



conducted would be done off-site, mostly likely at the Car Wash that's located two parcels away.

Comm. Sylvester asked if there were any cars there right now.

Atty. Thomas responded that there were no Hertz vehicles there right now. The cars there belonged to Curtiss Ryan who had been given notice to remove them by the end of March. He commented that Rick Schultz had mentioned at the last P&Z meeting that he had spoken to them about removing their cars by March 31<sup>st</sup>.

Comm. Sylvester asked if both would be there at the same time.

Atty. Thomas responded that the cars would be out of there by the end of the week.

Comm. Sylvester commented that if they give approval tonight, then Hertz could be there tomorrow – he asked if that would happen.

**Shannon Duffy, Hertz Corporation, addressed the Commission.** Ms. Duffy responded that they hoped to be there by mid to late April.

Atty. Thomas added that the interior setup didn't involve very much other than partitions, nothing major.

Comm. Sylvester stated that he was only speaking about the cars outside.

Atty. Thomas indicated that he hadn't been involved in any of the transactions involving Curtiss Ryan and the landlord across the street regarding the provision of winter storage.

Comm. Sylvester clarified that his only concern had been if both Curtiss Ryan and Hertz cars would be there at the same time. He asked again if the answer was that both sets of cars would not be there.

Atty. Thomas responded that they would not be there at the same time.

Comm. Jones commented that Curtiss Ryan was occupying an entire row of parking spaces.

Atty. Thomas stated that the anticipation was that all their vehicles would be housed in the spaces located behind the store. For convenience, they would go out the rear door, get the vehicle, bring it around to the front and review the car with the customer before they depart. It would be a very short time period and a very low impact on traffic. The only reason they identified other spaces was so that they would not be put out in the front area in the event that there wasn't sufficient parking for other vehicles. These would not be unregistered cars; they are registered cars. They anticipate that the spaces to the rear will be more than sufficient for what they need. They'll be catering to local people who want to use Hertz through ABA or AAA, but also catering the corporate clientele.

Comm. Sylvester commented that if that is the case, this would be an improvement as far as cars being parked in the parking lot in a storage kind of a way. If Curtiss Ryan was leaving, that means those spaces would be open for business as it was designed to be.

Atty. Thomas noted that Curtiss Ryan's use was improper because the cars aren't registered.

Comm. Harger asked where the Hertz staff would be parking the car when they bring it around from the back, would there be marked parking spaces.

Atty. Thomas responded that there would be three spaces.

Shannon Duffy confirmed that there would be three spaces, not exclusive to Hertz that could be used for drop off and return before immediately bringing the cars to and from the back.

Comm. Harger asked for clarification that they would not be parking in the traffic lane.

Ms. Duffy responded that they would absolutely not be parking in the lane for traffic.

Chairman Pogoda asked how many cars they intend to put there and rent out – because he's heard the number 5 and the number 9?

Ms. Duffy responded that they would have a maximum of nine parking spaces allotted to them, but they don't intend to have nine cars parked there at any one time. The intention would be to have a maximum of five cars parked there at one time because they would like to have all their cars rented out.

Chairman Pogoda asked if the parking spaces would be designated with their name.

Ms. Duffy answered that they would not be marked "Hertz only."

Chairman Pogoda asked what they planned to do if cars other than Hertz cars parked back there.

Atty. Thomas clarified that it would be the landlord's position to designate the rear spaces for Hertz.

Comm. McGorty asked if there was access for anyone coming into these other establishments there from the rear. If the front lot was full, would other cars go around back?

Ms. Duffy answered that employees might have access to park in the back.

Atty. Thomas referred to the footprint of the site and indicated that there were really only two rental vacancies left, the one where Hertz plans to go and the one on the end cap. At the present time, the parking is about 30% at its maximum after the elimination of the Curtiss Ryan cars.

Comm. McGorty responded that he's driven around that site, but was only curious if anyone else had access to the back for parking.

Atty. Thomas responded that he's explained it to the landlord not to have anyone... (inaudible).

Chairman Pogoda asked where the returned rental cars would be cleaned out. Where would the garbage removal, cleaning out the trunk take place?

Ms. Duffy responded that the car would be brought around to the back and garbage would be discarded into the trash can inside their store. The car would be taken to the local car wash to have it serviced or washed.

Comm. McGorty commented that there was a dumpster shown in the back.

Ms. Duffy responded that she thought that was for the shopping center. They pay - part of their charge goes toward trash disposal. They would have a garbage can inside their location for any trash that can be removed by hand. The intention is to have them washed at the Car Wash down the street.

Chairman Pogoda asked if all the trash removal would be done in the back.

Ms. Duffy answered that they would not be doing that in the front.

Comm. McGorty asked for the maximum number of cars that were being defined for the Application – was it 9 or 5. He indicated that his concern was that there would be an overflow, if it's busy with cars moving out to the front.

Atty. Thomas responded that this was an application for the use and in the application it's stated that rental vehicles shall be in the rear spaces with the overflow parking along the south boundary of the retaining wall. It can certainly be limited. At the informal discussion of this Application, it was explained that cars were often brought from one Hertz location to another; therefore, there's little or no chance of that being an issue. However, they have no problem with the Application reflecting the same thing requested and, in fact, limiting it to 5 or 6 spaces along the south boundary. They don't anticipate needing them. Even though they (Hertz) weren't concerned about it being in the Application, he wanted to address the issue of needing an extra space or two with the Commission right now rather than later.

Comm. Sylvester agreed with Comm. McGorty because who knows what could happen – they should put a max of “no more than...” cars on there.

Atty. Thomas asked the Hertz representative if they would have a problem with that stipulation being added.

Ms. Duffy and Mr. Dombrowiecki of Hertz Corporation both indicated that it wouldn't be a problem because they could always move them.

Comm. Sylvester responded that would solve the problem.

Comm. McGorty agreed because his concern was that it would wrap around with all kinds of cars out in the front too.

Atty. Thomas indicated that he understood the Commission's concern about cars being stored there. He clarified that the reason he indicated back and side parking was to prevent any concerns of a scenario such as that – for example, a heavy rental day with many applications, like 15, with cars being brought in that morning or the night before. He didn't want them to be in violation of that - that was his concern in blowing out the parking by about 15 or 16 spaces.

Comm. McGorty responded that was what had sparked his concern because the original discussion had been about just parking in the back, and now it's moved to the side. He indicated that was fine, but he'd like to have a defined number so that it doesn't wrap around the front.

Atty. Thomas stated that any overflow would be in the rear south boundary, and they would not put any overflow in the front.

Comm. Sylvester commented that they just need to define the number and the exact location.

Chairman Pogoda added that they strive to keep employee parking in the back, leaving the rest available for customers.

Comm. Harger asked to see the parking on the map because she drove around the back and saw cars, not parallel parked, but narrowly parked.

Chairman Pogoda commented that it was very narrow in the back toward the end of the building.

Atty. Thomas responded that it was an odd shape. He showed the site map with the storm water system for the building that drains out toward Route 8.

Comm. Sylvester commented that they needed to come to terms with Tom's question.

Atty. Thomas suggested that the Application be approved with the clarification that the parking for the vehicles be in the rear and that any situation resulting in overflow parking would have to be in the rear portion of the south boundary and only overnight. In that way, the situation would be alleviated.

Comm. Sylvester asked if they could suggest a number too.

Atty. Thomas concurred with the Hertz representatives that on a regular basis, they would be satisfied in having no more than 10 vehicles. He indicated that this is a PDD so it could be added into the approval with any other conditions.

Comm. Sylvester stated that he wanted to have this on record so that (inaudible).

Chairman Pogoda asked if there were any comments from the public. He requested a motion to close the public hearing.

**On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #08-05.**

**OLD BUSINESS**  
**APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE**

**SEPARATE #6850, SHELTON HOTEL ASSOC., 828 BRIDGEPORT AVE, DUMPSTER**

Tom Dingle stated that Application #6850 was tabled at the last meeting. It was Crown Point Real Estate Investors for a dumpster location.

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant.** He submitted six copies of the revised application. He stated that the revision was the result of an on-site meeting with Staff and the Chairman. He pointed out that from the revision; the dumpster has been relocated out of that little insert area by the mobile home park. He indicated that he had wanted to provide an aerial photograph of this site; however, he had computer printer difficulties.

Atty. Thomas explained that the relocation would move it to a site where it would be back-to-back against a wall that has three mobile home dumpsters (on the mobile home property) on the opposite side of that wall. Therefore, the relocation would result in dumpsters backing up to dumpsters. They went out and looked at the site, and the reason that the dumpster is cocked, instead of straight in, was to prevent them from losing too many spaces. Additionally, the

dumpster position allows them to get around the island where the Bank's transformer/island was located. He continued to state that the dumpster was double-wide for recycling.

Chairman Pogoda asked how many spaces were lost to the dumpster being placed there.

Atty. Thomas responded that a total of three spaces were lost because it's a double-wide bay.

Chairman Pogoda asked if that affected the amount of spaces available for the hotel.

Atty. Thomas responded that it was off of the hotel's site, on what they call "Parcel 1." The parking on Parcel 1 was so over-the-standard that it has no real impact. He showed an area of the drawing that could accommodate any overflow parking from the Bank. He added that the overflow experience for the restaurants on busy evenings had occurred after the bank closed, and the overflow restaurant parking went to the front of the bank parking area. For the most part, the parking for the restaurants has been able to sustain the restaurants. He commented that Longhorn's operation has a two-hour wait and it's been pretty packed. The overflow experience brought that parking to the front. Even though there's a shared parking agreement with the hotel, they don't anticipate that the restaurant patron parking to flow toward the hotel. Additionally, the hotel has its own exclusive underground parking garage.

Comm. Harger asked about the early morning trash pick-ups.

Atty. Thomas responded that the Applicant called the service provider that they plan to contract with, and they were told that no earlier than 8 o'clock would not be a problem. The pick-up would probably be between 8:00 and 11:30.

There were no more questions or comments. Chairman Pogoda asked for a motion on #6850.

Atty. Thomas added that it would be a motion to approve the Application as modified because the original application was modified by the Applicant.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the modification to the Application for Certificate of Zoning Compliance, Separate #6850. Chairman Pogoda and Comm. Sylvester abstained from voting.**

**SEPARATE #6806 A&A BROTHERS, 145 RIVERDALE AVENUE, GRADING**

Tom Dingle stated that this application was for grading of contractor's property for the storage of contractor's equipment.

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant.** Atty. Thomas stated that this had been tabled pending a legal opinion. He hasn't seen it but understood that Staff received it.

Chairman Pogoda indicated that he had not received any legal opinion, and only knew that Rick Schultz had spoken to them, but he hadn't heard of anything.

Tom Dingle located and read the correspondence, received by fax, to Rick Schultz, Planning & Zoning Office, dated March 20, 2008 with copies to Tom Welch from Ray Sous.

**\*See attached correspondence dated 3/20/08 from Corporation Counsel.**

Chairman Pogoda stated that he had not been present at the last meeting, but understood from Rick that this was tabled to obtain a legal opinion due to concern about buildings being placed there, or what might be placed there, or if there would just be filling or storage. He indicated that another question had been about its closeness to the Riverwalk and the possibility of speaking to the Conservation Commission to determine if the City wanted to acquire it. That was all he heard from Rick. He asked if the Commissioner's had any other questions for Atty. Thomas.

Atty. Thomas responded that this Application, to his understanding and he did come in a little late in the process of it, was for grading only. The Commission's approval would simply be for a Certificate of Zoning Compliance, not for the approval of a building. He stated that a building could be built on there, but they would have to come back with a subsequent application for a building. Obviously, if the City were to take action to purchase it, he's sure the Applicant would not put a building on it. But if the City wasn't going to do that and they decided to put a building on it, the Applicant would need to come back to the Commission with an application reflecting that building, and it would most likely be treated as a site clean-up.

Chairman Pogoda stated that the Application was just for the grading and filling then?

Tom Dingle commented that the Application also stated that the property would be occupied with contractor's equipment.

Atty. Thomas stressed that it was not for a building. He stated that he came in after that, initially plans were shown for a building but the application was changed to simply grade and occupy it as contractor's yard. (inaudible...ambulance siren outside...) up to this point the City has expressed no interest.

Comm. Sylvester commented that was the point. They didn't want to approve something that would improve the property so it would cost the City more to buy the property. The attorney didn't really answer what they were trying to delve into with trying to avoid making it more difficult for the City to purchase it.

Comm. Sylvester added that at the last meeting, the Citizen's Advisory Group submitted a letter requesting that the Commission should be sensitive because this property was so close to the Riverwalk. They were trying to do their good community duty to avoid costing the City more money. They weren't trying to make it difficult for anyone. They were trying to give the Applicant their rights but not at the expense of the City and taxpayers. He commented that he didn't think that answer really addressed it, and it made it more awkward... He stated that he'd like to table this and have Staff speak to the attorney and tell him what the Commission was thinking and return with what the real options are rather than a stark letter like that – which really makes them look dumb. It misses the point of what they were trying to accomplish here.

Comm. McGorty agreed that it seemed like a basic reply letter here.

Atty. Thomas stated that the Commission's actions cannot affect the value of eminent domain. Whether or not an application is filed, a person is entitled to value the property at its highest and best use under the code of zoning. He indicated that the Commission was addressing an issue with a zone change before them. If they were to act on a zone change, they would then impact that

property. He provided the classic example was this piece – right now, this piece was a contractor's storage yard. It has a contractor's storage yard on one side and gas tanks on the other side, and a little bit away it's got the sewer plant. If they were to take that piece of property and zone it for multi-family residential, its value would be tripled. But whether or not an application was pending before you for a permitted use or not, it makes no difference because an appraiser must value it as the highest and best use under current zoning.

Atty. Thomas continued to state that where they would impact the value of it, is where somebody comes in anticipating an eminent domain and they make an application to P&Z for a zone change.

Comm. Sylvester thanked Atty. Thomas for providing the answer they were looking for from the Corporation Counsel to give them. Based upon that, he has no problem with this. He reiterated that they were looking for advice, and Atty. Thomas addressed it head on.

Atty. Thomas responded that the question to Counsel was concerning the time frame and the use. The use was a permitted use and that's where the confusion came back. He understands the question because it comes up often, even like on Soundview Avenue. Whether that property had been subdivided or not subdivided, it was going to be valued as R-1 property – period. Whereas, if they change the zone, they increase or decrease the value of the property.

Comm. Harger asked about comments made by Mr. Bienkowski of the Citizen's Advisory during the March 11<sup>th</sup> meeting regarding the impact on upstream and downstream properties. She asked about dirt and runoff into the Housatonic River and the safeguards the Applicant would put in place if this were approved.

Atty. Thomas responded that the Applicant has to submit requirements for soil erosion/sediment control that Rick would require for any application with grading. They would have to come in with a soil erosion/sediment control plan, and he assumes that Rick would impose a bond, but that's an administrative decision that Rick could answer better. He commented that they'd have to go in and put in hay bales or whatever else is required. Additionally, John Cook usually has a pre-construction meeting to establish soil erosion and sediment control plans.

Comm. Harger commented that Mr. Bienkowski's comments were that there were not any hay bales and every catch basin was filled to the top.

Atty. Thomas responded that some of his comments referred to other properties, not this one, and that Rick indicated he'd be addressing them because they weren't stabilized and had other issues. He stated that this property would be under the control of Wetlands and Planning & Zoning. He assumed that Staff would be as strict as they normally were, because they usually weren't very lax when it comes to this.

Tom Dingle stated that the only notes Rick made on the Application were that it had an approved site plan, approved Inland/Wetland Commission and no CAM requirements.

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

Tom Dingle indicated that the application was for filling, grading and contractor's equipment.

Chairman Pogoda asked for a motion on it as a contractor's storage yard – that's it, no building.

Comm. Jones added that it's fully occupied already.

Chairman Pogoda commented that this would be an approval for grading on it. He asked Staff to monitor whatever they would be doing on the property.

Comm. Sylvester commented that it has already been on record that they would not be doing anything to increase or decrease the value of the property.

Comm. McGorty stated that he was concerned that point be clarified too.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application for Certificate of Zoning Compliance, Separate #6806. Chairman Pogoda abstained from voting.**

Comm. Parkins arrived at 7:47 p.m.

**APPLICATION 07-55, RICAR LLC AND MIANUS HOLDINGS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (MARINA EXPANSION, MULTI-FAMILY AND RESTAURANT/POOL/CLUB), 704-722 RIVER ROAD – REQUEST FOR EXTENSION ON REVIEW PERIOD.**

Chairman Pogoda asked for a motion to extend the review period by 65 days.

Comm. Sylvester asked for clarification as to what the initial review period was and if this was the first extension.

Atty. Thomas clarified that it was the period of time in between the initial approval and the filing of the final site development plans.

Chairman Pogoda added that the extension period was required for them to submit modifications to the approved plan.

**On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve the request for an extension on the review period for Application #07-55.**

**PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM RESIDENCE R-4 TO RESIDENCE R-1 FOR PROPERTIES NORTH OF UPPER CANAL STREET INCLUDING MCCALLUM ENTERPRISES, RIVERVIEW PARK, HOUSATONIC RAILROAD COMPANY AND PROPERTIES NORTH OF THE PARK (MAP 139, LOTS 1 AND 2 AND MAP 138, LOTS 36, 37, 38, 39, 40, 41, 42, 43, AND 51) (PUBLIC HEARING CLOSED ON 2/26/08) – DISCUSSION AND POSSIBLE ACTION.**

Chairman Pogoda indicated that there needed to be a change on the effective date on the zone map approval from the last meeting. He added that this was just a modification of the resolution to change that date to 4/4/08 at 8:00 a.m. For whatever reason, it was not put in properly and needs to be amended. There are no other changes.

**On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously roll call voted (6-0) to approve the Modification to the Resolution for the Proposal of the Shelton Planning & Zoning Commission Building Zone Map Change from R-4 to R-1 for properties**

**north of upper Canal Street including McCallum Enterprises, Riverview Park, Housatonic Railroad Company and properties north of the park (Map 139, Lots 1 and 2 and Map 138, Lots 36-43 and 51).**

**APPLICATION #08-01 RADCLIFFE PARK, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (SITE B: 250 MULTI-FAMILY APARTMENTS) PDD#60, CANAL STREET (MAP 129, LOT 10 – REQUEST FOR EXTENSION ON REVIEW PERIOD AND DISCUSSION ONLY).**

**APPLICATION #08-01, RADCLIFFE PARK, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (SITE B: 250 MULTI-FAMILY APARTMENTS) PDD #60, CANAL STREET (MAP 129, LOT 10 – REQUEST FOR EXTENSION ON REVIEW PERIOD AND DISCUSSION ONLY).**

**On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve the request for an extension on the review period for Application #08-01.**

**Atty. Steven Bellis, 47 Perch Road, Shelton, CT addressed the Commission representing the Applicant.** He stated that this was a PDD that was already approved and now there are detailed development plans that must be approved by this board. He indicated that the Applicant has submitted these detailed development plans and gone over them with Staff and the Downtown Subcommittee. Basically, there have been some revisions reflected by the DS regarding the architecture, adding more brick to the façade of the building and tweaking it.

Atty. Bellis stated that John Guedes had the modified plans with him tonight. He added that there had been a recommendation to accept the façade of the building by the Downtown Subcommittee. He added that many of the Commissioners were present at that meeting. Additionally, there had been a request to eliminate one of the parking levels below the 100-year flood level which resulted in the elimination of 60 parking spaces. He clarified that the entire project was more than 2:1 with the available parking. It's evident that no one else would be using the interior parking except the residents. With that understood, it was also accepted by the DS (inaudible...).

Atty. Bellis stated that he was present because he wanted to try to get the next Commission meeting for a vote. They brought the other elements and phases before the DS but it's crucial to get an action on the detailed development plan so that the construction can started. He added that it was on the agenda for discussion and if they had any questions, John could answer them.

Chairman Pogoda stated that this would just be for a discussion this evening.

Atty. Bellis stated that he thought it was down tonight for a vote.

Chairman Pogoda responded that Rick is out, but he had written down that this would be for a 65 day extension period and discussion only for today. He knew that the DS was working with Mr. Guedes but as far as he knew the rest of the Commissioners were in tune with the DS discussion. He assumed that John would provide more information and comments from the DS meeting. (inaudible...cell phone ringing).

Atty. Bellis commented that he would (inaudible...) and he introduced John Guedes who would present the plans even though he was a little under the weather.

**John Guedes, Primrose Companies, addressed the Commission.** He indicated that he was the head of the development groups for the Shelton

Riverfront Development. He began by stating that this project, as the Commission was aware, had been ongoing for about three years, and they are presently at Phase II which is (inaudible...easel paper flipping...) the Radcliffe Park development.

Mr. Guedes stated that they submitted the final detailed plans two months ago and since that submission they've conducted a number of meetings with the DS. For the most part, the DS had voiced concerns, and they've gone back to try to address them. Mr. Guedes stated that the most recent meeting had been last Thursday where a large percentage of this Commission participated. He showed the original rendering of the project and indicated that concerns were raised about the percentage of brick being introduced, and the possibility of having different views of the development provided.

He showed the revised rendering depicting a greater percentage of brick with views from the Riverwalk, from Canal Street and closer views of the trim work and roof elements that they plan to do. Mr. Guedes stated that this was the final submission, and at the last DS meeting they brought samples of materials. He brought revised plans to leave with the Commission for their review and discussion. He indicated that they were asking for approval of these modified plans that reflect what is shown on these renderings.

He noted that the revised plans show every façade of the building. They'd like authorization to proceed so they can get this (inaudible...) He showed the differences between what had been originally submitted and what was now being introduced with a tremendous amount of brick that was not seen on the previous submission.

Mr. Guedes stated that when he submitted the revised plan of development, the projects over the past two years have been put forth and certain situations have occurred either through redesign or through issues that came up from this Commission and concerns from various other groups. Because of issues dealing with the realignment of Canal Street and the Downtown Subcommittee, and there's been so many people involved in this, there have been minor changes as they proceed with the development.

Mr. Guedes stated that there had been an elimination of about 40 residential units from the initial approved plan of development. In some cases, it has to do with the ability for the project to be able to work. They had introduced at one point an addition to the back of the Brennan building. That has since been eliminated. There has been a decrease in units with the final count being 491 units left to be constructed excluding the units from the Birmingham.

He referenced a table shown on every plan that he modifies to reflect each revision. It gives an analysis of the site by site numbers for commercial space and proposed parking spaces for each one of the phases. The Commission approved the PDD of the overall project with the desire to achieve a 2:1 ratio for residential. He indicated that the table, which correlates with the master plan of development, shows 499 units left to construct, and they're still providing 1,120 parking spaces. The ratio of the 2:1 for the residential units requires 982 spaces which leaves 140. He added that one of the key factors was that some of the parking was going to be shared parking.

Mr. Guedes explained the shared parking by showing the left tower, the last phase of development, where they propose two floors of commercial and two floors of residential. The two floors of commercial represent about 45,000 square feet with 23,000 retail, restaurants and shops and 22,000 or 23,000 square feet of office space. He indicated that they would attempt shared parking for that program at that last phase.

Mr. Guedes stated that one of the biggest problems he had was that there were many phases he's ready to begin construction on. Many of the buildings, because of the program enacted, were now sitting vacant waiting for action to take place. He'd like to get Radcliffe Park finalized and out of the way and by the end of the week he'll have packages for Sites C, D & F ready to submit for this Commission to begin the process of going through the final detailed plans. The plans were ready for construction, but he didn't want to overburden the Commission either. He'd like to settle one situation before moving on to the next one. He indicated that it was important to maintain that constant push to be able to get this thing going; otherwise, they'll be sitting here a year from now still going through an approval process that doesn't make any feasible sense for them or for the City or for anyone in the Downtown. Mr. Guedes stated that he'd be glad to answer any questions on any of the provided information.

Chairman Pogoda asked him to state for the record why the parking inside the Radcliffe can't be used for additional parking and why they are reducing it by 60 spaces.

Mr. Guedes responded that some months ago when they submitted the final plans, they began to look at similar developments. They began to finalize their design of the project, and they hired Barkin & Mess. A traffic report was submitted to the Commission some weeks back. That report indicated, because of the way in which this facility has been designed and the infeasibility of shared parking for this situation, that over 100 spaces would be vacant or unused. The main reason was that for this project, 60% of the units are one-bedroom and 40% are two-bedroom; therefore, the requirements were reduced. He stated that similar projects of this type range from 1.2 to 1.35 parking spaces per unit. This was throughout Trumbull, Stratford, Fairfield, Milford – and the report provides all that information. It should be on file; it was submitted.

Mr. Guedes explained that another problem on these sites had been contending with the flood plane. They requested a reduction of the garage level that's in the flood way. He showed that the road level was basically even with the garage and designed in such a way that it wouldn't be seen from any part of the exterior. The garage is a precast concrete and steel structure with the residential structure surrounding it. He showed that there was only one entrance into the garage, and each residential level has an accessible parking deck that the occupants can access directly.

Mr. Guedes stated that based on the ratio, they'd still be providing 1.75 spaces per unit which was more than adequate for the type of parking required for the residents. Secondly, if they had to put in another deck, they would be putting it above the roof of the building which wasn't appropriate. He concluded that it wasn't necessary for the building and because of the design it's inappropriate to have shared parking for that building.

Mr. Guedes stated that he's been attempting to meet the requirements for every single one of the sites in an appropriate manner. He indicated that can be seen from the tables and from the master plan of development. Each one of the sites has been provided with their own parking facilities. The one he has the biggest problem with was Site F because the facility occupies all of the land area. Unlike other locations such as (inaudible...) here they have to deal with parking by creating parking in the available lots, which would be part of another submission, and adding a three deck parking structure to the parking lot on Wooster Street. By doing that, they'll get a 2:1 ratio. As they move along, they are providing the ratios necessary. He showed a parking lot earmarked for overflow, for general public parking. He explained that the way it's situated, there's 20 some spaces not committed to any specific site. Mr. Guedes stated that it would be

submitted as part of C & D which has their own requirements already being met. He showed the areas he intended for the next phase so that it would be gradual.

Mr. Guedes continued that to say that presently, he's been dealing with Jim Rotundo to provide the appropriate easements at the Radcliffe, and he's been involved with ?(inaudible) to make sure that's accomplished. They are just looking forward and trying to deal with all the issues they're faced with appropriately.

Comm. Sylvester asked how many spaces were gone by eliminating that bottom floor.

Mr. Guedes responded that it would be 60 spaces. He added that with the issues he's been dealing with at the Birmingham in trying to make sure...that is one of the reasons he negotiated to buy the Canal Company parking because he knew that they'd need to provide parking as they went along. Mr. Guedes commented that in his initial submission he had parking all along there, then different groups they had to deal with and requirements to introduce a park or something; obviously, if they just left an open ditch that wouldn't be appropriate. He stated that he was proposing to create a little canal park with architectural pools, fountains or something to prevent stagnant water. As they go along, he'll address every site. He'll be sitting down with the DS and with this Commission. He stated that they would deal with individual issues (inaudible...)

Comm. Parkins asked about his comment that the cars would not be visible from any exterior. She asked what the height comparison was between the Birmingham and the Radcliffe.

Mr. Guedes responded that it was just slightly lower. He explained that this was modern construction which is basically about 10 ft whereas the Birmingham is about 11 ft - it's a little bit different. Using the rendering of the building, he explained that in looking from the front, they have one, two, three, four, and five. Basically, the Birmingham makes somewhere about the same elevation. If you're talking about the ridge, they came in from down below, and it won't look as high because there were pitched roofs. So, technically, you're here at this floor, where the Birmingham is up here somewhere. It's comparable. It might look a little bit lower but it's still comparable as they move forward.

Comm. Parkins asked about the flood plane and the removal of 60 spaces, does that make it a deeper foundation or deeper basement?

Mr. Guedes responded that it was a combination. They can't have any occupied surfaces, it's the same way and that will be seen when he submits the next phases. They'll find that the design calls for a few stone walls so that they have a sort of stepped effect on the grade. But all of this here that has to be accommodated would also have to be filled to build it up about six feet. Again, just to keep them out of the flood plane. This will happen wherever they have new structures. Existing structures were already set, because they already exist, but new structures have to meet the given requirements.

Comm. Harger asked about the exterior brick, the vinyl siding and the suggestion as to the peaks, can they integrate anymore of the vinyl up there in different, seamless (inaudible).

Mr. Guedes responded that he would take a look at it. He indicated that he thought what she had in mind was some scalloping or something on the gables. He suggested that some of that, because they don't want to become overburdened by little details, could be left to Staff if they provide them with some guidance. And then they'll deal with Staff on some of those issues.

Comm. Sylvester asked if he was speaking about leaving the quality of the vinyl up to Staff.

Mr. Guedes responded that from the last meeting, he thought the concerns were that these gables were appropriate, but instead of having horizontal siding, maybe having some other type of siding, whether its shakes or something else just so that it's not all the same.

Comm. Harger commented that there had been some specific comments as to the contractor's grades.

Mr. Guedes responded that he thought they've dealt with that, they've gone above that. He thought it was .045 was the recommendation made by the Commission.

Comm. Sylvester thanked Mr. Guedes for how he was handling this. He told him he was very straightforward and informative. But just so that everyone understands, they've had some discussion at this table, well, he's had some discussion at this table, as to the effectiveness of having a committee work so closely with such a large development and having some people not having the opportunity to be sitting at the table and listening to the conversation and really getting to know that there's differences of opinion.

Comm. Sylvester indicated that he had brought that to the table and John discussed it with him and the Commission that the significant buildings in the community were predominately brick, and vinyl wasn't something he would have envisioned as a strong statement for the construction of a significant building. Whether it be this building or another building. He brought attention to it, because it's one of the things that disturbs him that people miss this kind of discussion when they are sitting at a small group downtown and other people are not able to participate. He did not have support, so he's the person talking about this, but he does want it to be publicly known that he appreciates John working towards this as he's done tonight by addressing it. He pointed out that when the community built something that they considered to be significant, such as the Farmer's Market, they didn't do it in vinyl. They did it in brick, and they did it in a stylish way, and it will withstand the test of time, and it will be a tribute to the community and to the Farmer's Market. He believes that this particular building is equally significant, if not more than the Farmer's Market. He added that what John did convince him of, or the discussion convinced him of, was that total brick may not be appropriate. It may be too massive, and the style may be something that wasn't the best. He agrees with that, but he believes that as a group, they should pay attention and take a look at the buildings in the community that have withstood the test of time – the buildings that last forever and add value to the community, and then go take a look at something vinyl and see if that adds value to the community. This is a big development – a tribute to Mr. Guedes. It's going to be a beautiful thing, he loves the way it looks. He loves the way it looks from the river, and he loves the architecture from the front. He thinks it's very stylish and has a lot of great things. He's not crazy about the fact that it's going to be all rentals, and he's told John that already and he doesn't want to beat that to death. He knows why they're there and there isn't much they can do about it. Ownership is another issue that is going to come up, but it is what it is, they have what they have.

Mr. Guedes responded that one of the things he relayed to Leon in their discussions was that, unlike other structures where they have massive continuous walls, what they tried to do here was to have many details to it. One of the things or concerns, was that they try to design buildings nowadays to be as maintenance free as possible because with time things deteriorate. In a

situation like this, and in the way these buildings have been designed, although it's a massive building and because of all the jogs and the details to it, there is nowhere in there that they have continuous lengths of siding. Basically, for the most part, they will wind up with seamless siding where all of the lengths are so small that it won't have the same effect. He added that he has seen projects where all of sudden there is warping and it looks like hell. Here, in what he's attempting to do, that won't happen. The introduction of a lot of trim, especially in looking at the blown up details of it, it's not just siding. There's an introduction of other materials to break up that siding. Overall, he's very proud of the design that has been finalized. Again, the fact that the final design wasn't just what they initially came up with, but the contributions of this Commission with comments like Leon's and others to make sure they wound up with something that everyone was proud of.

Comm. Harger commented that she thought he's tried to stay away from any massive, institutional-looking building, and it's a well thought out design in which he's created a lot of variety. She commented that they discussed the aesthetics last Thursday.

Mr. Guedes stressed that he would provide whatever was necessary for the Commission. He wanted to stay focused, and it's been very difficult for him at times, frustrating, what he doesn't want to do is go from meeting to meeting to meeting and not be able to accomplish anything. The reason being that the importance of having action was so important, he couldn't emphasize it enough, was that they were through with the construction of the Birmingham. While the activity was going on at the asphalt plant, the demolition, there was activity and excitement. Now all of a sudden, they must bring it to the next stage, and continue that excitement, because without excitement there's a lull in which people sense that nothing was happening. He doesn't want to do that. In moving forward, as the economy starts getting worse and so forth, they want to make sure that they were always moving ahead and keeping excitement in the downtown, keeping these projects going so that the interest continues. Mr. Guedes commented that from here on, he would continue to pressure and submit these projects so that they have the meetings. He indicated that he was very grateful for the attendance on Thursday, he thought it was fantastic that so many commissioners and people attended that meeting. It gave them an opportunity for people to understand what they were trying to do, such as he had the opportunity to speak to Mr. Sylvester and so forth. He asked for the Commission to assist him in pushing this forward.

Comm. Sylvester commented that Tony made the suggestion that they go down and look at a particular site, the Pinecrest. On the way down he looked at the site that wasn't really so successful, it's sitting there, Phase III, but he didn't think it was doing very well. The style, color and the texture of the clapboard seemed to be very rich and it reminded him of what he saw in North Carolina.

Mr. Guedes responded that one of the problems that they're always having in looking at the trim, it's very bold because when standing on the ground looking up 35 feet in the air, a lot of that detail is lost.

Comm. Sylvester commented that his thoughts weren't about the richness or detail but what would withstand the test of time. He added that this may or may not be valid, but he thought it was on the common person's mind, a regular person who's not a developer, when speaking about condos, its sales and ownership but when talking about rentals, it's talking about a different idea. He added that it was brought up that these weren't cheap rentals. But for instance, when they built a school which was the only construction he's been involved with, they were very careful to make sure, where so many people have access to the building, that it would withstand the test of time – and won't be destroyed.

The small things he's thinking about are not using drywall in the corridors because its cheaper, but using concrete because it can't be punctured, dented, etc. He mentioned that he didn't want to beat this, but for the record, it is worth mentioning and it is worth putting into the record, he feels that this was incredible - that this was an incredible feat he was going to accomplish here. The whole waterfront, certainly this particular part of it, was like an anchor. It's in full view of everything, what the downtown and what the Riverfront stand for.

Mr. Guedes responded that he knew that Leon couldn't attend earlier meetings of the Downtown Subcommittee, but Ginny and others had requested seeing other views of how this would look across the River. He stated that was why when they came back, he brought the original rendering of how this thing has evolved. He showed the original submission and the most recent rendering. He showed different views of the building as they would be seen from across the river. He added that he thought this was going to be a beautiful structure.

Atty. Bellis added that unlike a lot of developers, or other projects, the town architect, Jim, provided his input.

Comm. Sylvester commented that he was speaking about John Russell, who was also the architect for the school.

Atty. Bellis added that he knew John, he's a local guy, and he thought they were magnificent. As far as vinyl versus having paint, he thought the vinyl holds up better unless you stay on top of painting clapboard.

Comm. Sylvester responded that he never recommended that anything be painted. He was coming from... brick.

Atty. Bellis stated that John's comment was that it would look too much like a school. Otherwise, he had a lot of input with the developer and that's why it came out this way, but that doesn't normally happen in (inaudible...)

Chairman Pogoda thanked John Guedes for his presentation.

**APPLICATION #08-05, PROPOSAL OF DOMINICK THOMAS ON BEHALF OF SHELTON TOWN CENTER, LLC TO MODIFY THE STATEMENT OF USES AND STANDARDS FOR PDD #57 (ADDING AUTOMOBILE RENTAL FACILITY), 350 BRIDGEPORT AVENUE (MAP 77, LOT 33)**

Chairman Pogoda stated that his only comment on the car rental facility was that he didn't want to see the problems that occurred with the one down the road. He recalled that many of them may not remember the one at Crown Point, Enterprise. Initially there had been problems there with cars all over and cars being cleaned out right on the property. He never rented any cars from them but had heard from people that there had been problems. Whatever they put here, he thought it was important that the cars be in the back with no maintenance done on the premises with a limit to the number of vehicles, as they discussed. He asked if anyone knew the hours of operation.

Comm. Sylvester stated that they came to the Commission informally at the last meeting and he was sure they talked about their hours of operation.

Tom Dingle stated that would be supplied with the Certificate of Zoning Compliance at the April meeting as to whether it's seven days a week, 9:00 – 5:00 or whatever it would be.

Comm. Jones added that this was just to change the PDD, Statement of Uses (inaudible...)

Chairman Pogoda asked for a motion to modify the Statement of Uses on #08-05.

Comm. Sylvester stated that he wanted to make sure that the thought Tom put on the table, which he agreed with, be brought into the motion or the approval that it not exceed so many vehicles and parking be limited to a particular area. Even if this was just for a Statement of Use, it would govern anybody coming in after Hertz, if they sell it. The maximum number of vehicles that ...he asked Tom because he didn't want to speak for him.

Comm. McGorty responded that the maximum number stored on site should be quantified and on what locations.

Comm. Sylvester added that he would like to have that clearly stated that anyone who comes after would not be able to deviate...If they put a number of cars in the location, then another rental car agency couldn't come in and rent another store in that building and look to have the same thing because they would be saying in this PDD that there would only be 9 cars or, whatever they pick, 10 cars. They would frame it so that nobody else would be coming in there to do it, and it's not going end up to be a big rental place for cars. It would be one place, no more than 10 cars and they would be in this location.

Comm. Parkins asked how they would police such a thing because typically when renting a car – you'd call and request, for example a Ford Explorer, and if it's not there, it would be brought in from somewhere else. That one car may be a temporary car sitting there for hours until a customer comes to pick it up.

Comm. Sylvester agreed with Ruth but added that there were so many things that they do everyday that they can't police, but when somebody flagrantly breaks it, they have something to back themselves up. Signs were a perfect example because if someone was flagrant with the signage there was a regulation or somewhere they can go to enforce it.

Comm. McGorty agreed that he thought the number just needed to be defined. He didn't know the magic number, or what that property would permit, or what kind of parking was needed for the other businesses there. It started with 9 in the back, then it moved to the side, and they need to consider the past issues with Enterprise, so let's put a finite number on it so it doesn't get out of hand.

Comm. Parkins commented that there were some major parking issues with Enterprise to begin with.

Chairman Pogoda asked Tom Dingle about the operations at Enterprise right now.

Tom Dingle responded that there were no complaints. It was a different restaurant there now, with no catering and a totally different group of people, no bar scene.

Chairman Pogoda asked Comm. McGorty if he wanted to put a number on it then.

Comm. McGorty responded that they initially proposed 5 to 9, so they should go with 9 or 10.

Comm. Sylvester added that they asked them and they said 10.

Comm. McGorty responded that he thought 10 would be the appropriate number based on the Applicant's demand and need, with parking to be limited to the areas highlighted on the map – the back and the south boundary of the side retaining wall. He looked at the drawing and asked about the employee's parking.

Chairman Pogoda commented that employees would usually be asked to park in the back or furthest spots to leave the better ones for the customers.

Comm. McGorty stated that it looked like they had 14 in the back.

Comm. Sylvester suggested that they let Rick and Tom go out to the site and designate ten spots on the site. They could do that better on site than they can at the table.

Comm. Harger commented that she thought they should amend the Statement of Uses to say one rental agency permitted on this site unless they want to deal with that later on.

Comm. Sylvester understood where she was coming from, but he stated that they should go with Tom's suggestion, and they'd be taking a giant step forward to make sure it's in an allowed area and its out of the way for the needs of other people on that strip.

Chairman Pogoda summarized that they had a motion and a second with the discussion bringing the number to 10 cars with Staff deciding as to placement of the designated parking spots. He added that it would be for an effective date of 4/4/08.

**On a motion made by Chris Jones seconded by Virginia Harger, it was unanimously roll call (5-0) voted to approve Application #08-05 with the condition of a 10 vehicle maximum. Comm. Parkins abstained from voting.**

#### **OTHER BUSINESS**

#### **APPROVAL OF THE MINUTES**

**On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve the minutes for 2/5/08 and 2/26/08. Comm. Sylvester abstained from voting because he didn't read them.**

#### **RECONSTRUCTION OF CANAL STREET, PHASE III: RECOMMENDATION BY COMMISSION**

#### **RIVERWALK EXPANSION –**

Chairman Pogoda stated that he'd like to table the discussion about the reconstruction of Canal Street, Phase III. However, in regard to the Riverwalk Expansion, other Commissions were looking for what P&Z deems to be the best way for the Riverwalk to go. He asked if it should go as planned all along the river or should if it should come in by the Birmingham; go around the Birmingham between the Radcliffe and then back to the River. They were looking for this Commission's recommendation or about comments...

Comm. Sylvester commented that SEDC, the Conservation Commission, and Citizen's Advisory had come out with recommendations but he hadn't been present for any presentation to this Board.

Chairman Pogoda responded that there hadn't been any presentation; they just wanted to know whether they wanted to see the Riverwalk go straight along the river, under the railroad bridge, and continue all the way down underneath Route 8. He asked if they wanted to see it that way or if they wanted to see it jog. There's been a lot of discussion in the paper. The Citizen's Advisory wants to see it along the river; SEDC wants to see it along the river...

Comm. Parkins added that the folks in the Birmingham want to see it along the river because they don't want people walking along (inaudible)... There's a big price difference in this as well.

Chairman Pogoda stated that they weren't in that planning stage right now, it's just a recommendation.

Comm. Jones responded that he thought the name spoke for itself – it's a Riverwalk, not a side walk.

Chairman Pogoda asked if the consensus was to have it going along the river. He asked for a vote. It was unanimous that the Riverwalk should be along the River. He asked Tom Dingle to relay that to Rick Schultz.

### **ELECTION OF SECRETARY**

Chairman Pogoda announced that Chairman Jones has been voted as a permanent member instead of an alternate. He congratulated Chris. He wanted to nominate him for secretary as he would be taking Danny Oraziotti's place.

### **On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to nominate Chris Jones as Planning & Zoning Secretary for his two year term.**

Chairman Pogoda stated that he received a letter from the Chairman of the Charter Revision Committee asking they had any suggestions or recommendations concerning the Planning & Zoning Commission that would change the Charter Revision. He asked the Commissioners if they had any comments.

Comm. Sylvester commented that the minority representation should be three rather than two. Minority representation in the community should be considered throughout the community. He believed that having one person of a different persuasion, say for instance the BOA, or on other commissions. He stated that he wasn't dissatisfied here, but added that it was an experience one should have - a lesson in humility to serve on the minority party, to understand the frustration. He started off on his first six years on the P&Z as the chairman in the majority. It was a treat because he was able to get what he wanted done. Obviously, it wasn't the same as it was then, it's different. It's very difficult, but at least they have two people here who if they agree, but they don't always agree... He pointed out that when he voted for Chris to be the new member; his first vote was to disagree with him on the closing of Bridge Street. He'll never forget that...

Comm. Jones responded that he knew he'd never let him forget that.

Comm. Sylvester commented that he recognized that people disagree; however, he recommended that minority representation in their community should be considered and re-evaluated. He just wanted to make that part of the record.

Chairman Pogoda indicated that he would relay that to Rick.

Comm. Sylvester responded that it wasn't a view from the Committee, just his personal view, he didn't know if Chris felt the same way, but overall, it was in his opinion, it should be a point of discussion.

Chairman Pogoda responded that he understood where Comm. Sylvester was coming from. He hoped, especially on a Board, such as P&Z, which has so much influence in the City, that whatever party they're on, he hoped that they'd discuss their opinions as they did today without blinders on and do what's best for the City.

Comm. Sylvester responded that he thought this Board had a great opportunity to be bipartisan looking around the table now, but in the past twenty years it wasn't always the case.

Chairman Pogoda commented that had been in the past, but he hoped that in the present... even though there's always a difference of opinions, even among majority members, different viewpoints can be brought out, but they can always discuss things and work as one unit toward votes that were good for the community.

Comm. Sylvester responded that he was just one person, and he asked for his opinion, and that was just his opinion.

Comm. Jones agreed that it was good suggestion because he sat on the Board of Alderman being a minority and he couldn't get a motion seconded just for discussion.

Comm. Sylvester stated that even though it's a minority of 4:2, it really wasn't a problem for him and he wasn't complaining, but he wanted to say that the issue should be reviewed and looked at by the Charter Revision.

Comm. Parkins asked if he'd want to increase the membership or just increase the split.

Comm. Sylvester responded that he wasn't sure enough to answer that right now.

Comm. Parkins commented that for this board it couldn't really be six members at 3:3, it would have to stay at seven.

Comm. Sylvester responded that if there are seven members, minority representation must be three – that could be a start, so it's 4:3 instead of 4:2. It's a matter of political persuasion which he understands, but where it's really glaring was on the BOA. It's been looked at before but it's difficult on the BOA because they represent the wards.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to adjourn at 9:06 p.m.**

Respectfully Submitted,

Karin Tuke