

The Shelton Planning & Zoning Commission held a special meeting on August 28, 2007 in Shelton City Hall, Room 104, 54 Hill Street, Shelton, CT.

The following members were present:

- Chairman Alan Cribbins
- Comm. Virginia Harger
- Comm. Patrick Lapera
- Comm. Daniel Orazetti
- Comm. Anthony Pogoda
- Comm. Leon Sylvester
- Comm. Karen Tomko-McGovern (alternate)

Staff present:

- Richard Schultz, Administrator
- Anthony Panico, Consultant
- Karin Tuke, Recording Secretary

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

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

Chairman Cribbins opened the meeting at 7:00 p.m. with the Pledge of Allegiance.

**OLD BUSINESS**

**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 (MAP 32, LOTS 16 AND 17), IA-2 AND IA-3 DISTRICTS – PUBLIC HEARING CLOSED ON 5/29/07) – AUTHORIZATION FOR EXTENSION ON REVIEW PERIOD (APPLICANT INITIATED) – DISCUSSION ONLY.**

Chairman Cribbins stated that this applicant has requested an extension. He asked the Commission for a motion to accept, as well as clarification of the time period from Rick Schultz.

Mr. Schultz stated that this extension takes the applicant through tonight's meeting. The applicant is going to be requesting a third extension after tonight. After the September 11<sup>th</sup> meeting, they will be accepting another extension.

On a motion made by Leon Sylvester seconded by Anthony Pogoda, it was unanimously voted to authorize an extension on the review period for Application #07-11 until August 31, 2007.

Richard Schultz indicated that Staff has provided the Beacon Point Marina Mix Use Development Overview report to the Commissioners. Also, Staff has prepared some issues that Mr. Panico will elaborate on. He asked the Commissioners to refer to the large map that the Applicant provided. Mr. Schultz displayed that map with the location of the marina, the proposed 300 slips, the parking, the clubhouse, the restaurant, gazebos at both ends, and proposed 24 condominium units. He showed an aerial photo of the navigational width of approx. ? feet and existing conditions.

**Commissioner Harger arrived at 7:07 p.m.**

Mr. Schultz stated that Staff visited the site at Cos Cob and took some photos that they will share with the Commission.

Mr. Panico stated that Staff has been going over the drawings, reviewing the information from the public hearing, and they've had an opportunity to speak informally with a few Commission members to get their arms around what they think some of the issues are.

He set out a few discussion items; the issues fall under different categories, with some overlapping one another.

The overall magnitude and density of the development there is a lot of concerns that the proposed 300 slips may be excessive. In going through the application material, he noted that the Corp. permit had indicated 267, but he doesn't know if there is anything magical about that number.

Mr. Panico stated that Staff and some of the Commission members are concerned as to whether or not they have enough on site space to support a facility of this magnitude. The applicant thinks

that we do. He and Rick Schultz aren't experts at this type of development; however they are aware that these things can get very congested. There is a significant year-round component to this facility unlike many places that are deserted in the winter except for boat storage. This particular marina will have a significant area on its site devoted to year round functioning around the restaurant and swim club. There has been some discussion that maybe the parking associated with that needs to be expanded which means even more of the seasonality is reduced. He doesn't know if it is enough parking or it isn't; however, it is one of the concerns that were read.

Mr. Panico discussed the overall public access feature of the site, and if there is enough, should there be more of it or a modification of it. He added that there are concerns about public access parking and whether it is adequate. He suggested that the Commission set a minimum number of all season spaces which would be the number of spaces outside the boat storage yard (available in the winter or summer). If the Commission feels that more parking is required during the summer months, more spaces could be stipulated.

In the area around the boat ramp, Mr. Panico stated that there were concerns about the existence of a designated tie-up area that could be used while transitioning a boat into the water. He indicated that some sort of a floating pier spot designated for the public can tie up during this process. Additionally, once the boat is in the water, trailer and car parking should be available near the launch site. There was discussion at the public hearing of a few spaces but they need to decide what the minimum number of those parking spaces ought to be. He recalls that six parking spaces were proposed and questioned whether that is enough as a minimum.

Mr. Panico brought up the issue of enhancing the public walking access from the upper end of the site down to the boardwalk in a couple of locations. There has been some thought of the foot of Murphy's Lane or that general area being used to enable people to get down to the public boardwalk. He noticed that the applicant had to incorporate a couple of sidewalks stairway sets, and he thought perhaps one of those could be relocated further south to be utilized for both purposes.

Mr. Panico stated that they have had discussions about the general distribution and the number of parking spaces. The proposed parking adequacy might be questionable at peak times – in the summer (boat use) and in the evenings (restaurant use). Also, there is concern about the distribution of the parking. There is a lot of parking that is relied on to satisfy the needs that are located on the entrance road entering the marina. Many of those remote spaces are well over 500 feet from the restaurant; therefore, he questions whether anyone would want to walk that far. Those spaces are 600 – 700 feet away from the dock area. He & Rick Schultz discussed the possibility of placing a stairway in a convenient point beyond the marine service area to minimize walking distances. A stairway as well as a walk way to get to the docks would enhance the pedestrian circulation and usability.

The Commission talked about the expansion of the paved parking by 40 or 50 feet so that there would be more off season parking available in the event that the restaurant is very active. If that were done, as well as the stairway facility and sidewalk, the Commission expressed concern about the security of the winter storage area during the wintertime. With activities going on around the restaurant, unauthorized intrusion should be prevented by fenced in, secured area. If that is the case, the extension of the pavement and sidewalks would be a good way to segregate those two functions.

Mr. Panico discussed the safety of operation in regard to the single driveway for the marina. The intersection on River Road should be enhanced and improved. Their concern is that there is a lot of traffic on River Road; and if there is a boat/trailer trying to make a left turn on River Road, they may have to wait a while for an opportunity. If the road isn't widened to incorporate a free right turn, it could bottle up the whole marina driveway. They feel that a widening of that driveway to accommodate to exiting lanes – one exclusively for left turns, and one exclusively for right turns should help that situation.

Mr. Panico raised the issue of the general aesthetics along the access into the site. He stated that as it is presently designed, it is like driving down the center of a 400 or 500 foot long parking lot with parking on both sides. They feel some parking distribution requirements suggested that could be enhanced by taking parking off of one side after passing the marina service building. The removal of a row of parking on the right hand side so the drive down would allow for a clean curb along one side. These parking spaces might be relocated to the lower level by pushing the lower level further into the slope; thereby reworking the retaining wall which they are already going to be involved with anyway. He stated that they think this merits being looked at.

In regard to the pedestrian walking distance to the dock, Comm. Orazetti asked how far it would be if the suggested stairways were put in.

Mr. Panico replied that the distance would be cut considerably from about 800 feet to 200 – 300 feet; it would be cut to about 1/3 of what it was.

Mr. Panico commented about another concern that might also be an issue with the police and fire department; however, they haven't had any discussions with them as yet. The entire dead end situation with one way in and out and a very long linear drive and a dead end isn't good. He knows that, today, there is an old driveway that connects from one location down to another. He thinks there should be an examination of a readjustment of the condominium area and the spacing between those buildings to try to incorporate an emergency exit drive. It doesn't have to be held to a 7% or 8% grade; it could be held to a 10% or 12% grade. Mr. Panico indicated that he thinks it can be accomplished if they work with the grades at different levels.

In regard to the condominiums, Mr. Panico stated that they have some concerns about the proximity of the buildings. Although they are separate buildings, in actuality, they are only about 10 – 12 feet in most places. They feel that spacing is too close; it should really be a minimum of 25 to 30 feet. There were concerns expressed about the density of the condominiums. If the spacing factors are considered, perhaps the number of condominiums needs to be cut down by 3 or 4 units in order to overcome these obstacles.

He concluded that these issues – parking, magnitude/density, public access areas, safety – were the significant concerns discussed by Staff.

Richard Schultz reiterated that Staff is scheduled to meet with the Police and Fire personnel the first week in September. There are a lot of components to this project besides the number of slips, access to them and their distribution; it's the overall approach by the emergency personnel. He hopes that the Commission can provide Staff with some direction by providing their thoughts and concerns.. Mr. Schultz stated that he will report about that meeting at the September 11<sup>th</sup> P&Z.

**Commissioner Tomko-McGovern arrived at 7:30 p.m.**

Mr. Schultz discussed the Staff trip to the Cos Cob marina facility. He stated that their observations were that it was very high end, tasteful, and well maintained. Although it was a difficult site to get to, they were impressed by the workmanship and quality. He passed photos around to the Commissioners.

Mr. Panico stated that all the materials used were high-end. The only part of the facility that he didn't care for was the boat rack location near the boardwalk.

Comm. Tomko-McGovern asked about the suggested stairway to go down to the docks. She wanted to know if it could be a ramp.

Mr. Panico responded that a ramp would be an excessive ramp to make that grade change. In order to make a 10 or 12 foot grade change, with limited handicapped slopes, it would be a very long ramp that would take up to much space and defeat the purpose.

Comm. Tomko-McGovern clarified that she was concerned about people walking and carrying a lot of things down to the docks.

Mr. Panico stated that most of the time people would have to make more than one trip from the car to the boat area anyway.

Mr. Schultz stated that they zeroed in on certain components - slips, internal parking issues, locations of buildings, the multifamily portion and the public access.

Mr. Schultz commented that while they were visiting the Cos Cob facility they noticed a lot of joggers. It had a well marked looped area for walking/jogging. Although Cos Cob has a flatter terrain, if designed correctly in Shelton, it would afford a nice opportunity for the public with the proposed gazebos and walkways.

Mr. Panico agreed that he envisions that walkway as being extremely popular. It seems to be popular in Cos Cob.

Comm. Sylvester commented that he appreciated how Rick and Tony have laid out all the concerns and cited certain elements for this application. This is a big project for the site. This will set the tone for other open space on the river. This will set the parameters as to our attitude about the river.

Comm. Sylvester stated that he has an advantage because he uses the river a lot for fishing. He has fished and walked along it his whole life. He stated that he knows, without a doubt, what the applicant wants to do is an amenity for the community. If it is done properly, it will add to the value of our community, and our residents can enjoy it.

He recalled the emotional debate about the towers, and the height of the towers on Route 8 because each time a building had been put up on Route 8 balloons were put up. The balloons were used as a visual aid to show how high the particular building was going to be and how it would fit in the environment.

Comm. Sylvester believes that the aerial photo provided by the applicant of the river/marina site is a good picture – at high tide. He stated that this is a tidal river. Low tide in the river is an extended beach, specifically behind Sunnyside.

He asked the Chairman if they could arrange to have a meeting at that site because he believes that the Commissions need to be able to visualize how all this will look down there. He requested that the applicant be able supply markers as to what is going where and how it is going to look. Perhaps, they could meet us there to explain their thoughts. The important thing that he'd like to see there is a marker to show how far the dock extensions will be out into the river and how people are going to use this, especially at mid tide and low tide.

Comm. Sylvester stated that he is not in opposition to this but he thinks it is a big deal. He doesn't believe that anyone is against what the applicant wants to do. However, his attitude about the community is that he wants to leave something behind that people will think is a great thing for Shelton that blends with the present uses of the river.

Comm. Sylvester reiterated to the Chairman his request to have a meeting with Staff availability, and with the Applicant providing clear markers around this area.

Chairman Cribbins stated that was a good suggestion because it would provide a picture for this important site. He commented that the one thing missing is the economics - what are the economics that make this project work and have it be of the quality that we want. He referenced the photos of the Cos Cob facility – the quality of the building materials, the quality of the restaurant and the quality of the condos should be special. He stated that in order to do this, the economics have to work to make the whole thing play out. Cutting the number of one thing (i.e. condos) or another might affect the other components and their maintenance.

Chairman Cribbins indicated that he is hung up on the relationship on the amount of parking to the number of slips. His issue is that the parking is going to drive the number of slips. He would like to see where the number 300 comes to. He stated that in his mind he thinks that 300 will become a lower number that the Commission thinks is reasonable. He knows that they want to protect enough spaces for this community, enough places for trailers to bring boats there.

Mr. Panico commented that one of the problems is that the parking has to stay on the site. Parking can't possibly spill out onto River Road.

Comm. Sylvester stated that he understands where Chairman Cribbins is coming from with his comments. Even though they come from two different places – he comes from public education that isn't afraid to ask for money and Chairman Cribbins comes from a business environment structured to focus on the bottom line. This drives their thoughts in different directions; however, he agrees that if it isn't equitable and feasible then it isn't a good project.

He commented that even though they want it to work, squeezing too much in to make it profitable could take away from the environment itself. He urged the other Commissioners to consider where he comes from with a focus on the use of the river. On the long range plan, the Housatonic River joining the Naugatuck River is a gateway to the Sound. It has great value to our community, and it is underused at this time. It will continue to become a very important part of the development of downtown. If the applicant does the things they propose such dredge the river and allow the boaters to go up further than they can go now then they'll see how beautiful the upper river is. He urged everyone to take a boat ride up there to see the wildlife and beauty that exists in that area – it is a valuable parcel to Shelton.

Comm. Sylvester stated that he doesn't want to stop this development, it is an amenity that they wish to afford. But he does not want to see it become an impediment to the river and Shelton.

Chairman Cribbins added that it is all about balance. He commented that Rick Schultz and Tony Panico have done a good job of consolidating the main concerns. He believes this is a good start and suggests that they do a site visit. He stated that nothing scares him there – he likes the

residential component, the restaurant, the public access and the boat slips, although he is uncertain about the number.

Comm. Harger asked if there had been any comparisons to existing docks such as the one at the Stratford Dock Shopping Center or any others up the line in New London or down the line. She stated that would help her put this project in perspective.

Comm. Harger specified that she'd like to see some kind of comparison between this proposed marina and an existing one – size, magnitude, and distribution.

Mr. Panico asked if anyone knew how many slips there were at the Cos Cob facility.

The applicant, Mr. Richard Kral, addressed Mr. Panico from the audience. He stated that they have 290 slips. They lease 260 and keep 30 for sales and service.

Mr. Panico is approximately the same order of magnitude.

Comm. Harger stated that the reason that she addressed this was because within the last couple of days she went to the Dock Shopping Center in Stratford and noticed they were undergoing some major construction at this existing marina.

Mr. Panico suggested that they drive to the Cos Cob facility because it most closely resembles the scale of this proposed marina. If everything gets approved here, the Shelton marina would be about 10% larger than Cos Cob.

Comm. Harger asked if in comparison to other marinas in the state, is this a medium-sized project, extra-large, or small.

Mr. Panico stated it isn't a small one or the biggest one in the state either.

Mr. Schultz added that Essex and New London are huge.

Mr. Panico told Comm. Harger that the Cos Cob marina is on a little inlet and the Shelton site is wider.

Comm. Orazetti suggested phasing in the docks over the couple of years. If that would be of interest to the applicant, they could start out with a particular number and add more on in increments.

Mr. Panico read that one of the consultants with marine experience suggested that the Commission should consider the phasing of it. He stated that he has no problem with at, if the Commission wanted to consider phasing, but he feels that the applicant deserves to know up front how many he will be allowed to put there. Their infrastructure has to be based on the ultimate build out. There are certain things that can be delayed like putting floating docks into the water – sixty percent now, 40 percent whenever. The basic stuff has to be there from the start to make it work.

Comm. Orazetti stated that he has to make it work based on our decision. It isn't our problem.

Mr. Panico stated that what the Chairman meant is that if you consider the economics, you won't have a problem.

Comm. Orazetti clarified that if he gets approval for 150 docks tomorrow and, if within the next year there is no problem with traffic flow, vehicles or parking, then the other 150 docks can be put in. If he is that confident in it – how many docks can fill up in the first year?

Comm. Sylvester commented that they probably wouldn't fill them all up.

Mr. Panico added that their sales probably phase the installation of the slips according to their profit over time. (inaudible – difficult to decipher)

Comm. Harger asked how long it would take to build a marina like this with all the work they have to do.

Mr. Panico stated that from beginning to end, without market constraints, probably two years. If there are market constraints, they may very well construct the stuff but put the slips in over a 3, or 4, or 5 year period – depending on what the market does.

Comm. Harger asked if there was a plan of that – how it is staged.

Mr. Panico stated that he doesn't know, he isn't privy to that info.

Comm. Harger asked if it was possible to get that kind of information from the developer.

Mr. Panico stated that if it is critical to the Commission to know up front, they can probably figure out a way to get that information. However, don't forget that this will be a two step process so some basic zoning decisions have to be made; however, the final approval of the development plans comes at a point down the road. Between those two points in time, they can certainly get that type of additional information. It depends upon if it is critical information that the Commission needs to make a basic zoning decision - then obviously, they need to get that information up front. If it is just a matter of how it is laid out, that type of info can be obtained later.

Mr. Schultz stated that Staff will be contacting Commission members to go over the schedule of what weekend day or week day and time of day to do a site visit.

Mr. Panico added that what Staff will do is to arrange to sit down with one or two of the representatives of the applicant to discuss to how they might mark some of these things that the Commission would like to see to determine how the logistics work out. He isn't sure how they can mark the end of the docks.

Comm. Sylvester stated that they just need a general visual idea.

Chairman Cribbins asked if they are any more comments or questions. There were none and the discussion was closed.

**APPLICATION 07-27, DOMINICK THOMAS FOR CROSSROADS AT EXIT 13,  
AMENDMENT OF STATEMENT OF USES AND STANDARDS FOR PDD #53  
(OIL/LUBRICATION FRO AUTOMOTIVES AS AN ACCESSORY USE TO SPLASH  
CAR WASH), 376 BRIDGEPORT AVENUE (PUBLIC HEARING CLOSED ON 6/26/07) –  
DISCUSSION ONLY**

Mr. Schultz stated that at the public hearing, the applicant proposed to modify the permitted uses for the Splash Car Wash. Right now it is a stand alone car wash as far as the Commission is aware. The applicant's representative has always said that the oil/lube is an accessory permitted use. The Commission has been to the contrary. There has been a previous action on it. This is a subsequent application, specifically defining the oil change and lubrication services of motor vehicles only as an accessory to the car wash operation.

He added that this is straightforward and the Commissioners are aware of the facility and the issues. Staff is looking for some feedback as to what direction they would like to pursue with this.

Comm. Sylvester asked for clarification as to the statement about only as an accessory use.

Mr. Schultz responded that it would be an accessory use as opposed to a principal use. If the Commission considered amending the Statement of Uses allowing this, then they could impose certain restrictions on it. Because, as you know, an oil/lube could turn into a principal use, such as on River Road.

Comm. Sylvester asked how that could be monitored.

Mr. Schultz stated that is the issue – it is difficult to monitor, and that is why this Commission has said no to it in the past.

Comm. Harger asked if they could limit it to no more than one oil/lube an hour or something.

Comm. Sylvester commented that there isn't any way that anyone could control that. Who would stand there to count how many cars come in to get oil-changed or how many just get washed?

Mr. Schultz added that there are five bays there and three have oil/lube. The Commission will have to decide what can be permitted. This is the second request.

Chairman Cribbins stated that from his standpoint at the original application for this site, they decided it was a high visibility site. There were a lot of neighbors across the street requesting that it not go too far and that it be done properly. The Commission came to an agreement in which

the language was very specific about what would be allowed – no more. Exactly one year later, the applicant has returned for something else stating that now they want something different. This will grow over time at this site. When this application came here previously, this Commission turned it down. It went before the ZBA, and they turned down. Now they are back here again. It is their right to resubmit, but he doesn't believe that anything has changed with this.

Chairman Cribbins added that there still seems to be some frustration with the Staff on landscaping and other proposed items to beautify the site.

Mr. Schultz added that the Commission rejected releasing the bond twice.

Chairman Cribbins stated that was also part of the frustration here. They don't have the comfort level because they haven't done what they said they would do.

Comm. Pogoda agreed with Chairman Cribbins and added that they keeping going over this. This is the third time. They have the right to resubmit but the applicant has failed to work with Staff about the landscaping. They have been very negative from the beginning. He stated that this is something that they should put to bed. They originally stated approval of the car wash and nothing else. This applicant is continually haggling.

Comm. Lapera doesn't want to interject because he was on the ZBA at the time.

Comm. Harger stated that she agrees just because of the fact that the bond reduction was rejected twice.

Chairman Cribbins stated there seems to be some agreement. He asked Comm. Tomko-McGovern (in behalf of Comm. Lapera) had any comments. She had none and he directed Staff to write a resolution and take action at the 9/11/07 P&Z meeting.

**APPLICATION 07-33, DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS, HOTEL FACILITY AND ADDITIONAL DRIVE THRU LANE FOR THE BANK), 828 BRIDGEPORT AVENUE (MAP 18, LOT 9), IA-2 DISTRICT (PUBLIC HEARING CLOSED ON 6/26/07) – DISCUSSION ONLY.**

Chairman Cribbins noted that Comm. Tomko-McGovern would participate in this discussion for Comm. Sylvester.

Mr. Schultz presented the Commission with the drawing of the hotel by Rose, Tiso & Co. for review. Most of his comments about the structural design and items on the drawing were inaudible.

Chairman Cribbins asked Mr. Schultz about the additional drive through for the bank. When they originally looked at it, they thought it looked reasonable and didn't appear to detract from the building or traffic flow. They were given the OK to put in footings and other materials.

Mr. Schultz stated that it was architecturally pleasing and there is no glare. That is something that the Commission has always been concerned with in a transitional area.

Mr. Panico added that there had been allegations about the structural integrity of the wall. The applicant has provided engineering documentation to validate its structural integrity.

Mr. Schultz said that they need that they need that for their insurance company too.

Comm. Harger stated that she drove into this property on Sunday afternoon and looked at the area behind the Commerce Bank. She commented that she looked at that wall. Although she isn't an engineer, it looked like a solid wall to her.

Mr. Panico commented that the quality of the site development is excellent. Sidewalk treatments and islands are nice and the landscaping will be as well.

Chairman Cribbins stated that the question is whether or not they should allow the hotel facility in the back.

Mr. Schultz stated that it has been incorporated as one PDD.

Mr. Panico added that the purpose of incorporating it into one PDD was to nail down these designs so that they don't get changed in the future

Mr. Schultz added that includes the shared parking.

Mr. Panico stated that commits it as opposed to a conventional zone where they could file to modify it tomorrow. As a PDD, if it goes into place, it is a much more stringent procedure to change anything. He reviewed the layout for everyone as the L-shaped hotel building with a ramp down to additional underground parking. The wings are the same dimension and the pool is enclosed. He added that the line closest the mobile home community is only one story high. Only one element is four stories high.

Comm. Pogoda asked what the height of it was in feet.

Mr. Panico responded that they asked for 60 but it will only be 50 feet.

There was a lot of side discussions about height restrictions but, it was inaudible.

Mr. Schultz added that the developer has installed a row of lighting, 6 to 8 feet tall around the whole perimeter where the mobile home community is. Secondly, if the Commission does have a favorable consensus, Staff is going to recommend a comprehensive lighting plan that had been brought up at the public hearing.

Comm. Harger asked about the size of the meeting rooms and conference room.

Mr. Panico commented that there are no large conference rooms at this hotel. He pointed to the drawing to show some of the smaller sitting areas including one outdoor sitting area. He commented that it would not be of the magnitude for weddings or anything.

Comm. Tomko-McGovern asked how big the meeting rooms were.

Mr. Panico stated that at a facility of this nature, there could only be a meeting of 15 – 20 or 30 people. He doesn't have the exact dimensions, but he can get that.

Chairman Cribbins commented that he liked the exterior materials and thought they complimented the buildings that are there in regard to quality. The height of 50 feet doesn't bother him. Parking has adequately been accommodated.

Mr. Panico stated that there are four major users that peak at during different hours, and there is more than enough parking.

Comm. Pogoda asked if there was enough for themselves, the restaurants and the bank.

Mr. Panico stated that there was enough parking because there was an additional spots behind the site with 100 spaces just for the hotel above and beyond what is already out there designated for the bank and the restaurants. There are almost 100 spaces more than what theoretical zoning requirements call for all the four buildings. The requirement is 235 spaces and their plan is for 333 parking spaces. That parking is there for all of the buildings.

Comm. Pogoda added that two successful name brand restaurants will need a lot of parking.

Mr. Panico continued that the nice part about having a multi-tenant center is there are different uses. By having integrated parking, there are no hard lines or arguments about "this is my parking" or "this isn't your parking."

Comm Pogoda commented that if they need more spaces they can take them from one side or the other with the exception of the hotel's underground parking spaces.

Mr. Panico stressed that the hotel parking is reserved parking just as the restaurants will have some exclusive parking right in front of their own buildings.

There were many side discussions about the sharing of parking spaces between the buildings but it was inaudible.

Mr. Panico commented that the comprehensive plan stressed the need to maximize the economic potential of our economic development sites; he thinks that this proposal does that. It takes the development approved for one thing, and by adding the other components, the economic return is

tripled. Instead of getting \$60K in taxes from the buildings in front, there will be \$180 - \$200K in taxes for the entire complex.

Chairman Cribbins asked for other comments or questions.

Comm. Harger stated that she feels this applicant has a good balance with attractive materials. She is surprised by the openness of the entire area; it appears a lot of time was taken to put the front together, and they probably won't cut corners to complete the back portion of this site.

Mr. Panico stated that the quality of the site work will be uniform throughout because the same person is responsible for all of the site work.

Comm. Sylvester asked how far back the development went.

Mr. Panico showed on the drawing that it extended all the way back to Armstrong Park.

Comm. Tomko-McGovern noted that it was a good mix of traffic-generating components on the site that complimented one another.

Chairman Cribbins closed the discussion for Application #07-33 with no vote this evening.

**APPLICATION #07-40, BLAKEMAN CONSTRUCTION, LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #52A (PATIO FOR RESTAURANT AT BLDG #2 SPLIT ROCK), BRIDGEPORT AVENUE (MAP 29, LOT 24) – DISCUSSION AND POSSIBLE ACTION.**

Richard Schultz stated that the Commission recently approved the Asian Bistro restaurant, the second level of Bldg #2 Split Rock in the back. He showed a drawing of the patio area. The Commission determined that this was a minor modification of Detailed Development Plans for the construction of an outdoor patio at the Asian Bistro Restaurant. He stated that there would be a total of five tables with access control to the main restaurant. There is sufficient outside parking provided in the front of the building.

Mr. Schultz commented that, as the Commission is aware, the outdoor patio would include dining and outdoor smoking. The application was cleared by the Fire Marshal and Planning Consultant. The property is not a flood hazard area and there are no inland/wetland issues. Staff has inspected the property and there are no existing zoning violations. He stated that Pat Rose is present from Rose, Tiso & Co. LLC to explain any particulars.

**Pat Rose, Rose, Tiso & Co. LLC, Fairfield, CT addressed the Commission.** Mr. Rose explained that the guard rails will be black metal consistent with the black on the restaurant. The decking will be tile. The remainder of Mr. Rose's comments was inaudible due to side discussions at the table.

Comm. Lapera asked if there would be a roof structure on this patio.

Mr. Rose responded that it would be open but the rest of his comments were inaudible due to side discussions at the table.

Comm. Lapera asked if it could be seen from Bridgeport Avenue, but Mr. Rose's response was inaudible.

Comm. Sylvester asked if they would serve food out on the patio or just drinks but Mr. Rose's response was inaudible.

Mr. Panico asked if there would be cloth napkins and china plates because normally the sides are and more solid, not fencing, and can trap debris.

Mr. Rose stated that the intention of their patio is for the patrons to have the same dining experience on the patio as they would inside - so there would be no paper plates or paper napkins anyway.

Comm. Sylvester commented that is an important point, otherwise, there will be garbage all over.

Mr. Panico added that if that isn't the case then the proposal would have to be modified to put in a 3 ½ ft character wall. He asked Mr. Rose another question but it was inaudible due to side discussions at the table.

Comm. Pogoda asked if prohibiting paper goods could be made a stipulation.

The remainder of the discussion about the type of wall on the patio and the issues about debris were inaudible.

Comm. Lapera asked if there would be an exit for emergency from the patio. The response was inaudible.

Mr. Schultz stated that he has incorporated two conditions from the Fire Marshal about no paper goods and noise. He asked Mr. Rose about the volume of music.

Comm. Orazetti commented that even if the Asian Bistro doesn't have loud music now, they might have it down the road or the next owner might have it.

Comm. Pogoda agreed that the Asian Bistro might not have loud music or paper goods, but the next building occupant could.

Chairman Cribbins added that something has to be added about low volume clause for any music played.

Mr. Schultz concurred that it would be added.

Other questions were brought up about access to the patio from the sidewalk and the possibility of music but Mr. Rose's answers were inaudible.

**On a motion made by Leon Sylvester seconded by Patrick Lapera, it was unanimously voted to approve the minor modification for Application #07-40.**

**APPLICATION #07-42, CT WASTE TRANSFER FOR SITE PLAN APPROVAL (EXPANSION OF RECYCLING AND PROCESSING FACILITY), 90 OLIVER TERRACE (MAP 63, LOT 13); (A-2 DISTRICT) – DISCUSSION AND POSSIBLE ACTION.**

Comm. Sylvester excused himself from voting on this application.

Chairman Cribbins stated that Comm. Tomko-McGovern would join the discussion of this application in Comm. Sylvester's behalf.

Mr. Schultz stated that the Commission was looking at the revised plans submitted today that address the concerns of the City Engineer. He read a report from the Fire Marshal dated 8/14/07.

**\*See attached Fire Marshal Report dated August 14, 2007.**

Mr. Schultz read that the applicant seeks site plan approval for the construction a single-story 15,750 square ft addition to the existing recycling center. The addition will accommodate the planned expansion of this facility plus a truck scale. The design of the addition is consistent with the existing steel and masonry building. The property is located in an industrial IA-2 district and accessed from a private drive. The application was approved by the Fire Marshall and the City Engineer, Planning Consultant and the property doesn't fall in a watershed or flood hazard area.

Mr. Schultz read the City Engineer's report dated August 14<sup>th</sup> regarding erosion and sediment control and storm drainage.

**\*See attached letter dated 8/14/07 from the City Engineer, Robert Kulasz.**

Mr. Schultz added that the letter stated that all Connecticut Department of Environmental Protection licenses for this site must be shown. He stated that the applicant is present this evening for questions.

**Ben Perry, 20 Hillside Avenue, Shelton, CT addressed the Commission.**

Chairman Cribbins asked about the revised plans and the location of the Spooner House. He asked what the expansion entailed, what goes there today and if it was just things from Shelton.

Mr. Perry responded that it was from Shelton, Naugatuck(?), parts of Fairfield and New Haven County. He indicated that part of what they do there is take in construction and demolition

material. They place it on a conveyor system, remove the recyclables out (plastics, vinyl siding, clean wood) to make mulch. Computers, paper and newsprint are baled up and shipped out.

Chairman Cribbins asked if this was regulated.

Mr. Perry responded that yes it was by the DEP. They currently have permits with the DEP for a volume reduction facility. They have all individual permits right now and they need approval to go up. Presently they do 200 tons per day on construction materials.

Chairman Cribbins asked if the expansion included increase in the number of tons per day to a higher level.

Mr. Perry stated eventually they will go for an increase in volume, but the reason for the expansion of the building is to do a better job of separating it. Presently when material comes into the yard, it is dumped on the ground and there are people that separate it by hand. This building enhancement would have a conveyor system on an elevation that goes on a belt where people can sit up on top and pick the materials out.

Chairman Cribbins restated his question to ask if this is for better material handling of existing material that is presently being done.

Mr. Perry concurred.

Chairman Cribbins asked if they wanted to do an expansion of that, would DEP approval be required.

Mr. Perry stated that yes, DEP approval would be required. It is very regulated. The DEP comes to the facility on a quarterly basis. They have to report daily to the DEP.

Comm. Tomko-McGovern asked if this would give them a more refined, higher quality operation.

Mr. Perry stated yes.

Comm. Pogoda asked what the present hours of operation were and if those hours would increase

Mr. Perry responded that it was 7 a.m. – 4:30 p.m. Monday - Friday and Saturday 7 a.m. – 2:30 p.m. The hours would not increase.

Comm. Pogoda asked if there was any lighting that interfered with surrounding facilities.

Mr. Perry stated that the surrounding areas included woods and a state highway nearby.

Comm. Tomko-McGovern asked if they would be increasing their manpower.

Mr. Perry stated that it was actually on the decrease in part because of the conveyors

Comm. Pogoda asked if the conveyor belt saved space.

Mr. Perry commented that because the conveyor belt will be elevated it allows for the storage of bulk materials (plastics, cardboard, vinyl, computers, paper) underneath.

Comm. Harger asked how many employees there were presently and where they parked.

Mr. Perry stated that they have 25 employees. They park at the other facility on 46.

Chairman Cribbins asked what happens to the leftover material, after they separate the materials and remove the recyclables. He asked if there was outside storage for that or if it is all stored inside.

Mr. Perry stated that in accordance with DEP regulations, left over materials are stored inside and must be removed within 24 hours. It goes to landfills in Ohio and Pennsylvania or to the Bridgeport, CT burn plant.

Comm. Pogoda asked about how much of it is recyclable.

Mr. Perry stated that it is presently about 35% and they would like to get up to around 70%.

Comm. Harger asked about the size of the storage containers.

Mr. Perry responded that different materials are stored in cubic yards while others by the ton. The DEP has different rules for different materials. The DEP allows 2000 cubic yards of wood material but only 200 tons of construction/demolition material brought in per day.

They are going for an expansion to recycle their present materials more efficiently.

Comm. Lapera asked what materials would be used for the building addition.

Mr. Perry stated that it would be concrete and steel, pre-engineered.

Comm. Lapera asked if the noise levels would increase.

Mr. Perry stated that it wouldn't be anymore noise than there is right now, and they haven't had any issues up there.

Mr. Panico asked what the flow of the material was and if it all comes and goes from one side of the building or both sides.

Mr. Perry showed in the site drawing how traffic comes around the building with trucks pulling up to the scale, pulling up and passing through one of three doors depending upon what materials they have. There it is dropped onto the floor and it is placed into a machine that grinds it up a little. The materials hit a conveyor belt that has magnets on it; it shoots the metal out (steel). It goes through an anti-current that takes aluminums out. It drops out onto a belt at a regulated rate allowing the men on top to separate it out. There is one person that separates cardboard/plastic, one person for clean wood, etc. They are presently working to remove sheet rock and carpet.

Mr. Panico asked for clarification that this whole operation is covered up.

Mr. Perry stated that it was all inside – it goes directly from outside trucks into the building.

Chairman Cribbins reiterated that this is not the expansion of the activity; it is an expansion of the building to perform this function and asked if the Commissioners had any other questions or comments. There were none.

Mr. Perry stated that the only way to get an expansion of the operations was through the DEP.

**On a motion made by Anthony Pogoda seconded by Daniel Orazetti, it was unanimously voted to approve Application #07-42.**

## **OTHER BUSINESS**

### **57 CHURCH STREET, REQUEST FOR INTERIOR LOT SPLIT**

Rick Schultz showed a map of the proposed lot to be split on Church Street in Huntington. He indicated that this is an R-2 zone. He stated that the only community issue is whether or not the Parks and Recreation think this is a good piece of property. The Lot 2 interior lot is subject to P&Z approval.

There was some discussion among the Commissioners about the location of the lot to be split and the use of it as a ball field, but it was inaudible.

Comm. Pogoda expressed concerns that if a house goes in near this area, proposed to be a ball field, there may be complaints in the future.

Other Commission members agreed. Chairman Cribbins wanted to wait to hear from Parks and Rec to get a better understanding.

**On a motion made Anthony Pogoda seconded by Leon Sylvester, it was unanimously approved to table the request for interior lot split at 57 Church Street.**

### **VISTA AT WHITE HILLS SUBDIVISION, REQUEST TO REDUCE SEDIMENT AND EROSION CONTROL BOND**

**On a motion made by Leon Sylvester seconded by Patrick Lapera , it was unanimously voted to approve the request to reduce the Sediment and Erosion Control Bond for the Vista at White Hills Subdivision.**

## **ZONING ENFORCEMENT**

**54 ARMSTRONG ROAD: AUTHORIZATION TO INITIATE LEGAL ACTION (NON-PERMITTED ACCESSORY STRUCTURE)**

Rick Schultz stated that this is in regard to a shed that was built without permit.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unianimously voted to authorize legal action for a non-permitted accessory structure at 54 Armstrong Road.**

**On a motion made by Leon Sylvester seconded by Patrick Lapera, it was unanimously voted to approve the minutes for 5/8/07, 5/15/07, 5/29/07, 6/12/07, and 7/10/07.**

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

Rick Schultz read the Staff Report and discussed an important request from UI and the Mayor's Office for a 2 - 4 acre area for constructing a substation to follow power lines across Bridgeport Avenue and the expressway. They are looking for suggestions as to a possible area. The prime economic development site is not an option. There is some open space near the Shelton Lakes. He explained that the Siting Council has the final say.

Other items on the Staff report were inaudible to side discussions at the table.

**\*See attached Staff Report dated August ?, 2007.**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera, it was unanimously voted to adjourn at 8:45 p.m.**

Respectfully submitted,

Karin Tuke  
Clerk