



**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #4613.**

**SEPARATE #6795, ROYAL WELLS, 71 LONG HILL CROSS ROAD, BUSINESS**

Mr. Schultz stated that this was for the accounting office with three employees and the recently approved site plan with the parking expansion. Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6795.**

**SEPARATE #4606 NATURAL PHARMACY OF SHELTON, 415 HOWE AVE., BUSINESS**

**SEPARATE #4605 NATUROPATHIC PRACTICE & RETAIL SUPPLEMENTS, 415 HOWE AVE, BUSINESS**

Mr. Schultz indicated that these two separates for 415 Howe Avenue, Suite 303 were for the retail sale of natural pharmacy items. They have two applications for the same business, Naturopathic Healthcare LLC because they applied for two locations in the same building.

Comm. Harger asked if they complied with any or all state requirements for a business such as this.

Mr. Schultz showed the licenses that were submitted as part of the zoning application.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separates #4605 and #4606.**

**SEPARATE #4615 VINCE SORRENTINO, 515 BRIDGEPORT AVENUE, BUSINESS**

Mr. Schultz stated that this was the old Anson Reel building on Bridgeport Avenue directly across from the old Madison's Restaurant. This occupies the old Cingular Wireless on the right side of the building. He reminded the Commission that when the building was approved, the Commission expressed its desire to only see retail occupants and not food establishments at this location. The Commission was actually going to deny one because of the issues with on-site parking. This was a retrofit of an existing building.

Mr. Schultz stated that Staff has received a request for a deli/ice cream shop. It's 1830 square feet; the building overall was 13,000 square feet. He visited the site during a busy time of the day and saw that they had 12 parking spots on the immediate right side that went all the way to the retaining wall and in the front of the building there were some spaces available. However, this Commission several years ago expressed concerns about food establishments there. He added that normally food establishments require a special exception. He requested that they consider that as a requirement and he'll have them withdraw this application without prejudice.

Mr. Schultz continued to say that by requiring a special exception because it's a food establishment, it would allow the other building tenants and others in the area to come to the public hearing. The building has been 100% occupied – the package store, the spa, the cleaners and Quest Lab and everyone may know how full it is during certain parts of the day. He added that ice cream shops have their moments, but delis can be very active.

Chairman Pogoda recalled that they did have an application for a restaurant there and there were concerns about parking and the restaurant refuse.

Mr. Schultz responded that there were a variety of concerns and he recommended that it be tabled. He indicated that he would advise the applicant that the Commission would require a Special Exception application. They can decide if they want to proceed or not.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to table Separate #4615.**

**SEPARATE #4653, TUTOR TIME, 708 BRIDGEPORT AVENUE, BUSINESS**

Mr. Schultz explained that this was for Tutor Time as the occupant of the building just approved under Separate #4613. Staff recommended approval.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #4653.**

**SEPARATE #4656, THE FITNESS EDGE, 862A BRIDGEPORT AVENUE, BUSINESS**

**SEPARATE #4650, EDGE FITNESS, 858 BRIDGEPORT AVENUE, TEMP. TRAILER**

Mr. Schultz stated that there were two applications for the same site. The first one, #4656 was the Fitness Edge, the occupant, in which the Commission already approved the site plan. The second application, #4650 would be for a temporary construction trailer and membership office. They would like to put it in the parking area closer to the landscaped area to avoid any impact to the overall circulation of traffic. Mr. Schultz indicated that he called the Fire Marshal's office and he would like to review that with the applicant. Therefore, there were two applications tonight – one for the occupancy and one for the temporary construction trailer. He doesn't have a time frame on this, however.

**Atty. Dominick Thomas, 315 Main Street, Derby CT addressed the Commission, representing the applicant.** Atty. Thomas stated that when he filed the application, he was uncertain as to the exact address. He believes that #862A Bridgeport Avenue was the correct one; 858 would be generic to the shopping center. He stated that the actual time limit would be for September 1<sup>st</sup>. They expect to have all the interior construction done on or before that date. They would like to have it done before that; however, that would be the outside date.

Atty. Thomas presented some packets including a photo of the trailer, a general overall site plan, a blow-up of the location of the shopping center and a layout of the trailer. The trailer would be located right in front of the building in an area of the parking lot where practically no one parks. It would be placed parallel to the parking island so that it would no way interfere with any traffic.

Mr. Schultz added that this would still remain subject to the Fire Marshal's approval – just as was the case with Wal-Mart's outside nursery that the Fire Marshal monitors.

Chairman Pogoda asked if this would be with the stipulation that this trailer be removed on 9/1/08.

Mr. Schultz responded that was correct – the trailer would terminate on 9/1/08.

**On a motion made by Thomas McGorty seconded by Patrick Lapera, it was unanimously voted to approve Separate #4656.**

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve Separate #4650 with the stipulations stated by Staff.**

**SEPARATE #6801 HERTZ C/O SHANNON DUFFY, 350 BRIDGEPORT AVENUE, BUSINESS/SIGN**

Mr. Schultz stated that this would be for the Hertz Rent-a-Car that the Commission approved at the last meeting. He showed the Commission copies of the wall sign and ground sign.

**Atty. Dominick Thomas, 315 Main Street, Derby, CT addressed the Commission, representing the applicant.** Atty. Thomas stated that the pictures of the signage were shown in black and white but the actual signs would be black and yellow with the Hertz logo.

He indicated that the condition would be with the limitation of ten vehicles that the Commission approved for the modified Statement of Use for the PDD. There would be three places in the front for customer pickup and drop-off with all other 10 cars parked in the rear.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6801 for the business only.**

**SEPARATE #4604, DAVID KIM, 515 BRIDGEPORT AVENUE, BUSINESS**

Mr. Schultz stated that Zoots had gone out of business. It was located in the same facility just discussed for the deli. It would be called Shelton Cleaners & Tailors with everything else remaining the same – hours of operation, number of employees, and they have one company van.

**On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Separate #4604 for the business and the sign only.**

**SEPARATE #4609 HONEST MOBILE MARINE, 71 NICHOLDALE ROAD, HOME OFFICE**

**SEPARATE #4646 H. BAILEY TRUCKING, 19 LONGVIEW ROAD, HOME OFFICE**

**SEPARATE #4614 AMANDA ORAM, 18 FOREST AVENUE, HOME OFFICE**

**SEPARATE #4629 MONICA KOVAC, 18 BROWNSON DRIVE, HOME OFFICE**

**SEPARATE #4627 FERNANDO DEMOURA, 26 LAZY BROOK ROAD, HOME OFFICE**

**SEPARATE #4632 BARBARA FLANNERY, 157 DICKINSON DRIVE, HOME OFFICE**

**SEPARATE #4655 MICHAEL MAJEWSKI, 8 WENONAH TRAIL, HOME OFFICE**

**SEPARATE #4603 ARIEL BOUCHER, 212 LONG HILL CROSS ROAD, HOME OFFICE**

Mr. Schultz suggested that Separates 11-18, all home offices were in compliance with Shelton zoning regulations in which he recommended approval, unless the Commission would like to select one or all of them for discussion. All were straightforward with the standard conditions for approval.

Commission Harger asked for more detail on Separate #4609, Honest Mobile Marine and Separate #4646, H. Bailey Trucking.

Mr. Schultz responded that Honest Mobile Marine would be a home office for the marine industry, billing and accounting purposes only with no customers. He indicated that H. Bailey Trucking was a home office for the trucking industry. There were no commercial vehicles.

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve Separates #4609, #4646, #4614, #4629, #4627, #4632, #4655, and #4603.**

**SEPARATE #4643 ERIK MERLISS ARNCO SIGN, 870 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz stated that this was in the Shelton Square Shopping Center, the Hallmark Store next to Happy Family restaurant. They would be going with a white and black sign to replace the yellow and red. He passed around copies of the previous and proposed signs. It would be a much cleaner looking with channel letters.

**On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Separate #4643.**

**SEPARATE #4622 ABC SIGN CORP, 865 RIVER ROAD, SIGN**

Mr. Schultz stated that this was for the new commercial building right on the Stratford town line – the old Esther's Hacienda. They approved the occupancy for the Sports and Outing, an outdoor sporting goods store like Eastern Mountain Sports. Staff has asked that the future occupants continue with the individual letters.

Chairman Pogoda commented that the building was coming out very nice.

Mr. Schultz responded that it was a high quality commercial building with brick and siding construction. Staff recommended approval.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Separate #4622.**

**SEPARATE #4624 AVALON BAY COMMUNITIES, AVALON DRIVE & BRIDGEPORT AVENUE**

Mr. Schultz stated that this was the entrance signage. He showed a rendering of the signage and indicated that it would be going in the center island toward the hotel with the hotel's ground sign on the left by the hill. He indicated it was a very attractive, high quality stone sign that he thought the Commission would find acceptable. He added that this was a Planned Development District, so the Commission has complete control over it. He stated that the sign was in the right location with the stop bar being 10 – 15 feet away from the end of the sign so there's a good sight line. There's a stoplight there as well.

Chairman Pogoda asked if there would be any ground lighting on it.

**Grant Jaber, Avalon Bay Communities addressed the Commission.** He stated that there would be a couple of up lights on either side of the sign.

Mr. Schultz added that it was the non-internally illuminated ground lighting that the Commission likes to see.

**On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to approve Separate #4624.**

**SEPARATE #4626 GREGORY DATELLE 917 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz stated that this was the building next door to the old? Furniture. The Commission approved the Pediatric Rehab and Fitness Facility. He showed the proposed wall signage and asked if the applicant was present. He told the applicant that the Commission usually likes to see the font/lettering to be a little more uniform.

The applicant (name not given) indicated that was the logo that they utilize (inaudible). A discussion about the location of the sign continued but was also inaudible.

Mr. Schultz stated that the sign would be on the side of the building not in the front – Bridgeport Avenue runs north and south and the building faces the east side and that was where the sign would be.

Comm. Lapera asked if the size of the sign complied with all the regulations.

Mr. Schultz responded that it did. It would be internally illuminated and consistent with the others.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4626.**

**SEPARATE #4625 GREGORY DATELLE, 390 RIVER ROAD, SIGN**

Mr. Schultz indicated that this was for Riverview Funeral Home, and he passed a rendering of the monument sign around for the Commissioners to review.

Chairman Pogoda asked if the sign would be illuminated.

Mr. Schultz responded that it wouldn't be – just the letters, soft fluorescent illumination and the material is Corian® simulated granite.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate 4625.**

**SEPARATE #4611 JIM BLAKEMAN, 702 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz stated that this was for the tanning salon at Split Rock, and he showed a rendering of the proposed signage.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #4611.**

**SEPARATE #4633 SHELTON CLEANERS & TAILORS, 515 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz stated that this was for the former Zoots, now Shelton Cleaners & Tailors, signage.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #4633.**

**SEPARATE #4651 CT SIGN, 811 RIVER ROAD, SIGN**

Mr. Schultz stated that this proposal was for the car wash facility with a larger sign that was approved many years ago. They were proposing a message center similar to the Golf Driving Range. He wanted to bring to the Commission's attention that Shelton only has one of those message centers – the Golf Driving Range – and it's a Planned Development District (PDD). He advised the applicant to come tonight because this would be a deviation from the traditional type of sign on the major roadways such as River Road and Bridgeport Avenue.

The owner of the car wash, Name Inaudible, addressed the Commission. He indicated that the sign would be 1000 feet from the other message center at the driving range. The reason they would like the LED sign was that it would give them the ability to do special pricing – show specials on oil changes, specials on car washes – at different times of the day.

Chairman Pogoda commented that was not something they would be looking for on such a heavily traveled road. He indicated that he thought safety was an issue. Drivers trying to look at a sign with moving messages on that road would not be safe in his opinion. He added that he understands that there was a sign like that across the street; however, that was a PDD. This would be for an established business which has had a car wash sign there for a long time.

Chairman Pogoda continued that he did not think that was a proper place for a sign like that and they don't want to see them cropping up in town. Advertising prices for ...it's basically a moving billboard and his main issue was that it was about safety. Chairman Pogoda added that they have tried to get away from that - signs with telephone numbers and other things that people want to put up on their signs. The Commission only wants to see a sign advertising the business with its address number. He concluded that was his personal opinion on it.

Comm. Harger agreed with the Chairman. She thought it was too busy for that stretch of road which was getting very heavily traveled.

Comm. Jones asked why it was allowed down the road but this person can't have it.

Mr. Schultz responded that when the Commission approved the Golf Driving Range and ultimately, the ice skating rink, a conscious decision was made on the land use. They felt that it was appropriate to have that type of sign message board. He added that not all of the Commissioners at the time had been in favor of it, but they realized it was a different and distinct land use. Now, this is a more conventional-type of commercial operation and this needs to be considered because, as they know, signs were evolving, just like everything else. They haven't updated the zoning regulations. Later tonight, the Chairman will discuss the Zoning Subcommittee membership and one of its highest priorities would be the rewrite of the sign regulations.

The applicant asked the Board what the difference was between the ice skating rink advertising its services & retail and his car wash that offers services & retail as well.

Chairman Pogoda responded that Staff just answered that question. It was a unique decision at the time, and wasn't unanimous at the time either.

Mr. Schultz added that he hadn't had an opportunity to speak to the applicant because the zoning officers processed these applications, and the average person doesn't understand how the planned development district technique works. The Commission gives a lot of thought and emphasis on the uses but also the architectural and lastly, it's usually the signage. He asked that this be tabled so that he could speak to the applicant and see if there's a compromise or if they would like to proceed. He added that it was the Commission's call.

Comm. Jones asked if he could explain again about what a PDD was and why the other guy got this and he didn't.

Mr. Schultz responded that a Planned Development District was a zone change, and the Commission determined that type of signage, for the ice skating rink, was appropriate for that particular land use. It was quite unique not only for River Road, but for the entire City of Shelton. It's the only type of sign that they have like that in the City of Shelton. Signs are evolving with the refurbished gas station signs downtown and throughout the State of Connecticut, and the Commission wants to address it because they don't want surprises. He added that he thought it was appropriate that this be tabled so that he could speak to the applicant.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #4651.**

**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) – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated that Staff had been directed to prepare a draft report resolution which he would read in its entirety. He added that there were a lot of issues and exhibits shown on boards against the window, renderings were on the easel, and site plans were on the table for their review. Most commissioners have already seen this, especially the Downtown Subcommittee. Mr. Schultz indicated that this was something that had been given a lot of thought and discussion.

He read the Draft Resolution dated April 7, 2008.

**\*See attached Resolution for Application #08-01 Radcliffe Park LLC**

He added that everyone was aware that this was a multi-family rental situation, not a condominium or owner occupied. The demolition and the site, including the embankment on the river were cleaned up.

Mr. Schultz asked the Commissioners to mark the sentence on Page 2, Paragraph #1 that stated *"said easement area will be in a fully remediated condition to the satisfaction of the Connecticut Department of Environmental Protection (CTDEP) prior to conveyance."* He indicated that Staff would suggest the complete or partial elimination of that sentence. It's a very strong condition. The applicant has already conveyed to the Subcommittee and to this Commission that they have remediated the site and to condition it upon DEP may be excessive. Mr. Schultz added that they'll go back to that sentence.

With respect to elevator and stairway dimensions, Mr. Schultz added that he had received letters of recommendation from the City Engineer and the Fire Marshal.

**\*See attached correspondence from the City Engineer dated April 8, 2008.**

**\*See attached correspondence from the Fire Marshal dated April 8, 2008.**

Chairman Pogoda commented that a lot of hard work and time had been put in by the Downtown Subcommittee on this project. From the initial development plans

which were drastically different from the upgraded renderings shown tonight that they've worked with the developer on. There were a lot of suggestions put in by Staff and the Subcommittee to get to this point, and he thinks the resolution has covered all the important aspects discussed at the last meeting, especially as far as upgrading the materials, and continuing to upgrade them until the final sign-off. He commented that he thought it looked real good compared to what they had originally seen. They'll continue to work with Staff and the developer on the final finishing touches on the façade.

Mr. Schultz added that was conveyed at the Subcommittee Meeting. They're working with the recommendations of the DSC by adding additional masonry, the brick will be seen on the final plans before the Commission signs off.

### **Comm. Parkins arrived 8:02 p.m.**

Chairman Pogoda asked if there were any other questions or comments from the Commission.

Comm. Sylvester referenced Paragraph #6 on page 7 of the Draft Resolution regarding significant economic impact. He asked who composed #6.

Mr. Schultz responded that Tony Panico did.

Comm. Sylvester commented that Tony Panico hadn't been at the last couple of DSC meetings so it's difficult for him to express our concerns. He stated that he doesn't have any reason to believe that's not true; there will be an economic impact on the Downtown and there will be an addition of disposable income. However, as he's said at the Committee meetings and he'll say it here, as part of the record. It's no fault of the developer. The developer has made comments in discussions and has agreed that it's in the best interests of downtown Shelton to work out a way to get the disposable income across the tracks and into downtown Shelton.

Comm. Sylvester continued that he wasn't sure how to say it but, he knew where they were coming from and it was a step forward. But it was imperative, in his opinion, that the City of Shelton get involved in this and work out a way, and not leave it up to SEDC – and that's not a slap at SEDC. They need to be a part of this, the City of Shelton, because it's too important a project along that riverfront. By the time it's done, they estimated it would bring about 1,000 residents to the riverfront in a variety of different housing venues. It would bring different types of population to our city, and to rely and to say to us, that those people would walk down Canal Street and walk across a pathway across the railroad tracks to come and spend dollars in the City of Shelton was laughable. In his opinion, and if Derby gets on the go and begins to develop their downtown area, it's a lot easier for people to walk across a very welcoming bridge with two big sidewalks to go spend disposable income in Derby rather than Shelton. He wasn't against Derby, but he was certainly more for Shelton. He believes that this was an overstatement, not because it can't be true but because he hasn't seen any real effort on their part to make this happen.

Mr. Sylvester stated that from the beginning, the reason why he was personally so supportive of the development of this area was to renovate the downtown and to put dollars into the new infrastructure – that's a grand thing. But the ultimate goal was to get those dollars to come into downtown Shelton. He added that this was their opportunity. He didn't want to overwhelm other board members, but he feels it's so important that as a planning group they should make a statement of this fact to encourage the City to get involved in bringing those dollars in and enabling those people – working with SEDC, working with the Planning Commission, working with the developer and working with everybody to try to

create a way to encourage people to come across the tracks and spend dollars in downtown Shelton.

Mr. Schultz responded that he had written something to add to the Resolution that he read "the Commission notes the need that the City of Shelton work on a pedestrian access plan to connect Canal Street with Howe Avenue to facilitate this goal."

Comm. Sylvester commented that the DSC have been working on that pathway, but it's not enough. When they first started this quite a while ago, they were talking about an overhead catwalk and a variety of ways of getting people to come across in an inviting way – encouraging them. Everyone seemed to be on the same wavelength. He commented that he knows that different things happen but to just say it's difficult, therefore, it can't be done, wasn't what he'd like to hear.

Chairman Pogoda agreed with Comm. Sylvester and he commented that all of them realize the fact that there has to be a means to get those people from Canal Street to the downtown sector safely and as easily as possible. Not just one way but in many ways – more than just that one pathway by the railroad tracks. Maybe up Wooster Street or another way, there has to be another way.

Comm. Sylvester responded that Wooster Street was definitely doable; however, it was way up out of the way. From the get-go, he wasn't so much for this development because of the added traffic it would bring to downtown Shelton. He stated that the optimum would be to get people to come home, park their cars, get off the road, and then use the restaurants, use whatever – that was the goal, that was the key. The Riverwalk and the Riverfront was going to be a great thing and he wasn't downing any of these improvements.

Comm. McGorty commented that they've had many conversations about finding several different ways to get over, making it handicapped accessible and making it easy so people do walk and park their car.

Mr. Schultz responded that was the paragraph they should add about continuing to provide safe and convenient access. And as Leon indicated at the DSC, they have to get Canal Street connected to Howe Avenue like the walk from Center Street to Howe Avenue – really convenient. There were a couple of options as have been indicated.

Comm. Sylvester stated that since this was going to be an apartment building, it was going to have an impact on downtown Shelton, and not such a positive impact. There were a lot of apartments - 2 and 3 family places- rented right now that probably won't be rented in the near future. He said that a couple of landlords have approached him and indicated this would be a difficult time for them. Although there's demand for apartment space, this would be for 250 new units. That's a large number and they would probably see some of the marginal rentals vacated in the same area. He hopes it doesn't happen but thought there was a good chance it might happen. Although that wasn't a problem with the developer or a problem of this development, it's going to be a transition period in downtown Shelton.

Mr. Schultz responded that they have been talking about it because the Zoning Subcommittee has to look at the neighborhoods right next to downtown. There were developers that want PDD's and they're going to be looking at all those neighborhoods. This was all overlapping.

Chairman Pogoda asked the Commission members if they were comfortable with the addition that Rick put to #6 in the proposal.

Comm. Harger asked Rick to read it one more time.

Mr. Schultz read the addition to #6 of the draft resolution. "The Commission notes the need for the City of Shelton to continue to work on permanent solutions regarding the creation of safe and convenient pedestrian access ways connecting Canal Street with Howe Avenue to further facilitate this goal." The goal here being to bring disposable income to downtown Shelton.

Chairman Pogoda asked Rick to make sure that it stated access ways – more than one.

Comm. Harger commented that Wooster Street would be doable. She didn't think it would be a hindrance that it's up the street. She thought that if people were given a well-lit and attractive walkway, they would utilize it. People were always walking. They use the Riverwalk. She added that she thought the City should look into ways of making upper Howe Avenue area more attractive, convenient and safe to walk.

Chairman Pogoda commented that with the apartments at the other end of Canal Street, Wooster Street would be used for tenants going to Howe Avenue from that area. There could be other areas.

Mr. Schultz suggested that White Street makes sense.

Comm. Lapera asked Rick to include the words "in a clean and remediated condition that is acceptable to the City" in regard to the pedestrian easements.

**Atty. Steven Bellis addressed the Commission representing the applicant**, and stated that he was working with the City, Tom Knowles, on that. He stated that Rick's beginning remarks made mention of eliminating the last sentence on #1, Page 2 that goes along with getting rid of the phrase "in a clean and remediated condition..." in #5 of the resolution as well. He continued to state that the applicant has been very helpful in working with the City of Shelton and would be giving an easement for the Riverwalk. He's working on the exact location with Tom Welch. Additionally, the applicant, on his own, cleaned that up as an accommodation to the City. There was going to be some agreements going back and forth regarding payment and invoicing; but he didn't think that should be in this agreement at all. He thought the phrase "fully remediated" was too broad and he asked Rick to leave that out. He was going to work with Corporation Counsel on that issue and there would be separate agreements when the Riverwalk project comes up regarding as to locations and easements.

Mr. Schultz stated that the DSC was advised of what steps were done. The State oversees this as well.

Atty. Bellis commented that he thought it was safer for everybody if they just leave out "said easement area will be in a fully remediated condition to the satisfaction of the CTDEP prior to conveyance" on Page 2. Also, the part that Pat picked up on, #5 of the Resolution, page 7, just end it after "proposed extension of the Riverwalk...at such time as the City may determine."

Comm. Parkins asked why he was taking this out – on #1.

Atty. Bellis responded that "fully remediated" was too broad. It was not a legal term.

Comm. Parkins asked if he was just taking out the word "fully" or the whole sentence.

Atty. Bellis responded that the whole sentence should come out because there was nothing right now that the DEP was requiring.

Comm. Parkins asked why there was no oversight by DEP down there.

Mr. Schultz responded that there was – it was being overseen by DEP.

Atty. Bellis commented that he didn't want it as a part of this agreement because it has to do with the Riverwalk projects and the easements being given and what has to be done to get the Riverwalk approved. It would be confusing to include it in this particular approval. He mentioned that he made this suggestion to Rick and he wanted to make it clear that it in no way means that they weren't backing away from giving those easements. That wasn't the case; it's just a legal issue.

Chairman Pogoda commented that he was more or less concerned with the remediation of the Riverwalk portion.

Atty. Bellis responded that depending upon what's constructed and where, it would have different outcomes as far as what has to be done, whether they're capping or going down two feet. That shouldn't be in this agreement.

Chairman Pogoda indicated that he understood that and asked if there were any other comments before the roll call vote.

Comm. Sylvester commented that it was his understanding that they would be leaving open, and it would be discussed and decided later on as they progress, as to where the brick goes and the brick doesn't go. He wanted to make sure, he wasn't an architect, but he'll say again that he thinks that significant buildings in Shelton were brick and should be. This whole thing doesn't have to be brick, but it's going to house 250 apartments and be a beacon for people to view. Architecturally, it should be treated as a significant building in the renaissance of downtown Shelton. He just wanted that on the record as a basis of his seconding it.

Mr. Schultz responded that he would be bringing many things back to the DSC because so many things have to be looked at again. That's why the subcommittee works so well.

Comm. Parkins apologized for being late and indicated that she read through the resolution; however, she wanted to make sure there hadn't been any significant discussion prior to her arrival.

Chairman Pogoda indicated that the only additional discussion had to do with the comments that she heard from Atty. Bellis and the additional sentence Rick had read.

**On a motion made by Virginia Harger seconded by Leon Sylvester, it was unanimously roll call voted (6-0) to approve Application 08-01.**

**APPLICATION #08-07, R.D. SCINTO, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #39 (CONSTITUTION SQUARE OFFICE BLDG: ELEVATION CHANGES), WATERVIEW DRIVE (MAP 65, LOTS 27 AND 28) – ACCEPT, DISCUSSION AND POSSIBLE ACTION.**

**On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to accept Application 08-07.**

Mr. Schultz indicated that Mr. Scinto was present to discuss his changes to the exterior of his building. He passed some photos around to the Commissioners. He reviewed for new members that in 2002, the Commission approved a PDD for an 8-story office building consisting of 220,000 square feet with parking for 702. All those standards remain the same. Mr. Scinto was here to go over the changes to the exterior skin; hopefully, the Commission will determine its minor in nature, the application being for a minor modification. If the Commission feels comfortable, they can act on it tonight.

Mr. Scinto addressed the Commission. He stated that he had been coming there since 1978, so he wanted to congratulate everyone on the vote for downtown. He added that he thought it was a terrific step in the right direction.

He addressed Mr. Sylvester's concern about landlords complaining to him – they'll be able to double their rents and still be half as much as what these people were going to have to charge. When they build this type of building and build a parking garage, the rent they're going to need was going to be so much higher than what they have in downtown now. This would be an economic boost to those people.

Comm. Sylvester asked if he could have that in writing, thank you...

Mr. Scinto stated that he wanted to provide a quick history. He showed a photograph from a book of a building designed by I.M. Pei called the Bank of China. It's a famous building that he did in Hong Kong. He added that he loved the skin of the building and the images of the building.

Mr. Scinto indicated that he wanted to do something like that and he went to same people who built that wall; they're from Germany. He got them to give him a design and they ended up with a design which he got approved by this Commission for an 8-story building. He showed a photograph of the proposed building.

Mr. Scinto stated that he wasn't crazy over this any longer. The reason that he did that design was because he had to make a box because all the pieces on the angle all had to be the same size angle. In other words, if he had a different design on the skin of the building, every piece of glass would be different so he went to a box design so that his 45°'s were all the same. He passed around a flyer of his building and indicated that what he learned about good architecture was that it really sells a building. The building that he's completing on Reservoir today was 160,000 square foot and it's all rented except 5,000 square feet. He indicated that Playtex from Westport was making it their corporate headquarters, GE and ? were going in there. He said that the reason they were going into that building was because it was exceptionally good architectural design.

Mr. Scinto stated that with that being said, what he wants to try to do and the picture of the building they were looking at was a building that he'd like to try and copy. He said it was the Royal Bank of Scotland building in Stamford.

He distributed photographs of what he wanted to try to create on this new building. It would be precast, with the glass outside the precast, and sun shields everywhere. Mr. Scinto added that the secret of this building was that it was going to face to the south and the sun was going to make great shadows with the building. The skin would be precast in glass and he thinks it's such a higher tech looking building with better images. He showed another image of what he was talking about.

Mr. Scinto stated that this building would be the same size in all respects with the approved building; it would be a different skin and a different shape but no higher and no bigger. He added that he thought it was a better looking building. He had a corporate headquarters interested in this building.

Chairman Pogoda asked if the square footage and footprint remained the same.

Mr. Scinto responded that the footprint would be more of a rectangle than a square but still the same square footage. He showed another image to describe the type of bands that he wanted to create in the front of the building. He indicated that the colors of this building would be more of a limestone color. He concluded that he thought it was a better shape, much higher tech, better looking building. He really wants to do a great job here because he just bought the other 25 acres from Pitney Bowes. He stated that he wanted to bring the level of those buildings up there to a higher level than was there now. The buildings there now were industrial type and warehouse type buildings.

Comm. Lopera asked if it was clear glass.

Mr. Scinto stated that it was going to be a high E glass. This was going to be a LEED certified building; he was going to a lot of expense to make it LEED certified which means it's a very green building. There were a lot of pre-requisites to that such as not having more than 40% vision panels. They have to use a white roof and it has to have bicycle racks to get points – it takes 28 points to get LEED certified.

Mr. Scinto said that he was very into trying to build great buildings in this town. He encouraged them to come see the lobby of the Renaissance. He hopes that the Commission would let him change his design to make a better building for them.

Comm. Harger asked where this building was in relation to the Pitney Bowes building.

Mr. Scinto responded that it was right in front of the Pitney Bowes on the curve that goes all the way around.

Mr. Schultz added that it was located across from Rivendell condos.

Chairman Pogoda asked if there were any other questions from the Commission.

**On a motion made by Leon Sylvester seconded by Ruth Parkins, it was unanimously voted to approve Application 08-07 subject to final Staff review.**

### **PUBLIC PORTION**

Chairman Pogoda asked if there was anyone from the public who wished to address the Commission regarding an issue not on the agenda. There was no one.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to close the Public Portion of the meeting.**

### **BEACON POINT MARINA, 704-722 RIVER ROAD, DISCUSSION ONLY**

Chairman Pogoda explained to Comm. Sylvester that before he arrived, the marina requested that they be added to the agenda. They want to informally discuss some proposed modifications to get a sense of how the Commission feels about them. If the Commission feels comfortable with the proposed changes, it would have to go to another public hearing. They voted at the beginning of the meeting to add this to the agenda.

Comm. Sylvester stated that he was fine with it but felt it was very public, especially for people on the River, and who use the River. If something concerning it goes on the agenda, it would be nice if people had an opportunity know it was on the agenda so they could come and listen.

Chairman Pogoda commented that there was a miscommunication between the applicant and his attorney as to when this would be on the agenda. They came to Staff because they didn't see it on the agenda and requested that it be added. The Commission voted to add it; however, he understands Comm. Sylvester's concerns, but the public will have another crack at this because this will have to go to a public hearing again. He commented that Comm. Sylvester made a good point, because there was so much interest in it the first time.

Comm. Sylvester responded that there remains a lot of interest on the River. He added that it wasn't a problem, it's on the agenda, but at least if it's published on the agenda, anyone who wants to come can. If it's not made public, they don't know.

**Atty. Barry Knott thanked the Commission.** He indicated that he represented Rick Kral of Mianus Holdings, the owners of the property at River Road. In order to refresh the Commission's recollection of the project, he stated that it was approved for 23 condominium units, 265 boat slips, a clubhouse with restaurant, swimming pool and a marine service building with parking at an approximate ratio of 2:1 for the site. This was approved a while back and they've actually submitted final plans in furtherance of this approval.

Atty. Knott stated that at the present time, Rick would like to take the Commission through some modifications which they would like to propose for the reasons he will discuss. He just wanted everyone to remember what had been approved.

**Richard Kral, Mianus Holdings, addressed the Commission.** Mr. Kral stated that they have looked at making some changes, and he appreciated the opportunity to come back to the Commission tonight with some of the redevelopment tactics that were put in once they got final approval and went back to look at some of the logistics of the site, some of the economics, some of the things that the Commission requested, some of the things the State Traffic Commission (STC) requested and some general planning issues that arose in the finals of this site. He indicated that they wanted to take a step back and make sure that they can do this and that it comes out to the level of expectation that this Commission has had for them. In working with the Commission along the way, they got an understanding for the concerns of the neighbors and the folks on the River and what they would really like to put together for this site.

Mr. Kral stated that there would be three significant changes and a couple of minor ones that follow through it. He began by referencing the residential side of the project where the most significant change occurs. In the original plan, they had an exclusive entrance for the residential units, and it had to be, according to the STC, across the street from the existing Murphy's Lane. That posed some logistical issues with them to make sure it came in at the right angle and they had the right grade. They had to make some changes there in which they eventually wound up eliminating one of the units up top. As they started to do that, they started to get into some economic concerns and they came back and had some informal discussions with Staff. They realized that they really needed, if they were going to be able to put in the infrastructure and the sewers and do all the road work and everything that needed to be accomplished here, they had to somehow drive a little bit more of the economics into the project. He indicated that they inquired about increasing the number of units that would be permitted on the site. At the time, they thought they would have to go up as high as 12 – 15 units but they went back and decided not to go for density, but to go for quality.

Mr. Kral continued to state that they looked for the best location on this site to increase the number of units after losing the ones on top in order to make the entrance work. They decided that anything on the waterfront would give them a better quality view, and a better quality product. He indicated that they wanted to put it at a location where they originally had a structure. He used the original site rendering to show that structure. He indicated that in the next phase, they moved the pool to the other side of the driveway and located the boathouse that had been right in that area.

They went back and decided, with the boathouse already being there, they wanted to maintain the integrity of the residential area; so they added 8 units in total. There were actually 9 units down along the river and the total count now was 31 rather than 23 in the original application. Mr. Kral added that they looked at potentially going up in density and having to do more smaller units, and they decided that they wanted a quality project here, as was stated in conversations with Staff and Commission members that they wanted to maintain a higher end, higher quality product. They stuck with that and went with these 8 units. This helps them expand the costs of this project for grading, fill and infrastructure and everything else incorporated with this.

Mr. Kral stated that he understands that they can't just come and say that they want to increase the number of units. They understood that through the public hearing process, one of the major concerns was the actual density on the river, the amount of slips and the length of the piers on the river itself. He continued to state that what they had done was to eliminate two docks – basically L and M that were on the original site plan and reduced the length in which the docks now go back. He showed that in going to the K dock now, they've reduced the distance, per the request of the Commission on the original approval, although at that time L and M were way out and they had cut them back. Now L and M were gone and they've been able to push K back and K was now in better alignment with A and it flows much nicer on the river. He added that it was shown on the smaller drawings that the Commissioners had – he knew they were small but he wanted to get it all on one page. He said that they really tried to get the marina design into what they thought was one of the major concerns, and as Mr. Sylvester pointed out earlier, there were still a number of folks interested as to what they're doing down there. Mr. Kral indicated that the number of slips now would be around 200. They've reduced the number of slips on the water down from the original 300. There were around 200 in total in which some were used for their commercial operations and boat sales, but the number of rental slips would probably be somewhere around 185. In that 190 range, they were still working on a little bit the size of the slip and how some of this would pan out. Now that they have this extra space, he wanted to increase the width the fairways, the distance between the docks, to make it a little easier so the boaters have the room, if they have it. There's no sense trying to keeping things to a minimum size or tightening up the fairways. They were still working this out but wanted to get the Commission's input on the overall concept of the site before going to a final application.

Mr. Kral stated that the third major change that occurred on the site was the covered storage or their service building. Originally, they had a marine service building coming down from the entrance of the site. One of the issues that they faced on the site was the amount of fill that they needed in order to bring everything up to flood elevation which was elevation 15 in this area; that's higher than other places where it's 10 or 11. The site currently ranges from about elevation 8 to elevation 11. In order to bring a lot of the buildings up to the 15 and do a lot of the grading, they were shy about 2500 cubic yards of fill or somewhere in that neighborhood. It cost about half a million dollars to truck it in for what they needed. They looked at increasing the retention in this bank and taking out some of the fill that exists on site. There was a lot of good fill and a lot of good gravel that was in this bank. When they went in there though, they realized

they would wind up with a 15 – 18 foot retaining wall and they didn't think that was the best thing to have there, but it would work out if they put a structure in.

Mr. Kral stated that one of the concerns that had been expressed by the Commission was the evidence of the racks that would be out in the storage area out in that yard year round. Rick Schultz had mentioned that they weren't excited about the unsightliness of that, even at the Greenwich facility where they're located along the boardwalk. He indicated that they decided to take advantage of that situation and move the storage racks indoors. They would be able to set up their service building, and the racks, and be able to store the boats indoors which would give them a little bit more of an edge in their marine business. From a marketing or business standpoint, they would be able to offer indoor winter storage which would be a commodity especially in Fairfield County. They would probably be able to offer indoor winter storage for about 100 boats or so indoors. That would be a great advantage for the service standpoint as well as the sales and marketing standpoint for their marine business, so that works out well. During the season, there may be about 40 or so boats in there on a racked storage basis but also they'd have their new boats and everything could be inside.

Mr. Kral stated that the use of the parking area now would be completely paved whereas before they were talking about a seasonal transition in the parking. That had been one of the issues brought up by the Commission, and although it was allowed, he didn't think everyone was extremely happy about it. Now it would be entirely paved, marked and set up for year round parking. Some of it might still be used for the outdoor winter storage of boats; obviously, they'll have some of their slip customers who may not want to keep or pay the premium to keep their boats indoors. They would still have to offer some exterior space for winter storage and some seasonal but that would be paved area, so that when they store the boats, and they go back in it would be a paved parking lot.

He indicated that one of the other things that they would be able to do in laying things out like this was to create a nice, flowing entry down into the public access boat ramp. What can be seen in coming down, there would be nice wide turns, very easy flowing, and as they come in with trailers, they've redesigned the ramp. They've put the ramp to the far southern corner of the property, so they could come in with their trailers, turn easily, back right down the ramp and pull forward straight ahead right into the parking spaces that would be allocated for the public. Then they would be able to back right down, get their boat, and pull it right out – very easy operation which would be very nice. This really helped them get the public access to the ramp in an area that would be very dedicated to them without a lot of other traffic in the parking lot or folks coming down to go to their slips. It would give it a nice dedicated spot for the trailers with a very easy flow and egress in and out of the water.

Mr. Kral mentioned that they had worked on, in the last meeting prior to the final, the circular drive that the Commission agreed would make a more permanent drive around the units for the egress of emergency vehicles. They decided to incorporate that right into the site in a one way permanently paved driveway that would have accessibility and the ability for an emergency vehicles to turn because it's a less than 10% grade. It works out very well for the driveway to come around, flow underneath the new building and be able to circulate back out into the public parking area for the marina. The clearance on the building would be 13' 6" so emergency vehicles would be able to get under and through that garage if they need to – so there's full clearance and access all around the site. This access was part of the last approval so they had incorporated it and it is now final. It does work pretty well in the site now that they've shifted the units down and took one unit from up above and brought it down below.

Mr. Kral concluded that it was a lot in one breath but he wanted to give the Commission a quick overview of everything to let them know where it's at and allow them an opportunity to ask questions.

Comm. Harger asked if the building above slip F was still the restaurant.

Mr. Kral responded that it was still the restaurant, that hadn't changed. He added that the clubhouse and restaurant haven't changed and would still remain. The clubhouse would still remain, at the Commission's request, on the second floor. They were anticipating that on the first floor they'd have some meeting rooms, storage spaces and offices because they weren't sure what to do with that space. That space, which was the reason why the drive opens up there, would be where they put the bay doors and they'll actually have the boathouse down below. They thought it would make a real nice effect there where they can store the crew boats and have the actual boathouse down below the restaurant and the restaurant above. He stated that a lot of the folks that they've been talking to in operating the restaurants, and with his experience the amount of space that they have upstairs in the restaurant would shrink a little bit. They'll be happy to say it will be around 100 seats. That seems to be the optimal number that they're seeing in the economics of where they want to be with a full service restaurant. They were not looking to do a big catering business or anything like that – no banquets, no weddings or things like that. It's about the waterfront dining and the atmosphere of the marina. They had rooms downstairs for parties or things, but they felt they were better off putting the boathouse there and keeping the waterfront ambience.

Comm. Harger asked what the little building to the left of the pool was for.

Mr. Kral responded that was the little pool cabana where they anticipate having bathrooms and things for the pool and down below there would be another bathroom that would facilitate the marina or the boathouse or perhaps a changing area for the kids or some of the crews that come down. They would set up some open space rooms down there with storage bins.

Comm. Harger asked what building he was referring to for the second part.

Mr. Kral responded that it was the pool cabana. It would be two stories. The first story would be at the pool level with bathrooms/changing areas for the pool and almost a mirror of that down below for the marina. There would be some more at the marina for storage and changing areas. Such as for the junior crew programs, such as Fairfield Prep that comes there now, so the kids can come and have a place to put their books and other things.

Comm. Parkins asked about the driveway underneath the condo building. She asked at what elevation does that put the condos in relation to the boardwalk.

Mr. Kral responded that the condos and the boardwalk would be at the garage level, while the condos and the boardwalk would be at the same level. The first floor of the units would be that level above the boardwalk. So as people walk on the boardwalk, they would not be looking into the condo living rooms.

Comm. Parkins asked if the boardwalk would remain open to the public all the way down.

Mr. Kral responded that it absolutely would. It's a level above the living space and the drive thru garage was at a lower level with private parking for the units and a storage area. They would come in the lower level stairs up or elevator option, storage area, and as they come up from their private parking they come out onto the first floor. The first floor is 14 feet above the boardwalk.

Atty. Knott suggested that he point out the view from the units on the other rows.

Mr. Kral responded that the second floor elevation of those units would be at the basement elevation of the upper units so they wouldn't be losing any view of the river.

Mr. Kral added that they were very excited about the new units because they were so unique. He didn't think there was anywhere really in Fairfield County that was close to what they were designing. He thought it was a very unique product and really adds a nice statement to the site.

Comm. Sylvester asked him to describe some of the uniqueness.

Mr. Kral responded that the location on the water, the views, the ability to drive under for private parking and access units individually, the waterfront ambience. He added that the units were a very good size, still two bedroom but including the loft they're 3700 square feet.

Comm. Parkins asked if that was finished space, not including the basement.

Joe Mingoello, architect, from Mingoello & Hayes Architects responded that it was 3700 square feet of finished space.

Comm. Harger asked to see the second page of the condo floor plan. She asked if they expected to have some (inaudible).

Mr. Kral responded that there were some elevations on the next page.

Comm. Sylvester asked how many additional units.

Mr. Schultz responded that there would be a net increase of 8 units – from 23 to 31.

Comm. Sylvester asked if the public access area had shrunk or increased at all or if it was exactly what it was.

Mr. Kral responded that it was the same and flows much better with the redesign especially at the boat ramp area.

Comm. Sylvester asked if the parking spaces were still the same.

Mr. Kral responded that everything was still there (inaudible due to side discussions)... it worked out nicely to have an exclusive area for trailers to just pull in and out without having to worry about people walking by. He thought it was easier to just pull up with a trailer, back down, pull straight up, pull right back to get the boat and pull out without a lot of backing and turning. The old plan had the parking over there and they would have to pull up to the ramp, back in, pull back out and back down the ramp – there would have been a lot of turns and things in there. It wasn't the best (inaudible due to side discussions)...

Comm. Harger asked if there would be some way of restricting the garage parking just for the condo owners.

Mr. Kral responded that they would just like to do that with signage and stay away from gates and things, but if it really becomes an issue, they can always put a gate in. The driveway coming around was going to be one way down so that (inaudible) They'll make sure it would be marked that way – one way, and the sign at the parking garage would be parking for owners only. It might take a little bit of policing, but it should work pretty well.

Comm. Harger asked Rick Schultz if the marina rendering that they had approved was available.

Comm. Sylvester asked how many stories the condos were.

Joe Mingoello responded that they were three levels. Actually, one level would be the parking level, living room and bedrooms and loft space.

Comm. Harger asked how finished the lofts would be.

Joe Mingoello responded that they would be finished 100% - he said that it was a beautiful space; it's high overlooking the river. He added that those units were very unique; they have nice decks out of the living room and the master bedroom. The important spaces would be looking right at the water.

Comm. Lopera commented that they certainly wanted to be sure, because they're proposing a building right next to the boardwalk, whatever the treatment would be on the back of that building should be really nice because people would be walking by there all the time.

Mr. Kral agreed and added that he and Joe had worked very hard (inaudible due to multiple discussions about windows, sunlight...)

Mr. Kral showed that the back of the building really opened up and on the side it worked into a very nice courtyard where the pool would be. He added that the master bedroom and living space for the ones on the water would be facing the water so their backside was to the backside of where the others have their living rooms and master bedrooms. In that way, they weren't looking master bedroom to master bedroom, living space to living space which makes it nice with privacy even though the elevations would be different.

Atty. Knott added that the lower elevation along the river would have plantings along the base of it as well.

Comm. Sylvester asked if the pool was part of the condo.

Comm. Lopera asked if it was a pool club.

Mr. Kral responded that it was part of the condo and the marina. He indicated that anyone having a boat in the marina could use the pool as well as the marina amenities.

Comm. Lopera asked if the pool size had changed.

Mr. Kral responded that it was exactly the same size.

Comm. Sylvester commented that the pool was pretty much by location part and parcel of the condo.

Mr. Kral responded that they wanted to create it in a private area so they moved it back. In the original conversations they had the pool up closer to the marina and during the conversations going back and forth, everyone decided to move that back because of the public access boardwalk in the area with a lot of traffic.

Comm. Sylvester asked how close the pool was to the condo.

Mr. Kral responded that it was about 40 – 45 feet. He added that was the reason for trying to keep the cabana building there so that they could have a transition for the marina folks; they could come up the stairs, go right up into that area and have a bathroom. It's kind of centrally located.

Comm. Harger asked if the pool was a little lower than that condo.

Mr. Kral responded that it was.

Comm. Harger asked how they were allowing the residents to walk up and down – she asked if there were pathways.

Mr. Kral responded that there was a walkway there; obviously, not all of the site work was shown there with the stairs and everything. Afterwards when they started putting in some of the walkways down to the marina, it was able to open up some of the spacing between the units on the upper tier so that the spaces between the buildings would be gone. Also, putting a loop in down at the end has opened up some space at the very northern end of the property where it's close to Route 110 so it gives it a nice buffer also.

Comm. Harger asked if it would be a grassy kind of slope.

Mr. Kral responded that it would be and they will probably put some walker stairs from that central area down to the rear access for the condos when they get into their final site plan and landscaping plan.

Mr. Schultz commented that the applicant would like to submit their new application on April 22<sup>nd</sup> for acceptance. Staff at this time would suggest a May 27<sup>th</sup> public hearing date, that's the fourth Tuesday in May.

The informal discussion ended and Mr. Knott & Mr. Kral thanked the Commission for their time.

### **OTHER BUSINESS**

#### **8-24 REFERRAL: RENTAL OF PERRY HILL ROAD APARTMENTS (FORMER HURD PROPERTY)**

Mr. Schultz stated that the Commission had reported on this 8-24 Referral; however, the configuration of the property was changing because of the renovation work to the upper elementary school. He showed a new layout of the old Hurd property and the building. He also noted that this removes the detached garage and the smokehouse, so when doing the 8-24 referral they should make reference to the fact that some of the structures would be removed. The configuration of the lot would be changed substantially because a lot of that land was going to be added to the old Intermediate School.

Comm. Jones asked what the land was going to be used for in conjunction with the Intermediate School.

Mr. Schultz responded that it would be the entrance for the employees. He pointed out the existing one for the buses and the bus lot.

Comm. Jones asked what the other five acres to the side would be used for, was there any specific use.

Mr. Schultz responded that the area to the northeasterly side would be left in its natural condition but the balance of the property would be incorporated into the (inaudible).

Comm. Sylvester asked where the house and garage were located.

Mr. Schultz responded by showing him the location of the garage which wasn't shown on the layout, the smokehouse and the piece that would be incorporated into the upper elementary school.

Comm. Sylvester commented that it would probably be for employee and visitor parking; it would give them easier access.

Mr. Schultz stated that the existing entrance drive for the buses and the property to the right of the house to be rented would be the employee/visitor parking.

Chairman Pogoda asked if their 8-24 Referral was for the rental of the two dwelling units in which one was occupied right now.

Comm. Sylvester asked if they hadn't been rented before.

Mr. Schultz responded that they had been but this was for a whole new configuration and he wanted to advise the Commission of what the property was going to look like. They have been rented in the past, and the Commission acted favorably on an earlier one. He added that he wanted them to know what was going to be saved and what was going to be knocked down because this was a historic site; there's a lot of old buildings there. The Historical Society was asked about this because they try to salvage these buildings.

Chairman Pogoda asked if they were aware of this change.

Mr. Schultz responded yes.

Comm. Lapera commented that if the driveway was going to be next to the house, and the 8-24 was for rental of that house, they should note or include in the referral that anyone renting that house need to understand that there would be major construction going on right next to them. That building was going to be under a major renovation and it's going to be right next to them.

Mr. Schultz agreed to add occupant beware notes.

Comm. Parkins asked if part of it was currently being rented out.

Mr. Schultz responded that there was one occupant.

**On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to report favorably on the 8-24 Referral for the rental of Perry Hill Road apartments.**

#### **RICH SUBDIVISION – REQUEST FOR 2<sup>ND</sup> 90 DAY EXTENSION TO RECORD MYLAR MAP**

Mr. Schultz stated that this was the subdivision that the Commission approved on Prospect and Kneen Street. There were two new lots with the existing house. This was the second and final 90-day extension. FYI- They've been getting developers in that were interested in buying it, so obviously the owners was going to sell the two lots. Staff recommends approval – this was the final extension.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve the request for a 2<sup>nd</sup> 90-day extension to record a mylar map on the Rich subdivision.**

#### **BERKSHIRE COMMONS: REQUEST FOR EXTENSION TO SUBMIT DETAILED DEVELOPMENT PLANS**

Mr. Schultz commented that this was for the Zuckerman condominium on Murphy's Lane across the street from Tanglewood. The Commission approved this subject to obtaining Water Pollution Control Approval from the Town of Stratford. He showed the line that goes to Stratford and indicated that they have not been

acting favorably on it. He read the letter from Adam Zuckerman indicating that they were awaiting a May 21, 2008 court date. They have requested to have this extension be to the end of this year.

He added that the Commission puts constraints on the submission of final development plans so this was his third extension request. He can't get WPCA in Stratford to authorize his development.

Comm. Lapera asked if this was the development to get sewers to Murphy's Lane, were they going to be able to get sewers to Murphy's Lane from this development? There were people that came to us from across the street – from Tanglewood...

Mr. Schultz responded that Tanglewood was going to tap into Zuckerman's but it was going to be pumped up the hill to Long Hill. The marina would bring the line down gravity, Tanglewood could hook up to it and end it with Zuckerman. But it rests in the hands of the Town of Stratford because it's on the Stratford line.

Comm. Sylvester asked if Stratford would not allow the marina...?

Mr. Schultz responded that no, Zuckerman, the Marina got the approval already.

Comm. Sylvester asked if they could come down the hill and tap into the marina.

Mr. Schultz responded that they were going to request that too but they have not entertained any favorable resolution.

Comm. Sylvester asked if Stratford could stop that.

Mr. Schultz responded that yes, they could because it would increase the discharge to Stratford, so they have the final say. So Zuckerman, because of all the delays and no's – has taken this to the courts.

Chairman Pogoda asked if this was their third and final extension.

Mr. Schultz responded that it wasn't the final one – that was up to the Commission and they could grant up to five years. Under the circumstances, this was warranted because there was going to be a court decision on 5/21/08.

Comm. Sylvester asked why they would accept the marina and not accept Zuckerman.

Mr. Schultz responded that was the \$20,000 question.

Comm. Jones asked how many condos Zuckerman was proposing.

Mr. Schultz responded that it was four, very minor.

Chairman Pogoda asked if the extension was to the end of the year.

Comm. Sylvester asked if they could give them until they resolve the court case.

Comm. Lapera said no! don't do that...it could be years with the appeals. If the court day is May then give them to the end of the year.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve the request for an extension to submit Detailed Development Plans until 12/31/08.**

## **ZONING ENFORCEMENT: REFER TO CORPORATION COUNSEL**

Mr. Schultz stated that there were four violations in which Staff had repeatedly tried to work with the property owners, and it's time to go to Corporation Counsel and settle these. He indicated that 32 Spoke Drive had unregistered vehicles and 430 Waverly had commercial vehicles.

Comm. Harger asked what type of commercial vehicle.

Mr. Schultz responded that it was an oil truck and these were all resulting in complaints from neighbors. He continued that 27 Hearthstone Drive was for unregistered vehicles and 52 Howe Avenue was an unregistered car. Generally speaking when they see it in the Legals in the paper, they get the hint that it's time to move them. If it's a bad winter with a lot of snow, it's understandable but...

Comm. Parkins asked if they knew there were causes that they could donate them to who would tow it away.

Mr. Schultz responded that the zoning officers remind them of that - and because they can get a tax deduction too.

**On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to authorize zoning enforcement for unregistered vehicles located at 32 Spoke Drive, 430 Waverly Road, 27 Hearthstone Drive and 52 Howe Avenue.**

Comm. Jones wanted to bring something up under the topic of zoning enforcement that he thought came up once before. He stated that Johnny's Pizza, in lieu of the fact that the back wall just fell off of Kyle's, the building was dilapidated and there were people living in the apartment above there. A car has driven through the side of that building leaving a hole covered by a tarp for almost a year.

Mr. Schultz responded that last year the Commission directed him to prepare a list for the Mayor's Office and the building official about blight.

Comm. Jones added that they have shoring in there holding up the first floor, the door is cockeyed and the right wall was bulging out. The whole building leans to the right.

Mr. Schultz suggested that the Commission direct him to write another letter expressing the urgency and mentioned that it had come up at the DSC. The Downtown Subcommittee concurred with this Commission about the urgency in addressing this.

Comm. Sylvester commented that he asked about this, and it's in litigation. The fellow who owns the building was trying to get an insurance settlement - to total the building, and the insurance company says that the building was ...well, he's saying the accident did all the damage.

Chairman Pogoda commented that he thought Staff should proceed anyway and report back to them.

## **PAYMENT OF BILLS**

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

## **STAFF REPORT**

Chairman Pogoda announced that Ruth Parkins was now part of the Downtown Subcommittee with Leon and Ginny, who was now chairing the subcommittee. Also, they need a Zoning Subcommittee, he would be on that subcommittee with Chris Jones and Tom McGorty. This Zoning Subcommittee would get into issues of signage and issues regarding the older neighborhoods such as knock-downs and replacements, etc. As soon as Tony gets back, they'll get together.

Mr. Schultz commented that they would be getting a base map together to identify the location of these neighborhoods because some developers want to extend the overlay zones to do a PDD and the Commission has to do their planning to determine what the build out was going to be.

**On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to cancel the regular, monthly May 13<sup>th</sup> P&Z meeting and reschedule it for May 20<sup>th</sup>.**

**On a motion made by Patrick Lapera seconded by Leon Sylvester, it was unanimously voted to adjourn at 9:30 p.m.**

Respectfully Submitted,

Karin Tuke