They are DMR clients.

Mr. Panico asked what the minimum age would be.

Mr. Upsbond responded the minimum would be 21 years.

Atty. Thomas added that the clients enter the program after passing from a Special Education Programs such as Ripton.

Comm. Harger asked if the buses stayed on site.

Mr. Upsbond, President of St. Vincent's Special Needs Services and has resided in the area for 50 years addressed the Commission. The buses will be bringing in clients, they will be wheelchair capable buses; the buses will not stay there during the day. There may be one or two small vans left on site during the day for recreational activities and four of five vehicles for staff.

Mr. Panico asked if the activities were internal only.

Mr. Upsbond stated that everything would be internal.

Atty. Thomas had one request for the Commission because they have issued the funding in getting the program running. The plans must be completed appropriately, if you could see fit to act on this, perhaps tonight, because it is a regular meeting or shortly thereafter, because they do need the funding. It is a simple modification.

Chairman Cribbins responded that they would discuss it and meet on the 28th of this month. If not, the next regular meeting would be held on Sept. 11th.

Mr. Upsbond added that he was not aware that he had to go through Zoning to change the utilization of the building at the time they began to renovate. So there are people

waiting to move into it. The plans have been drawn up for a long time for them to begin the interior construction. He would appreciate anything that you could do.

Chairman Cribbins asked if there was anyone in the audience that wishes to speak for or against this application. There were none and no more questions from Commissioners.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to close Application #07-41.

Chairman Cribbins indicated that the public hearing was concluded and they would take a five minute recess. The meeting was resumed with Old Business. Chairman Cribbins announced to the audience members that the Commissioners would like to end this meeting at 10:30 p.m. this evening. They will go through as many items as they can cover and reconvene on the 28th of the month.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are 43 standards that Staff has reviewed, and they all meet zoning regulations. He recommends approval.

On a motion made by Leon Sylvester seconded by Anthony Pogoda, it was unanimously voted to approve Applications for Certificates of Zoning Compliance, Standards 1 – 43.

SEPARATES

#4295, ROSEMARIE BRADY, 157 LEAVENWORTH ROAD, IN-LAW

Richard Schultz stated that this was for a basement conversion, in-law for the new colonial built on Leavenworth Road. It is a 598 sq. ft. walk out stairs to the living area, and the applicant has complied with the affidavit, everything is in order with Valley Health.

On a motion made by Anthony Pogoda seconded by Leon Sylvester, it was unanimously voted to approve Separate #4295.

#4246, BARRY UNGER, 38 CANFIELD DRIVE, IN-LAW

Richard Schultz stated that this is for a PRD off Nichols Avenue. The applicant did receive a variance from ZBA to increase the 900 square maximum to 998. All other applicable zoning regulations are in compliance. This is an attractive addition to the rear portion of the house. ZBA held a hearing and there was no opposition. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #4246.

- #4749, EDWARD KLECZKOWSKI, 136 SOUNDVIEW AVENUE, HOME OFFICE**
- #4408, MARGARET DRURY, 25 FAIRFIELD AVENUE, HOME OFFICE**
- #4357, NEVER A DULL MOMENT, 19 E. KNOLLWOOD TERRACE, HOME OFFICE**
- #4375, SONIA SPENCER, 45 MAPLE LANE, HOME OFFICE**
- #4428, CANINE CLIPPERS, LLC, 32 HUNTINGTON AVENUE, HOME OFFICE**

Richard Schultz stated that the next five items are grouped together. They are for home offices. Staff has reviewed each application and recommends approval.

On a motion made by Leon Sylvester seconded by Patrick Lopera, it was unanimously voted to approve Separate #4747, Separate #4408, Separate #4357, Separate #4375 and Separate #4428.

- #4429, HAIR STUDIO, 132 CENTER STREET, BUSINESS**
- #4379, THE MORRIS FOUNDATION, 30 CONTROLS DRIVE, BUSINESS**
- #4374, R. D. SCINTO, 6 RESEARCH DRIVE, BUSINESS**
- #4349, BILL CHARNEY, 97 BRIDGEPORT AVENUE, BUSINESS**
- #4415, JANET PAGAN, 719 BRIDGEPORT AVENUE, BUSINESS**

Richard Schultz states that these applications have been inspected by Staff, and they comply with the Shelton Zoning Regulations. Staff recommends approval.

Comm. Harger asked for more details about Separate #4379, The Morris Foundation on 30 Controls Drive.

Richard Schultz stated that was a business for behavioral health service. They would be occupying 6600 sq. feet of a 24,000 square foot building off of Long Hill Crossroads. The hours of operation are 8:30 a.m. – 5:00 p.m., Monday – Friday, 8:30 a.m. – 8:30 p.m. Tuesday, Wednesday, and Thursday. They hold a license from the State of Connecticut Department of Health Services.

Comm. Harger asked what type of health services.

Comm. Parkins added that she believes they conduct mandatory alcohol counseling for DUI violators. They used to be located in Ansonia on Liberty Street.

Richard Schultz stated that it is correct, it is essentially for classes and comes under substance abuse and mental health.

Comm. Sylvester asked for a little more detail on the other Separates mentioned.

Richard Schultz stated that Separate #4374 was for Richard Scinto's new office building on Research Drive that hasn't been built yet. This is the zoning permit for that.

He continued to elaborate on Separate #4349 for Bill Charney, 97 Bridgeport Avenue, business would be for at the equipment storage and office building in back of Bruce Butler's place on top of the old Shelton Intermediate School. It is for Advanced Home Audio office, one of the contractors, for a new occupant in that building.

Richard Schultz explained that Separate #4415, Janet Pagan, 719 Bridgeport Avenue, business was located at Woodside Plaza for a new deli for a change of ownership.

Comm. Sylvester didn't mind handling the Separates as a group but would appreciate if the agenda could be written to include what type of a home office with a brief narrative. This would prevent the inadvertent approval of anything that they might like to question.

Chairman Cribbins added that was a good idea because in other towns, the Separates are a Staff-level assignment. They do rely a lot on Rick's recommendations.

On a motion made by Leon Sylvester seconded by Anthony Pogoda, it was unanimously voted to approve Separate #4429, Separate #4379, Separate #4374, Separate #4349 and Separate #4415.

#4758, BRUCE BUTLER, 97 BRIDGEPORT AVENUE, SIGN

Atty. Dominick Thomas addressed the Commission to represent Mr. Butler who is proposing a vinyl monument ground sign with a list of tenants. This has been requested by the tenants because this building is located up and behind and not visible from the road. These tenants require deliveries and customer visits. These are small businesses which need more identification. They are known as business condominiums behind the Shell Station on Bridgeport Avenue.

Comm. Sylvester and Comm. Pogoda agreed that sign was inappropriate for that street. The menu signs have been limited.

Mr. Panico asked where he was planning to put this sign.

Atty. Thomas indicated that driving toward downtown, there is a landscaped area with a Shell Station sign (on the left hand side). The driveway is right at the corner. It was approved at this location when the PDD was approved.

Comm. Sylvester stated that he didn't have a problem with a sign – but not the menu sign.

Mr. Panico stated that having a directory sign such as this would slow traffic down on Bridgeport Avenue for drivers to read it. This sign would be more appropriate part-way up the hill. If someone finds #97 Bridgeport Avenue, they can pull in and then read the directory.

Atty. Thomas stated that there really was no place to pull in to do that.

Mr. Panico compared it to a multi-tenant office building with maybe 25 tenants. They would not allow a sign down at the street level that listed 25 names such as Dr. So & So, Atty. So & So, etc. Directory signs should be kept at the facility.

Richard Schultz commented that this should go back to Staff.

Comm. Harger added that Mr. Scinto's sign wasn't approved.

Atty. Thomas concluded that these are small contractor business that would otherwise be home business based business with vans parked in their driveways.

Comm. Sylvester stated that he lives near there and goes to that garage. It is mess now. Because of the design with two lanes and the store it is crowded and difficult for customers to get in and out of there. He reminded the Commissioners that they worked with Mr. Butler to build that facility up on top of the hill. That didn't come by right, it came because this Board worked to put that property to use. That street is becoming an traffic disaster. He usually doesn't get involved about the signage, but this is a poor application on the part of the owner. He should work with the Board to identify that driveway so that people don't have to slow down traffic to find out what is on top of that hill.

Comm. Harger agreed that there needs to be a clean sign stating "97 Bridgeport Avenue." Once drivers know that is #97, put the menu sign at the crest of the hill.

On a motion made by Leon Sylvester seconded by Anthony Pogoda, it was unanimously voted to table Separate #4758.

#4756, RICHARD GIROUARD, 350 BRIDGEPORT AVENUE, UNIT 3, SIGN

Richard Schultz stated that this is for the ground sign for Planet Pizza across from Curtiss –Ryan. The Commission approved the occupancy. This is consistent with the raceway, channel letters.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Separate #4756.

#4352, LONGHORN STEAKHOUSE, 828 BRIDGEPORT AVENUE, SIGN

Richard Schultz showed the proposed Longhorn signage to the Commissioners and stated that this is consistent with what is shown on the elevations that have been approved.

Atty. Thomas added that this sign was a result of the Staff session regarding other signage in that area.

Mr. Panico asked if they really needed to have a sign in the back of the restaurant.

Atty. Thomas stated that is for the people in the hotel.

Comm. Pogoda stated OK, let's eliminate the rear sign.

Richard Schultz added that they will have them revisit this, and eliminate the rear wall sign.

Comm. Harger agreed with Atty. Thomas and thought it broke up the back wall so it doesn't look like a big, brown blob.

Comm. Lopera asked if it would be lighted.

Mr. Panico stated that here is logic to the other three signs. They have a location and are part of the architectural framework of the building. This one is just tacked on the back.

Chairman Cribbins summarized that for now they have an OK for the sign on the front and the side, but not on the back. He added that they can always revisit this.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #4352.

#4421, ASHLEY LEOPOLD, 450B HOWE AVENUE, SIGN/BUSINESS

Richard Schultz stated that this is the site of the old Valley Firearms. This is going to be for a dance studio, 800 sq. ft., two hours of operation in the afternoon per day, 8 hours a week. The wall sign will be white letter with black background.

Comm. Harger asked if this would be a drop off and pick up.

Richard Schultz stated that this was curbside and Post Office parking.

Comm. Parkins added that the parking is very limited right there. Pick ups, drop offs and double parking at the Children's Dance Studio at the other end of Howe Avenue creates a lot of traffic havoc, and they have a side parking lot. People don't like to walk, especially with their children.

Comm. Pogoda agreed that would be a bad location to double-park as well.

Chairman Cribbins asked Richard Schultz to stress the importance of no double parking right there. It is also a bus stop. In order for us to approve this, the Commission members felt that there should be some mention of this. He asked Staff to add this stipulation.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #4421 with the addition of a parking stipulation.

#4376, BRAUN TENT, 520 RIVER ROAD, TEMP TENTS

Chairman Cribbins stated that this is a retroactive application. It had been for a Latex Foam one day company event.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #4376.

#4752, ALLIANCE ENERGY CORPORATION, 429 SHELTON AVENUE, CANOPY/DISPENSER ALT.

Richard Schultz stated that this is for Billy Nicholas' property, the gas station across from Aspetuck. They received a variance back in the late 1970's to build a canopy above the gasoline dispensers. Staff has asked them to reduce the overall width from 24 feet that they are proposing to 16 feet with gable ends consistent with Mohegan Gas Station. They haven't submitted it. He just wanted to provide an update that they are moving ahead with the canopy structure above the dispensers. The Commission would like to see details on this, and they haven't submitted it yet. Please take a look at the Getty Gas Station.

Comm. Sylvester commented to Richard Schultz that he wanted to know how to set it up when a gas station/convenience store application like this comes in. When there are only two lanes, going in opposite directions, drivers tend to pull into the gas line, park and run into the store. This blocks the pump lanes and traffic backs up on the street (Center Street is the one he immediately thinks of). Appropriate side parking for the store is available and patrons don't use it. How can we get the people who run these businesses to enforce that because these small garages that are opening convenience services are tying up downtown traffic. He asked Rick Shultz if that can somehow be written in the approval for these types of applications. Comm. Sylvester wanted to know if they can at least make them aware of the obligation to do that.

Comm. Harger commented that there are many property management magazines and catalogs available to get custom signs made like "Pump Only" or "Parking Only."

Mr. Panico indicated that patrons don't care.

Comm. Sylvester stated that it would help if the people that run the business enforce it. This Commission is trying to encourage business and help business owners make it work.

Mr. Panico added that, unfortunately, most of the pumps are self-service with one person inside running the cash register who can't leave that area.

On a motion made by Anthony Pogoda seconded by Leon Sylvester, it was unanimously voted to table Separate #4752.

APPLICATION #07-11, BARRY KNOTT ON BEHALF OF RICAR, LLC AND MIANUS HOLDINGS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MARINA EXPANSION, MULTI-FAMILY, RESTAURANT/CLUB HOUSE), AMENDMENT OF THE 2006 POCD BY MODIFYING CHAPTER 6, RESTRICTED COMMERCIAL DESCRIPTION AND CAM SITE PLAN, 704, 712 AND 722 RIVER ROAD (AM 32, LOTS 16 AND 17), IA-2 AND IA-3 DISTRICTS – PUBLIC HEARING CLOSED ON 5/29/06) – AUTHORIZATION FOR EXTENSION ON REVIEW PERIOD (APPLICANT INITIATED) – DISCUSSION ONLY

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve an extension on the review period until 3/28/07.

APPLICATION #07-17, COCO MANAGEMENT, INC. FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MEDICAL/BUSINESS OFFICES), 897-911 BRIDGEPORT AVENUE (MAP 8, LOT 15), OPD WITH SDA OVERLAY ZONE (PUBLIC HEARING CLOSED ON 4/24/07) – DISCUSSION AND ACTION

Richard Schultz stated that Staff has provided copies of a report and resolution for this property next to the Shoreline Veterinary Clinic.

Chairman Cribbins noted that this was located up past Duchess Restaurant on Bridgeport Avenue. He asked if anyone needed a site plan.

Mr. Panico read the report and resolution that was compiled after the last meeting's discussion of the concerns and issues.

***See attached P&Z Report for Application #07-17 dated August 14, 2007.**

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously roll call voted (6 – 0) to approve Application #07-17.

NEW BUSINESS

APPLICATION #07-43, DATA CENTER PARTNERS, LLC FOR SITE PLAN APPROVAL (DATA CENTER), CONSTITUTION BLVD. SOUTH (MAP 65, LOTS 25, 26), LIP DISTRICT – ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Leon Sylvester, it was unanimously voted to accept for review Application #07-43.

APPLICATION #07-44, BRIDGE STREET PARTNERS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MIX USE DEVELOPMENT: (KYLE'S AND PULASKI CLUB PROPERTIES) 44-46 AND 56-64 BRIDGE STREET (MAP 129, LOTS D37, D38, D39, D40), CB-2 AND IB-2 WITH DBD OVERLAY) – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that Application #07-44 was a Public Hearing for Kyle's Korner and the Pulaski Club. Staff is recommending going back to the fourth Tuesday of the month for a hearing on 9/25/07.

On a motion made by Anthony Pogoda seconded by Leon Sylvester, it was unanimously voted to accept for review Application #07-44 and schedule a public hearing for September 25, 2007.

Chairman Cribbins asked Mr. Schultz if there was anything else that had to be discussed.

ZONING ENFORCEMENT

AUTHORIZATION TO INITIATE LEGAL ACTION (NON-CONFORMITY ISSUE)

Richard Schultz stated that the Commissioners are already aware of Dr. Montenaro's remaining wall near Huntington Center. The City is pursuing legal action. He spoke to the Doctor and he agreed to cooperate and get it done this week. However, Corporation

Counsel has asked this Commission to endorse the letter being sent him stating that, if he removes that remaining wall, they will recognize the non-conformity of it and reconstruct it.

This Commission approved the reconstruction of a very attractive building, but when there is a non-conforming structure, Staff's past policy has been to keep the non-conformity. They would like to get it knocked down and residents would like to have it knocked down. Asst. Corporation Counsel would like this Commission to ratify his letter advising him to knock it down so they can recognize the non-conformity and he can rebuild.

Comm. Harger asked if they can specifically reference that this is because of the anti-bligh regulations and at the request of Corporation Counsel.

Comm. Pogoda agreed that would be a good idea in case this comes up in another area, and they will have something to fall back on.

On a motion made by Leon Sylvester seconded by Anthony Pogoda, it was unanimously voted to ratify this letter for zoning enforcement.

Richard Schultz added that the Commissioners have copies of the Staff Report and one use variance request which is referred to this Commission, per regulations. At the upcoming August 21st ZBA Meeting there is a request for an approval for a restaurant with a drive-through for the new commercial building at the corner of Petremont and River Road. The Commission approved a two-story commercial building with no drive-through. The zone does not allow a drive-through and the applicant is going to ZBA to get relief.

Chairman Cribbins added that they want to put a Dunkin Donuts in there.

Mr. Shultz continued to state that the Commission can make a comment to direct Staff to indicate support of it, non-support of it or not comment at all.

Chairman Cribbins stated that he would only like to know how the traffic is going to work around those two buildings.

Comm. Sylvester added that there had been a proposal once to shut that road down. He verbally disagreed with that because he thought that Petremont was a valuable road. It would be better if they made it one way.

Mr. Schultz asked the Commissioners if they wanted to make any comments or direct Staff to the ZBA.

Comm. Pogoda stated that he had a problem with a drive-thru window coming out on to that street. It can be a dangerous situation coming out of that road because it is very narrow and people drive right down the center of it. Winter time makes it worse.

Comm. Sylvester commented that there was a fatality on that road once.

Comm. Pogoda added that Dunkin Donuts, well, Shelton is going to become the Dunkin Donuts capital of the United States pretty soon. I don't think the drive through is a good idea.

Comm. Harger asked for clarification because she thought that when that second building was being proposed that builder was going to be fixing Petremont. There was going to be some kind of leveling.

Mr. Panico agreed that he thought that last outer portion was going to be fixed and upgraded too.

Atty. Thomas commented that there can't be too much of a widening on Petremont because there is a hump that can't be taken out. Part of it was a result of the fact that they are hooking up the sewer lines and they have to make improvements when they run the sewer from those two buildings. They can't connect onto Long Hill Avenue; they have to connect on Coram Road. There are requirements that they do improvements along their property line and the biggest improvement, according to the site plan is that little hump.

Chairman Cribbins stated that he only wants to know how it is going to look. He'd agree to it if it looked OK and people could get on and off that site.

Comm. Sylvester noted that street has a lot of commercial activity, once a drive through is allowed on that street, others will come back and ask for the same kind of dispensation. He doesn't think the road is appropriate and the line of sight each way is too difficult.

Comm. Harger asked how many parking spaces are planned for that particular building.

Atty. Thomas stated that there is no loss of parking spaces (39) but they designed it to have a drive through. Because of zoning regulations, this was approved as a site plan but because it is a restaurant they have to come back before you with a special exception. But now they wouldn't be prohibited from coming back with a special exception for a drive through. He asked Mr. Panico if that was correct.

Mr. Panico stated that was correct.

Comm. Sylvester asked how it could have been designed with a drive through.

Atty. Thomas stated that it was designed to have the road loop around the back – circular.

Mr. Panico asked if a bank went in there, would they be able to have a drive through.

Mr. Shultz stated that the consensus was that you could not.

Mr. Panico stated that a bank would be entitled to a drive through.

Comm. Sylvester asked why a bank was entitled to anything.

Mr. Panico answered that it wasn't prohibited by the regulations. A drive up for a food operation is prohibited by regulations.

Mr. Sylvester asked if a bank gets approval for occupancy, they automatically get a drive up window.

Mr. Panico answered that they are entitled to apply for it, and the Commission has to have good reason to say they couldn't have it.

Mr. Sylvester indicated that he voted against the drive through on Howe Avenue but it went through anyway. A bank, in his mind, doesn't automatically have a right to a drive through. They have a right to ask.

Mr. Panico clarified his point that if something is allowed with site plan approval, the Commission has a lot less discretion. If you expect to have Standards, and they comply with Standards, then the approval is virtually automatic.

Mr. Shultz asked if the vote was 3-3. He added that he could tell ZBA that the Commission expressed some reservations.

Comm. Parkins asked if the entrance would be on River Road.

Atty. Thomas stated that it wouldn't be.

Richard Schultz indicated it would be a curb cut at Petremont.

The rest of the discussion was sort of inaudible.

Chairman Cribbins asked for a motion to adjourn.

On a motion made by Anthony Pogoda seconded by Patrick Lopera, it was unanimously voted to adjourn at 10:43 p.m.

Respectfully Submitted,

Karin Tuke, Clerk

