

The Shelton Planning and Zoning Commission held a special meeting on May 15, 2008 in the Shelton City Hall, Rm 303, at 6:30 p.m., 54 Hill Street, Shelton, CT.

The following members were present: Chairman Anthony Pogoda  
Comm. Chris Jones  
Comm. Virginia Harger  
Comm. Thomas McGorty  
(alternate for Comm. Laperera)  
Comm. Ruth Parkins

Commission members absent: Comm. Patrick Laperera  
Comm. Leon Sylvester

Staff members present: Richard Schultz, Administrator  
Anthony Panico, Consultant  
Pat Gargiulo, Court Stenographer  
Karin Tuke, Secretary

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

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

Chairman Pogoda began the meeting at 6:35 p.m. with the Pledge of Allegiance. Due to Mayor Lauretti's delay in arriving for the Shelton Canal Park discussion, the meeting began with the second agenda item.

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**CERTIFICATE OF NON-CONFORMITY**

**#013 FAIRCHILD HEIGHTS, INC., 804 BRIDGEPORT AVENUE, MOBILE HOME PARK**

Chairman Pogoda took items out of sequence and began with the Certificate of Non-Conformity #013 for Fairchild Heights, Inc. at 804 Bridgeport Avenue.

Chairman Pogoda read a letter stating that the P&Z Commission would not be accepting any comments tonight from the public regarding the application for the Certificate of Non-Conformity for the Fairchild Manufactured Home Park. Staff has inspected the property and received background data from the WPCA, has referred it to the Assistant Corporation Counsel, and has made its recommendation to the full Planning & Zoning Commission. The Planning & Zoning Commission has received a letter from the Asst. Corporation Counsel recommending that the P&Z Commission proceed tonight and take action on the application. The P&Z Commission is aware that this application has been very emotional, and the P&Z Commission has a responsibility to take action at this meeting to avoid any further delays. If the P&Z should approve the application, it should be noted that any aggrieving party will have the opportunity to take their appeal to the Zoning Board of Appeals who will then hold a public hearing and allow all parties to speak in support or against the action of the P&Z Commission.

Chairman Pogoda asked the Commissioners for a motion on this recommendation from Staff.

Mr. Schultz addressed the Commission to state for the record and read the letter from Corporation Counsel dated April 24<sup>th</sup> regarding this issue.

**\*See attached letter from Corporation Counsel dated 4/24/08.**

Mr. Schultz stated that Staff recognizes, as stated in his report, that the Commission is ready to take action in recognizing 139 sites. He reminded the Commission members that many of the tenants there are relying on the language in the Shelton Zoning Regulations, which in all probability is in error, that is, not consistent with more recent case law. He indicated that was why Asst. Corporation Counsel had to research case law. It was also heard from the attorney of the property owner. If that is true, the Zoning Subcommittee will be reviewing it and repealing it from the regulation or at least amending it. He wanted the Commission to be aware of that because the residents continue to make reference to the Shelton Zoning Regulations about pre-existing, non-conforming trailer parks. Mr. Schultz added that he knows there are certain components that are inconsistent with state statutes and that was made clear by the Trailer Park's legal counsel.

He commented that was why it's important to go back and revisit the zoning regulations, especially on these non-conforming issues. It's always a difficult thing, just as they had to wrestle with Schuster's Garage, but they have to rely on Corporation Counsel, insofar as they will represent the Commission, if this is challenged in court.

Chairman Pogoda commented that this is very emotional. He realizes that there are issues that the tenants feel strongly about; however, it isn't for the Commission to decide – it's between the tenants and the owner of the facility. It's not P&Z's role to decide their issues; it has nothing to do with the Planning & Zoning Commission and they can only comment on what is pertinent to their jurisdiction. Comm. Sylvester wanted something from the Corporation Counsel. They sent a letter to Staff and they need a motion on Staff's recommendation.

Comm. Jones asked for clarification as to the non-conformity aspect of this park.

Mr. Schultz explained that the regulations that had been adopted in the 1970's stated any abandoned sites could not be resurrected. The purpose of that had been to improve the quality of life; however, state statutes and case law supersede that, and the attorney representing the property owner conveyed that to the Commission at the last meeting and Asst. Corporation Counsel concurs. He reminded Comm. Jones that the Asst. Corporation Counsel would be going to court on the Commission's behalf. He has reviewed Staff's inspection.

Mr. Schultz assured the Commission that he went to all 139 sites – each and every one of them and even saw many of the tenants there. His job was to determine if anything looked abandoned, which could be a subjective thing; however, he saw that each area was able to accommodate a home. They have an A-2 survey done by a professional land surveyor that demarcates it on the survey map for 139. The Water Pollution Control has permits for 142 sites.

Comm. Parkins asked where the 151 sites came in.

Mr. Schultz responded that 151 came from when it was initially created in the late 40's. There were abandonments along the way that he included in his report.

Comm. Parkins asked if there were records on file of the abandonments.

Mr. Schultz responded that there was.

Comm. Parkins asked if that meant they did not have legal recourse to go up to 151 any longer.

Mr. Schultz responded yes, and that the Counsel representing the property owner acknowledged that. Even though the WPCA shows 142, they weren't going to dispute it and they support Staff's recommendation to acknowledge 139 sites. There has been a whole evolution from 151 down to 139 and some of the owners are still disputing that 139. He concluded that he based it on his site investigation and the A-2 survey and the documentation from the WPCA.

Comm. Parkins asked if he felt the quality of life at 139 was OK.

Mr. Schultz responded that the park overall is well maintained. He added that he felt qualified to say that because he has been there often- to all 3 parks - since the early 1970's. There was no question that it had been upgraded, no question about it and that has been put in his report.

Mr. Panico noted that despite the fact that the Commission may feel that the quality of life is not what it ought to be, the fact of the matter is that property owners have certain non-conforming rights. There's no alternative but to agree or disagree with it. He commented that Rick's documentation seems to support the fact that the non-conformity is appropriate.

Mr. Schultz stated that this would be a hotly contested issue at a public hearing. There are steps along the way – ZBA which is a public hearing - and a public hearing should be held. If someone continues to feel as though their rights have not been addressed, then it goes to the lower courts, then it can go to the appellate court and then it can go to the Supreme Court. So there are steps that can be taken. It's always been an emotional thing with the non-conforming, and he's done 4 or 5 of them. They get pretty hot, but the Commission has an obligation to recognize what they believe is sound based on Staff's recommendation. He'll be doing this for this Sunnyside Mobile Home Park as well, it's the same owner as Fairchild.

Comm. Harger asked Mr. Schultz to reiterate the recommendations made by Staff.

Mr. Schultz read that recognizing the 139 sites with the following conditions:

1. The total number of sites shall not exceed 139.
2. All future installation of manufactured homes shall be subject to securing permits from the Wetlands, Zoning and Building departments, WPCA and other municipal departments as deemed necessary.
3. All remodeling of homes shall be subject to securing a building permit and all other municipal departments as deemed necessary.
4. All sheds and accessory structures shall be subject to securing permits from the Wetlands, Zoning and other municipal departments.
5. All future installation of propane tanks shall be subject to securing building permit and other municipal departments.
6. Conformance with all applicable state statutes.

Before the roll call vote was taken, Comm. Parkins stated for the record that although she had not been there for the presentation, she read the minutes and all relevant documents concerning this application.

Comm. Jones commented that although he hadn't been present, he was familiar with the application from reading the documentation as well.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously roll call (5-0) voted to approve Staff's recommendation.**

**Mayor Lauretti arrived at 6:50 p.m.**

### **SHELTON CANAL PARK DISCUSSION**

Chairman Pogoda indicated that Mayor Lauretti had arrived for the Shelton Canal Park discussion noted on the agenda.

Mayor Mark Lauretti asked the Commission to show him the plan with respect to the Canal and the property that Better Packages sits on.

Mr. Schultz stated that the larger issue was the improvement to the lower canal area. It's two pond areas with fountains and the installation of eight parking spaces. The Commission asked him to make a referral to the BOA and the Mayor's office as to whether or not the City of Shelton would like to take ownership of the site or have it be held privately by the Association for maintenance purposes. Additionally, the Commission asked him to inquire if the eight parking spaces should be public because of its walking distance to the Riverwalk area. He indicated that this issue of city domain was the question being asked by to Commission to his Office and the BOA.

Mayor Lauretti asked to see the master plan for the area.

Mr. Schultz showed him the rendering of the Canal Street area and pointed out the location of Site E with the proposed pond areas.

Mayor Lauretti asked where on the Master Plan was the area that the P&Z Commission thinks that the City should retain ownership and maintenance.

Mr. Schultz pointed out the location of the proposed mini-park area that would be created because the developer was going to improve the open canal area.

Mr. Panico added that he did not believe that the Commission was making that referral because they believe it ought to belong to the City; the referral was being made as an open question asking if the Alderman thought it should be public vs. private. The Commission has its own feelings and it isn't necessarily supporting public ownership.

Mayor Lauretti responded that he could only speak for himself as to what he would put in front of the BOA in order to have them see the better way to go. He asked if they had a full map of the Riverwalk – the complete Riverwalk because he was trying to understand why the City would want that parcel. He added that was what he was struggling with.

Mr. Panico added that was what some of them struggled with as well.

Chairman Pogoda indicated that the Commission has discussed this, and there were concerns on their part too.

Mayor Lauretti added that through his discussions with the Board of Alderman and throughout – from the very inception of the Riverwalk and all this development down along Canal Street, he could share with the Commission his views and how they've formulated these plans going forward that got us to this point. As they know, many years ago they had a referendum on the B.F. Goodrich site that has evolved to the point where it is today. He doesn't have to revisit it because everyone knows how they got to that point and where they're going. The thought was always to extend the Riverwalk as far north as they could with the termination being the Locks for obvious reasons. He added that

as soon as Rick finds the map, he noted that it would be easier to envision a bird's eye view of why this makes sense.

Mr. Schultz found the schematic of where the Riverwalk comes in and back out.

Using the full map of the Riverwalk, Mayor Lauretti explained that this was a major public area that had been established. There were parking opportunities, Fourth of July fireworks, etc. The Riverwalk that would make its way up the River to the Locks would also lend itself to accessing the Riverview Park area which is a 26-acre site that the City has owned – it would be a public park forever because it was deeded privately to the City for that purpose. He added that it follows the thinking that it creates the loop in the downtown area with multiple opportunities for residents to get involved in. At some point in time, there may be some commercial activity along this portion of the Riverfront, such as restaurants and shops because there's been a lot of residential being requested in front of this Commission so it would generate a lot of public activity in that particular area.

Mayor Lauretti indicated that they should think about the opportunities that would exist coming off the Route 8 bridge all the way up to Riverview Park, possibly back down Rt. 110, to other things that people might want to do along the 110 corridor. And in thinking long term – of course, everyone knows what it looks like today, and everyone knows that there were some opportunities, limited in some areas, but going toward the downtown area there were more things for people to do. He continued to note that it was all pedestrian friendly and can be accessed by the public in this one big loop, if people choose to do that. People may want to break off once they get to the Locks and just circle back or just come back down the River. They've established two areas of greater concentration on each end of the Riverwalk and all the planned development in between. He asked how many places there should be – how many times do they want to create another park? He added that in looking at what's before them, there's significant public ability, that is, public access to the river.

Mayor Lauretti indicated that the other part of the equation is the economics that must also come into play here. Part of the rezoning of this big strip of land here is to create an economic return for the City and the taxpayers going forward, and there's no reason why they can't have it all. However, balance is the key here, and they have to make some business decisions going forward about how much of this can realistically be public access. The investments that they are making along Canal Street are significant from an economic standpoint, so there has to be some kind of economic return that comes back to pay for this and generate and support the City tax base going forward. There are many reasons why he thinks it's important to stay the course on the Riverwalk, which everyone agrees with because the opportunities for the public are enormous. But let's not lose sight of the City's ability to generate an economic return. He stated that he realized that it all has to work with the square footage that they approve in terms of residential, commercial or retail, adequate available parking, but he said that the City has a big chore to maintain this Riverwalk going forward. Mayor Lauretti stated that he didn't want to encourage anything else out on Canal Street. He added that he would opt to leave it in private hands, if it's to be made available to the public for one purpose or another, than that would be an added bonus.

Mr. Schultz relayed that the historic groups have asked this Commission to try to preserve the canal areas and the developer is coming up with the plan to enhance it. He has to shrink the width because the road has to be widened, so the proposal is to do a two-pond scenario. Mr. Schultz showed the rendering of the proposed two-pond/8 space parking lot. He indicated that the Zoning

Subcommittee was pleased with this approach so far and wants to take it to the Mayor's Office and BOA; it seems that the consensus is to keep it private.

Mayor Lauretti responded that it blends appropriately with the rest of the development. He added that he didn't know where the trade off is for the economic benefit. They have to weigh one against the other.

Mr. Schultz indicated that it would be parking or a two-pond environment with some parking.

Mayor Lauretti asked if the purpose of the ponds was just for aesthetics.

Mr. Schultz agreed, and added that it would maintain the historical component; because the historical committees have asked this Commission to try to preserve to the extent possible. As the Mayor knows growing up in this town, all these canal areas have been filled in over the years. These are really the only two areas left.

Mayor Lauretti responded that the finished product resembles nothing like the canals as they looked many years ago.

Mr. Panico added that to just leave the canals there and just take the right of way for the road would end up leaving just a ditch. He thinks the Applicant realizes that is a liability to his development and he is willing to step forward and make the necessary enhancements so it will be an attractive area. Mr. Panico added that he thought the Commission was in concurrence with that.

Mr. Schultz added that the Conservation Commission likes it insofar as it adds more green instead of just parking.

**John Guedes, Primrose Companies, addressed the Commission.** He wanted to make it clear that the widening of the road, the shifting of the road and the road improvements were part of the plan that had been put forth by the City before he came along. This program that he's designed and proposed was not a required element of his development, and with the exception of adding aesthetic value to the overall development, which is important to him, there is no economic value. As a matter of fact, the few hundred thousand of dollars that would be spent in building that would be a gift that he's making to the City. He just doesn't want to have the public think that in some way, other than to add aesthetic value that they were in some way benefitting from this, which is not the case. They are creating an environment, and actually making a donation for the benefit of the City.

Mayor Lauretti stated that their early evaluation of Canal Street didn't include these improvements for the obvious reason that they were going to rely on the applications that came before Zoning to make those type of enhancements. The City was committed to doing the infrastructure and the road, the sewers, underground utilities, etc. and that's all they are doing. They aren't in the business of doing all the streetscapes that would go along with the proposal. Mayor Lauretti added that he would not advocate that the City retain those areas going forward for maintenance.

Chairman Pogoda responded that was what a lot of their discussions came down to – the liability and maintenance. They have a park here and down at the end, but this one was more for beautifying Canal Street for the apartments, adding greenery and preserving the historical with the small ponds. Even though they aren't as they once were, it will be a lot better looking than they do right now with water just sitting there and garbage around it. It will help the scenery.

Comm. McGorty agreed that they didn't need to own it but it would enhance the area and it would be great down there to have a little additional parking next to it. It would be something more to maintain it and they wouldn't want to get into that.

Chairman Pogoda added that some of the parking, as they had discussed, was going to be taken away, closer to the intersection at Wooster Street. So whatever parking they would be losing on Wooster Street, would be salvaged in the 8 car parking. They'd be losing eight or even more...

Mr. Guedes added that they would be losing eight one side and four on the other.

Chairman Pogoda commented that with a net loss of four parking spaces, wherever they could pick them up would be a plus.

Mayor Laretti asked if there was another area of this proposal that was under consideration for City participation.

Mr. Schultz responded that no, the DSC had worked out the other issues.

Mr. Panico commented that they worked it out – the Applicant, Mr. Guedes could get a reasonable building and the City was going to get a reasonable view corridor, and he thought it works out fine.

Mayor Laretti asked who has the responsibility for that.

Mr. Guedes provided a drawing of the Riverwalk area with the 40 foot area going from the street to the Riverwalk.

Mr. Panico showed the location on the drawing that the Commission was originally concerned with – a view corridor going through, and perhaps no development should go on that parcel. The acceptable solution is the one that is being proposed where the view corridor from here to here is still substantial. It's about 85 or 86 feet to the main part of the building, even after taking out where the balconies stick out, there is still a 75 foot view corridor. He commented that was ample; the Commissioners checked it out. The Commissioners that took the field walk saw the marked out views, and they were all satisfied. The parking that is there is below the level of the street so they look right across the top of the lot and still get a nice view of the River, so everyone's interest is being satisfied and the development of the parcel remains essentially the same.

Mayor Laretti asked whose responsibility it was to build that access walkway.

Mr. Panico responded that has not yet been decided. He believes that it ought to be the responsibility of the Applicant to build the connection, but that is his own opinion, not the Commission's.

Mayor Laretti asked how it interfaced with the Riverwalk.

Mr. Panico responded that it becomes a connector to the Riverwalk; it would be designed and constructed of similar materials because people walking down from the downtown neighborhood that want to walk down Wooster Street would walk right across Wooster Street and down onto the walkway.

Mr. Schultz suggested going to the other map to show the connection better and added that the Boys & Girls Club would use that.

Comm. Parkins commented that this would be in lieu of leaving this open as open space which was what it initially was, he came up with this proposal to allow the view shed, at least from Wooster Street to the River and still be allowed to develop that parcel.

Mayor Lauretti responded that he wanted to make the point with respect to the overall development of the Riverwalk - it is a costly item and he was not going to be an advocate of additional walkways as part of this project. He added that he thought they had their work cut out for them now. Everybody wants to be on the Riverfront from start to finish and that's a nice approach but he's just wondering if that's a practical approach. He knows from economic standpoint it is not. He gets concerned about the maintenance of things that are in the River going forward just because those of us who understand this River, and most of us around the table do because we've lived here all our lives, they know that is a river with very strong currents. Particularly in the time of the year when they get a lot of weather - the winter, the springtime and sometimes in the summer- that river can get very active. They have bridges there that have sustained the test of time but they're talking about a walkway. He worries about the construction costs for a walkway that comes out into the River in some places.

Mr. Panico responded that the Riverwalk is the Riverwalk, they weren't messing with the Riverwalk, other people were making those decisions.

Mayor Lauretti responded that he understands that but when the request comes for the City to either buy, or build or build and maintain...he just wants them to understand what some of the thinking is.

Mr. Panico commented that the proposal to the Commission is to not increase that in any way shape or form.

Comm. Parkins added that they were going to ask the developer to do that; she believed there was a discussion of an easement being conveyed for the maintenance of it.

Mr. Guedes stated that as part of their development program, they were willing to build it. The only difference is that once they build it in order to allow it for public access there has to be a mechanism whereby, in the form of an easement or something, the City assumes responsibility for it because otherwise how do they allow the public access to it.

Mr. Panico added that the responsibility would be of the finished product.

Mr. Schultz indicated that they could take it up at the subcommittee like they have at SCDC. They really wanted to focus on that canal, and they're hearing you loud and clear and he thought there was a consensus now on that.

Mayor Lauretti commented that it was the goal to make this all work but there wasn't a blank check here. It's a pretty ambitious, positive thing for the City, but it's also very costly.

Mr. Panico indicated that this Commission has always been very guarded in placing any additional financial responsibility upon the City. The Commission is always looked to the applicant to say OK, that can be put in, but it has to be put in at their cost. If it's important to the applicant, then it's they're responsibility.

Mr. Guedes commented that he never advocated putting it in.

Mr. Panico stated that they felt a public linkage at that location was very important and an integral part of the development and it ought to be built by the developer.

Chairman Pogoda added that most of the discussions undertaken by the DSC feel the same way.

Mr. Guedes addressed the Mayor that this had been an evolution of design. When the original plans were submitted on Site E, he had designed a building that encompassed pretty much the entire site and the access point that he provided was on the north side of the asphalt plant site. As the Commission reviewed it and the consultants looked at, the decision was made that the additional connection that he was proposing should be further north nearest Wooster Street. When the Commission reviewed the plans, they came in and made a decision that they felt Site E should not be developed. Unfortunately, he believes that at that time, they misunderstood the agreements that he had in place and did not fully understand that in order for him to provide Site E, he would have to acquire it and so forth and there was different type of partnership and a different type of ownership. So there was a lot and when he came back the Commission, he said he wanted to provide what they were looking for but at the same time he must have a plan that everyone can sign on to that would allow him to develop this site so that he could acquire it. This was how they evolved to the plan that is here now. Mr. Guedes stated that he believed that the consensus he thought had been reached by the DSC and the P&Z was that this proposal that he's submitted, which will require a public hearing to modify the PDD, is one that takes care of all of the issues and at the same time allows for appropriate development of the site.

Chairman Pogoda asked the Mayor if he had any further comments.

Mr. Schultz commented that he thought all the issues had been addressed.

Chairman Pogoda thanked the Mayor for stopping by, and he left the meeting.

**Mayor Lauretti left the meeting at 7:16 p.m.**

**PUBLIC HEARING**

**APPLICATION #08-08, ST REALTY FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: ICE CREAM SHOP/DELI), 515 BRIDGEPORT AVENUE (MAP 62, LOT 44), CA-2 DISTRICT.**

Mr. Schultz read the call of the hearing. There was no additional correspondence.

The Applicants for the public hearing were not present. Mr. Schultz suggested allowing them some time to arrive while moving to the next application/public hearing.

**APPLICATION #08-09, BARRY KNOTT ON BEHALF OF RICAR, LLC AND MAINUS HOLDINGS, LLC FOR MODIFICATION OF INITIAL DEVELOPMENT PLANS FOR PDD #66 (MARINA, MULTI-FAMILY, RESTAURANT/CLUB HOUSE), 704-712 AND 722 RIVER ROAD (MAPS 32, LOTS 16 AND 17), AND CAM SITE PLAN.**

Mr. Schultz read the call of the hearing. He read correspondence from the State of Connecticut DEPA requesting that the Commission keep the public hearing open insofar as they need additional time to review the Coastal Area Management plan. Staff recommends considering June 10<sup>th</sup>, 2008, to continue the hearing.

**\*See attached letter from the State of Connecticut, Department of Environmental Protection Agency, Office of Long Island Sound Programs, Crystal Columberg dated May 9, 2008.**

**End of Tape 1, Side A – 7:23 p.m.**

**Barry Knott, Knott & Knott, 1656 Main Street, Stratford, CT addressed the Commission.** He indicated that he was present on behalf of Ricar, LLC and Mianus Holdings, LLC doing business as Beacon Point Marina at 704 -712, 722 River Road, Shelton. The principal and managing member of this company is Rick Kral who is present tonight. He presented the Certificates of Mailing and made reference to a folder of exhibits distributed to the Commissions in which he'll be making reference during the course of his presentation.

Atty. Knott stated that with respect to the Certificates of Mailing, the letters are dated 5/2/08; however, they were not mailed until 5/6/08. The posting of the sign on the property was done on 5/7/08 – eight days ago. The letters were mailed out nine days ago. The Shelton regulations require them to be sent out 10 days prior to the public hearing. The reason for the delay in the posting and in the sending out of the letters is because of a situation that they had scheduling this meeting. Originally, it had been scheduled for May 20<sup>th</sup>; however, due to schedule conflicts, the meeting had to be pushed up to this date. Rick Schultz indicated on May 3<sup>rd</sup> that the meeting was probably going to be tonight; however, he did not confirm that with him until he had an opportunity to get in touch with Chairman. Therefore, he didn't find out until May 6<sup>th</sup> that the meeting would be tonight; at that point he sent out the letters immediately and posted the signage the following day. So while it is technically deficient in that it wasn't sent out 10 days before the public hearing, the Shelton regulations provide that such a delay is not a jurisdictional deficiency and the public hearing can proceed to go forward. The DEP has asked the public hearing to stay open for another month anyway; he doesn't think there is prejudice to anyone as a result of that, but he wanted to point it out so there would be no surprises later on.

Atty. Knott indicated that Exhibit 1 in the handout was a photo of the sign which he did in fact post on May 7<sup>th</sup>. Exhibits 2-14 were pictures of the marina, as it currently exists. He stated that he wouldn't go through the photographs one by one, but there are notations on the bottom of each photograph to indicate what it represents. He's taken various aspects of the site as it currently exists, the various buildings on the site including the marina facility, as well as the two single family houses that are located at the north end of the site. Mr. Knott indicated that exactly one year ago today, many of them had participated in the public hearing held on May 15, 2007, and they may recognize the photographs as the ones they submitted to support that application.

Atty. Knott indicated that he wanted to give the Commission some history of the site and its current ownership components. The existing conditions consist of three pieces of property which comprise the nine acres that make up this site. There are 7.7 acres at the south end of the site which is known as the old Murphy Marina site and that property was purchases by the original Patrick Murphy on November 15, 1877. The property has been in the Murphy's family for decades; however, the exact date of marina operation inception is unknown. The middle portion consists of a former paper street that is the extension of Murphy's Lane. The extension of Murphy's Lane is actually the end of the existing Murphy's Lane at River Road extended down toward the river. That is a piece of property that was formerly owned by the City of Shelton. As part of last year's application, they petitioned the City of Shelton to abandon that street so

that it could be incorporated into their site plan. Last fall the BOA voted to abandon that street and it is now owned by his client.

The third parcel is the north end of the site, 1.4 acres, which makes up the former Vanko? house. The marina as it currently exists contains six temporary buildings and two permanent buildings together with about 48 boat slips, a travel lift and a single family house. The house parcel contains the house, two garages and one boathouse. Currently, no sewers are available at the site. The nearest sewer location is approximately 1000 feet south of this property near the entrance to the condominium project across the street. The property was zoned IA-2 and IA-3, but as part of the approval that they received for this project last year, it is currently zoned PDD #66.

Atty. Knott indicated that his client operates the Greenwich Water Club which is located on the Mianus River in Greenwich, CT. Photographs #15-18 are photos of that facility. This would indicate that his client is a very successful marina operator and the facility proposed for Shelton would be similar in many respects to the Greenwich Water Club.

This proposal is a proposal for an approval of the modification of the previously approved initial development concept plan as well as the submission of a Statement of Uses and Standards. Exhibits 19 and 20 are, in fact, the documents which reflect the approval that they received for this project last year. Exhibit 19 is the approval resolution that was adopted by this Commission on 10/9/07 and Exhibit 20 is the approved Statement of Uses and Standards which was also adopted by this Commission on 10/9/07. The intent of the current PDD application is to accommodate a mixed use proposal including a marina facility, with 200 instead of the previously proposed 300 boat slips, a clubhouse with a 100-seat restaurant and swimming pool as well as 31 residential condominium units.

Atty. Knott indicated that this application includes a public access component consisting of an approximately 1,000 ft boardwalk including a gazebo water overlook at each end as well as a small boat launching ramp available to Shelton residents at no charge. A public access easement will be recorded on the Shelton land records ensuring that this public access easement will exist in perpetuity. The water related uses associated with this site, in addition to the 200 boat slips are a fuel dock, a sanitary pump out facility for the boats, as well as a marine service building, a club house for water related activities, a full service restaurant open to the public and a swimming pool. Also, on this site but serviced by a separate driveway entrance/exit/parking lot are 31 residential condominium units located at the north end of the site in the vicinity of the two single family homes. All the residential units will have waterfront views with access to the clubhouse, restaurant and swimming pool as well as the boat slips immediately adjacent to the condo units. The site will be serviced by city water and municipal sewers connecting to the Town of Stratford sewer plant. An application to the Town of Stratford for permission to hook up to their sewer plant was submitted by them last summer and was approved by the Stratford WPCA last fall.

Atty. Knott concluded that a Coastal Area Management Plan was submitted as part of this application and is currently being reviewed by the State DEP. Exhibit 21 is a copy of the Army Corp of Engineers permit that his client received in order to allow him to dredge the river in proximity to these proposed slips. As far as the agreements that they've entered into with the City of Shelton as part of this proposal, one thing that came to their attention during last year's permitting process, was a communication from the Mayor's Office as to whether his client would be willing to provide a boat to be available to the City of Shelton in emergency situations. Atty. Knott indicated that would be accommodated by his client with the details being worked out between the City and his client. He

envisions a situation typically where one or two police or fire personnel would be trained by his client as to boat operations. Arrangements would be made for keys/access to the marine facility by these particular trained personnel to be used on an as needed basis for emergency/rescue situations on the river. At this time, Atty. Knott introduced his client, Rick Kral, who would discuss the proposed changes to the site plan and the comparison to what was previously approved.

**Richard Kral, Ricar, LLC and Mianus Holdings LLC addressed the Commission.**

Mr. Kral indicated that he would like to first go through the plan that was previously approved before showing the proposed improvements to be made. He referenced the lower site plan showing the northern portion by River Road, and the location of the 23 condominiums originally planned along River Road where the two single family homes presently exist.

The swimming pool and the boat house were initially planned to be located where the abandoned Murphy's Lane Extension exists. He showed the originally planned location of the clubhouse, which had some meeting rooms downstairs and the public dining facilities upstairs, a marine service/showroom building at the entrance of the site from River Road on the access drive, and the marina itself along the water. The original application was for 300 slips, the P&Z approval was for 275 slips. It included the river walkway and the two public access gazebos on each end, and the boat launching ramp, travel lift pit on the very southern end of the property for Shelton residents and six allocated trailer parking spaces. That was what had been approved coming out of the last meeting.

Mr. Kral indicated that as things evolved, they still had issues to resolve with the State Traffic Commission and some concerns expressed by this Commission. One of those things had been the circular access through the residential units and the ability to get emergency vehicles/equipment around the site. They had drawn in the potential for an access road along the site; originally they thought about trying to come up between the buildings. Commissioners weren't really satisfied with some of that and he was not satisfied with how the commercial operation would be at the southern end of the property. Additionally, there had been some concerns about the outdoor boat storage racks. Mr. Kral concluded that they had a number of small issues that had come up, public concern about the number of slips and length of the docks extending out into the river and some of the logistics of the site. Obviously, in trying to bring the sewer line up to accommodate potentially some of the neighbors across the street to the west and some difficulties with the topography of the site, accommodating everyone's needs, they decided to revisit and look at the site all over again.

Mr. Kral stated that they began at the north with some of the simpler things. They looked at the access getting around on a more permanent basis rather than on a dirt road or access road to make it a part of the overall state of the program rather than something haphazard. He reminded the Commission that they expressed early on that they want to make this a quality project. He showed their plan to create a more permanent loop – a one way access. It would be a permanent paved road and it would be landscaped in.

Mr. Kral indicated that in order to accommodate some of the things on the river, and balance the costs/revenues, they thought they would have to increase some of the condominium units. After conversations with the Commission, everyone agreed that they wanted to keep this as a quality project. They didn't want to focus on the numbers so much as how the whole thing laid out. Mr. Kral stated that rather than looking to go in with a greater number of units, they went in with more quality units, similar to the ones proposed, although somewhat larger. They've ended up adding eight units and that is what they would be asking for in

this application. This is the most significant change as far as an increase is concerned on the land uses.

Mr. Kral stated that they decided to work in the area of the boat house location on the originally approved plan. He showed the blocked out area with the additional units, what actually worked out to be nine units along the river. They removed one of the units originally planned from the top. He used the new proposed site plan to show areas where they changed around some of the parking on the lower level, spread the units out a little bit, increased a little bit more of the access and turned some units to take advantage of the down river view and took a unit off the top and added it down at the bottom. It would actually result in 31 condominium units in total, nine along the river and 22 on the upper tier. He added that he thinks this will layout very well. All of the units will have very nice views; the way that the topography lays out, the basement/walk-out level of one tier of units would be between the first and second floor of the lower units allowing a view over the top of those buildings.

Mr. Kral continued to explain that they stayed with the same pool location and added a small pool cabana which would probably have a dual purpose. The upstairs would be the pool cabana with bathrooms and showers; downstairs would also facilitate some marina bathroom and showers to service the marina. It would be very centrally located for boaters or anyone on the crew docks.

Mr. Kral stated that the club house remains basically the same as the approved plan – as far as size, number of seats. The public restaurant would remain on the second floor. They've decided to take the boat house uses and instead of just having general function rooms that they had in the original plan; they are going to convert that into the boat house use. The downstairs would be where they put the boat storage, crew meeting rooms and coach's rooms. It would all facilitate out of the lower level of the clubhouse, which is why the driveway changes in one area. The downstairs access will have a couple of bay doors to get into the bottom level of the restaurant. It should work out well and create a nice club house atmosphere.

Mr. Kral discussed the marine service building and the amount of excavation required. He indicated that the majority of the fill on the site was on the southern end and they needed it up in the middle section of the property to balance their cuts and fills when they went through the engineering. They began to look at moving the service building into the bank where there was a good amount of room in that section of the site once they started to put the retaining wall in. In lieu of the fact that the Commission had not been happy about the outdoor storage racks, they decided to look at the marina industry trend for indoor winter rack storage. It would clean up the site so they would not have all those racks around the parking lot, especially all year round. They decided to put together a rack storage building and add that to the plan. They eliminated the marine service building. All the marine services, all that they do, boat storage, new boats – all would be inside and they would be able to offer a variety for winter storage. They would still have some outdoor winter storage, but the majority of it would be inside. They would definitely be able to accommodate most of the small boats that would be in the marina facility. They feel as though this is an exciting change to the plan.

Mr. Kral indicated that the most significant change that they made in trying to balance things in the marina itself and still take into consideration the concerns expressed by neighbors, was the number of docks would be from A to K. He showed the plan with the docks labeled from A to K and indicated that on the original plan with the approved 275 slips, it was labeled from A to M. They eliminated two fingers and shortened the last two docks, so now J & K are back in the vicinity of where they used to be, yet they are shorter in length. They

moved the two crew floats down into the area where they plan to put the boathouse so that they can access the two low-profile, crew/kayak-kind of docks. They'll be centrally located to the marina. They feel that is where most of that activity will be taking place.

He pointed out one dock, purposely with a straight line, flat dock with no fingers because it will be their structural ice-breaking dock; it extends out further than the one below it for those reasons; however, not by much, about 22 feet. He showed that they've cut way back and pointed out the old channel line. It would be about 200 slips when it's all said and done. They've reduced the number of slips by 75 from the last approval, actually 100 from the original application.

Mr. Kral showed that the end of the site remained somewhat the same but they looked at doing a better flow for the trailer parking. He wasn't excited about how the trailers were going to come in and then get to the ramp, try to pull up and try to back in to park. He didn't think that worked very well.

He showed on the proposed site plan, that the new trailer access brings it down around the site, straight into the ramp where they can pull up, go back down the ramp and pull straight forward into the parking spaces – the same six parking spaces originally approved – pull straight up, park their vehicle and then back straight back down to where they pick their boat up and pull right out. It made for a real nice flow for trailer parking and trailer access to the boat ramp. They swapped where the travel lift pit was and the ramp itself and it made for a nice, exclusive trailer area over there. It works well to keep the walkers on the boardwalk away from the public access area. It provides a nice proximity to the commercial building for the travel lift to come in and out; he showed the location of the bay door and the end of the public parking right by the gazebo at the first dock. It should work out really well.

Mr. Kral concluded that he covered all of the proposed changes. In regard to the points Barry made about dredging. The dredging is only near shore; all of the dredging work will be done from the bank. There is no need to go into the river; there is no dredging that would be done out by the channel. A couple of the channel markers will be moved, and as the Commission knows, that has already been permitted by the Army Corp. of Engineers and the State. The only thing pending from the State is the approvals from this Commission. They understand, from their conversations, that the site is pretty much the same as what was approved before.

Everything else will conform as Barry said. They'll be bringing the sewers on; they'll have the pump out. All the storm water management plans for the marina and everything will be going into the vortex separators before discharge so they will be compliant in every environmental aspect that is required by the State DEP's Clean Marina program and storm water and SDC.

Mr. Panico asked Mr. Kral to address the comparison of the amount of parking before and after and the ability to circulate under the new residential structure.

Mr. Kral responded that the parking, in general, is the same count or very close. There were some adjustments; there may be fewer allocated to the boat slips and more allocated to the condominiums. However, the condominium parking is set up so that, in driving under these units; it's a strict pass through that circulates underneath the building. They are going to make it a one-way down. Joe Mingoello can show the architecturals on that. They are going to make it a one-way down. All of the units on the top have two car garages with ample parking in the driveways with additional overflow parking provided.

Mr. Kral commented that they had many preliminary discussions with the planner about the emergency vehicles and the ability for them to circulate. There will be 13 ft 6 inches of clearance underneath the units so it will be a clear span for them to pass through.

Mr. Panico asked about the parking being the same, but with a different distribution. He asked if he was referring to numbers or ratios.

Mr. Kral responded that he was referring to numbers; it's very close in numbers, within about 10 spaces because they put in more green space.

Mr. Panico responded that in effect the ratio would go up because they would be reducing 75 slips.

Mr. Kral concurred that the reduction of 75 slips had an original plan of 1 parking space per slip; the additional nine condominium units have parking built in underneath but only 2 per unit for 18. The net savings was about 55. The total number between the two different site plans only varies by about 12 spaces – give or take, as they get into it. He showed that they've allocated more of that central parking by moving the building down, it opened up the center lot to make good parking, access and circulation. Additionally, it would segregate the access into the condominium areas and then down to the low profile docks. It makes for a nice balance from the original application, which was something that the Commission was concerned about early on.

He continued to show the stairs that come down from one building, an access and the stairs and walkway across the parking lot for overflow parking. The driveway was accommodated to make it better; a 2- out 1- in combination at River Road. This was one of the comments the Commission had made on the original plan. He mentioned that the access to the building with the sales office would have accommodated parking and be easier to facilitate for handicapped parking.

Mr. Panico asked if they had started the process with STC at all.

Mr. Kral indicated that they are there. Everything is up at STC and they've seen the modified plan now. They have it all there. They are basically on board because they have not changed any of the access ways. They had modified the one access because they wanted it directly across from Murphy's Lane. He indicated that was why they realigned it, and that was what caused them to revisit that area of the site and number of units and slide things around to accommodate their request from the last approval process.

Mr. Panico asked if they commented at all about the radius of the boat entrance encroaching on the adjacent property on the southerly side. He indicated that he was surprised they didn't.

Mr. Kral responded that they had room to go either way there; it can be modified. They can accommodate whatever radius they need because tractor trailers come in to unload boats as well as clients coming in with boats & trailers.

Atty. Knott commented that since they were discussing traffic, he wanted to draw the Commission's attention to Exhibits 22 & 23. Exhibit 22 is a copy of the traffic report that was submitted in February of last year in support the application that was approved last year. Exhibit 23 is an update of that old traffic report reflecting the changes incorporated in the site plan just discussed.

Atty. Knott indicated that he wanted to read something from Page 3 of Exhibit 23. "Compared to the approved scenario [last year's scenario], the proposed changes

to the development program will result in 5 fewer automobile trips during the Friday morning peak hour, 5 fewer automobile trips during the Friday afternoon peak hour, 10 fewer trips during the Saturday morning peak hour, and 20 fewer trips during the Sunday morning peak hour. Therefore, it is anticipated that the expected site traffic for the revised development program will have a similar or lesser impact on traffic congestion on River Road than the anticipated site traffic from the originally approved development...Given that the minor changes to the site result in a slight decrease in projected traffic volumes and the proposed changes to the northerly driveway of the development do not negatively impact ISD. The conclusions and recommendations put forth in our 2/21/07 traffic impact study remain the same. It is our continued site traffic from the proposed development can be safely and efficiently accommodated onto area roadways."

Mr. Panico asked if the northerly connector would be a one way down to the marina.

Mr. Kral responded that was what they were anticipating.

Mr. Panico asked if those nine residents in those units would probably come in that way and leave through the marina exit.

Mr. Kral responded that was correct.

Comm. McGorty asked if that was residents only.

Mr. Kral responded yes, residents and guests only. They could go two ways but they wanted to keep traffic down. It was more for the emergency flow. He thinks most people would go out that way.

Mr. Panico commented that somehow they could use signage to discourage marina parking from trying to use the condominium access point. He asked if they would be putting signage at the condo entrance by Murphy's Lane that indicated there would be no marina traffic.

Mr. Kral responded that yes, it would say "Residents Only."

Chairman Pogoda asked how many boats would be able to be stored in that building and how many, as mentioned, might be on the outside.

Mr. Kral responded that there would be two answers to that question – seasonal and winter. During the winter months, between the racks and the floor space in this building they should be able to store about 150 boats. They anticipate probably another 50 or so boats outside, probably cornered off in an area of the parking lot along the building. Some people don't want indoor storage, or they don't want to pay the extra price for indoor storage. They can accommodate all of the boats that are in the marina on land and that's one of the concerns that the DEP usually likes to see – that they can accommodate the number of boats in the facility either way.

Mr. Kral indicated that even in their Cos Cob facility they store about 58% of the boats that stay with them; they never have 100%. They are always looking to attract storage revenues. They are comfortable showing the DEP that they can store on land, indoors, all the boats that would be in their facility. They think that the product that they can offer with the indoor storage may attract other boaters in the area.

Chairman Pogoda asked if the outside storage was basically for the bigger boats.

Mr. Kral responded that was correct; the door is big enough to fit the travel lift in, so if they did have a big boat that wanted to pay for the space, they could

bring it in. Typically, the bigger boats would stay outdoors; the indoor racks are only for boats up to 28 feet in the racks. However, the floor space in between the racks, in those alleys, during the winter months would be where they could store the bigger boats.

Chairman Pogoda asked if there would be any racks on the outside now.

Mr. Kral responded that they didn't anticipate any racks on the outside.

Chairman Pogoda commented that he thought it was a positive thing if the racks would be gone.

Mr. Kral responded that he was aware that was one of the concerns the Commission members had about the Greenwich facility. They store about 50 boats in racks outside there. They should be able to accommodate everything they have indoors, and outdoors would only be the boats seen down there now.

Chairman Pogoda asked if any of the Commissioners had any more questions or comments. There were none.

Atty. Knott introduced Joe Mingolello, to discuss the architectural components of the project.

**Joe Mingolello, Mingolello & Hayes Architects, Shelton, CT addressed the Commission.** Mr. Mingolello indicated that he wanted to begin with the first building upon entering the site, the sales office and the rack storage building just discussed and how it works in terms of the existing grades. He described what would be seen visually coming in from River Road as a small sales office building with offices above for the marina. It's a one-story, Nantucket-style water-oriented architecture. The first building seen begins to create a look, an atmosphere, for the rest of the development. He showed the rack storage component, and explained that from the highest part of River Road, only 12-15 feet of the building would be seen, and they are thinking about skinning it with a metal siding. They plan to play up the marina sales building as a focal point and play down the 12 or so feet, which will be heavily landscaped in front as well. He noted that most of this building is buried below grade. It would be seen from the river, but from River Road it wouldn't be seen.

Mr. Mingolello showed the difference in grades coming in; the boat storage wouldn't be seen from River Road because it will be hidden behind a huge retaining wall. This wall itself is 27 feet by grade so there is a lot of vertical visual impingement behind there. He indicated that they were cladding the building in gray shingles with white trim with a residential type window system. They will play down the rack storage behind it in a very simple material.

Comm. Harger asked what perspective that rendering was of – the neighbors.

Mr. Mingolello indicated that the rendering of the building he was showing was from River Road. He showed different rendering of the elevation that would be seen heading south on River Road, and the one that would be seen heading north.

Mr. Mingolello continued to describe the sales office with the interior stair. He indicated that the building would be 110 x 165 ft rack storage open – and the openness is just to the water elevation. He showed that on both sides the grades slope off – most of the elevation seen heading north on River Road is buried from a high point to a low point. He showed the other elevation completely exposed on the other side. He indicated that it would be completely open from the water side.

Mr. Panico asked how tall the storage on the marina side was.

Mr. Mingolello responded that it was 40 feet.

Chairman Pogoda asked if the portion seen going south on River Road would be skinned like the other sides.

Mr. Mingolello responded that all three sides of the sales building will be the same material – the wood shingles.

Mr. Mingolello showed a rendering of the next building coming down that would be the clubhouse/restaurant. He stated that the plan is for a two-level building with the lower level at grade with a lobby/waiting area and the boathouse building. The stairs/elevator can be taken up to the restaurant where there is a waiting area, dining room, bar and wrap-around deck for outdoor dining in the summertime and it's completely covered. He explained that the lower level, the boat house - in its previous approval was 12,000 feet and now it's down to 6,000 square feet - so it's been cut in half in terms of square footage. They'll have some overhead doors on one side similar to the boat storage doors. There will be classrooms – they haven't planned the interior but it's very similar to the original approved proposal.

He showed the elevation of that building as seen driving down River Road, the front of the building, the entrance to both levels – the lower level is now the boat house and the upper level is the restaurant. It will be clad in asphalt shingles; they'll carry the same architecture with the columns and probably a copper roof out front for a canopy. He continued to show the east elevation, north elevation, south elevation and the water view.

Mr. Panico asked if that restaurant level would have vaulted ceilings.

Mr. Mingolello responded that it would have vaulted ceilings – no attic space. Both ceilings will have exposed beams for a nice Nantucket architecture for the interiors.

Chairman Pogoda asked if the stone work was the same as the previous restaurant.

Mr. Kral responded that none of that has changed.

Chairman Pogoda asked if it would be the same materials that they brought samples of last time.

Mr. Kral responded that it would be the same materials on this clubhouse building, and as Joe mentioned, they'll be starting those materials at the sales/entry office building. As Joe alluded to, the sales/office building will be the gateway or entry to the whole site and begin the ambience right from that starting point and go all the way through – to the clubhouse, the condominiums, etc. with the same stone and shingle facades discussed in the original proposal.

Chairman Pogoda asked them to discuss again the colors being used.

Mr. Mingolello responded that it would be gray shingles, white trim.

Chairman Pogoda asked if the metal portion would be gray also – to blend in.

Mr. Mingolello responded that they were thinking about a light gray – absolutely, they'll have it blend it.

Chairman Pogoda indicated that he'd like to see as much screening as possible – even though it's only 12 or 15 feet.

Mr. Mingoello responded that it would be a backdrop to the architecture/style that they are trying to create throughout the development. He began discussing the residential component of the site which was nicely separated from the commercial component of the site.

He explained the access to the underground drive under the building. He showed the travel way down the center with traffic in both directions. There would be two parking spaces per unit facing the waterside. Additionally, each unit would have its own storage closet/space.

He showed the access to a typical condominium unit, driving under the building, parking the car, accessing across the travel way, entering a lower foyer space with stairs or an elevator to come up into the building. Each unit would have a covered porch, foyer and the elevator space, a stair that wraps around all the way up, laundry room, powder room and closet. He showed the location of a large single open space with a big deck and a view to the river. Also, on the main living level, he showed the location of the kitchen in the corner, dining area, large living room with fireplace accessible onto a large deck.

#### **End of Tape 1, Side B – 8:12 p.m.**

Mr. Mingoello showed another floor plan of the upper level, the sleeping level. The elevator goes up to this level as well as the stair that wraps around. There would be a guest bedroom facing the courtyard/pool area with a bathroom and dressing room. The master suite is next to that room with a master bathroom, master dressing room, large bedroom and a deck with river view. Going up to the next level, there is a loft space with a couple dormers that face the courtyard with the pool area. He mentioned that they played down the window portion facing the upper condo units for privacy purposes, but opened the loft area with views onto the river. It is a nice, large loft space that could be used as a game room, office, or for any other home activity.

Mr. Mingoello showed the water view elevation with a rendering of the exterior of the building from the water view at the boardwalk level, the parking behind the screening, the decks for the living rooms and master bedrooms and the loft space. They varied the architecture with gables, shed dormers, some chimneys, etc.

He showed the pool elevation which showed the guest entrances with porches; they would be using the same materials such as the stone veneer, asphalt shingles, etc.

Comm. McGorty asked about the garage and the two way traffic. He asked if there was a choice of which way to enter or exit.

Mr. Mingoello responded that there would be a choice to go either way.

Mr. Kral added that would be in the garage. To access the additional parking, the one way would be stopped at the actual driveway. They would like to have as little traffic as possible but they don't want to force anyone coming in to go back out and all the way around.

Mr. Panico asked if the elevator was private to each unit.

Mr. Mingoello responded that it was private.

Mr. Panico asked if it went all the way up to the loft space.

Mr. Mingolello responded that it goes all the way up to the loft space.

Mr. Panico asked if on their elevation, is there an elevator penthouse feature.

Mr. Mingolello responded that the chimneys poke through the roof, which would go all the way up. This elevator can be exited on 90 degrees.

Mr. Panico asked if the roof line was flat.

Mr. Mingolello responded that no, the roof line is pitched with end elevations.

Chairman Pogoda asked about the security features for the elevators.

Mr. Mingolello said that each unit has its own lower lobby foyer space.

Mr. Kral added that it would be the same as having a front door, lock/key/deadbolt.

Mr. Panico asked about the lower level parking and how the openings were enclosed – were they screened, shuttered or what is it?

Mr. Mingolello responded that it was an enclosed environment. They created some sort of a lattice, trellis– because the garage is basically open.

Mr. Panico asked if some one walking down the boardwalk could see through the lattice work.

Mr. Mingolello responded that was correct.

Comm. Parkins asked if the windows on the rendering were glass then, or fake windows.

Mr. Mingolello responded that they would not be glass windows, just some sort of metal screening for ventilation purposes.

Mr. Panico asked about, spatially, how far the lattice/screening work would be physically from the edge of the boardwalk.

Mr. Mingolello responded that it would be about four feet. There would be combination plantings in front of that space as well. The boardwalk itself would be about 8 feet wide.

Mr. Kral commented that it was set up as 10 feet wide on the plan; however, depending upon where they locate it could be eight feet. It would have a railing as well.

Mr. Kral also mentioned that the upper condominium units have not changed from the original plan; he'll go through that again if the Commissioners would like to hear about it again.

Chairman Pagoda asked if any of the new commissioners needed a run through of that. None of the new commissioners indicated that they did.

Comm. Harger asked if there were any walkways from the upper buildings down to the water.

Mr. Kral responded that there was not on this site plan; however, they might anticipate a walkway coming down to the location of the pool area. They don't want to break up any of the nice lawn areas, so they might have a sidewalk between buildings or along the retaining wall. They would like to keep the greenways open. They have to wait and see how things flow in that area.

Chairman Pogoda asked about the black line in front of the parking spaces on the site plan.

Mr. Kral responded that was a short retaining wall for segregation purposes, but they could easily put the walkway right along the top of it with a railing.

Comm. Harger asked about the other retaining walls by the pool.

Mr. Kral pointed out the short retaining walls used to create a court yard however, they have to fine tune that after the deck is there.

Comm. Harger asked about how many visitor spaces were in the upper parking lot.

Mr. Kral responded that there would be nine up top. They had more space, but they really didn't need it so they put the green back in. It had been the consensus of the Commission early on to put as much green between the condos and River Road as possible, so they eliminated all the parking going from the roundabout north. If the Commission feels they would like to add the parking back in, they could do that.

Comm. McGorty commented that they wouldn't need as much parking because they've reduced the number of slips.

Mr. Kral responded that they've reduced two main traffic generators – the number of slips and the amount of space in the clubhouse – they cut that square footage in half but they didn't change the original number allocated to the restaurant/clubhouse uses.

Atty. Knott stated that he'd like to note some other facts for the Commission. Taxes generated by the site would go from \$20 to \$465 between the condos and the marina. The employment would go from about 10 or 12 now to about 50 or 60 between the marina and the restaurant. These would be the only new boat slips in the city of Shelton and will provide a new recreational component to the city which supports and complements the downtown residential development that Shelton has been working so hard to achieve over the last few years. He commented that young professionals would be drawn to this type of site for recreational activities.

Chairman Pogoda asked if any Commissioners had any more comments or questions. There were none. He asked if anyone from the public had any comments or questions regarding this application.

**Joe Ramotowski, Woodbridge Avenue, Ansonia addressed the Commission.**

Mr. Ramotowski indicated that he was a retired police officer from Shelton, and he's had a boat on the river for many years. He used the site plan to point out the location of the current travel lift location and asked if the building planned to be built near there would be at the current ground level.

Mr. Kral responded that it would be higher.

Mr. Ramotowski commented that the area there takes considerable water on shore, especially after a heavy rain. He indicated that his other concern was about the increase of about 150 boats. He relayed that the river is crowded and there's no enforcement at all right now. He commented that now would be a good time for the city to institute a marine patrol in addition to the boat being made available for emergencies. They've had accidents, boat fires and aircraft crashes in the river – this is something that has been needed for a long time.

Mr. Ramotowski indicated that he was almost hit by one back in 1995 when a jet ski got run over by a boat coming out of Sunnyside. This is something that is not the applicant's problem, but something that the city needs to think about addressing somehow. He realizes that the DEP has a boat down there, but they don't patrol the river all that often because they're responsible for the Sound also. All the boat yard owners would probably agree, they need something on that river especially on the weekends, summer holidays – at least Memorial Day, 4<sup>th</sup> of July and Labor Day. The ideal thing would be to have a boat out there four hours on either side of high tide on those days. That's when there's so much traffic there because trailer boaters are coming in with the tide – getting on and off the trailer. That is something that needs to be addressed because it is a problem and someone is going to get hurt. He thanked the Commission.

Mr. Kral responded to Mr. Ramatowski that the elevations on the buildings are up to current flood elevation standards. So, the new finished flood elevation clubhouse is 15.2 – the current flood elevation is 15 feet – about 3 ½ feet higher than the current existing grades.

Chairman Pogoda asked if anyone else had any more questions or comments. There were none. The Chairman indicated that this hearing would be held open until June 10<sup>th</sup> for CAM review. If there is anything else during that time, the Commission will be open to hear it.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to recess and hold the public hearing open until June 10, 2008 for CAM Site Review on Application #08-09.**

**The Commission took a 5 minute recess at**

The applicants for Application #08-08 did not arrive for the public hearing. The Chairman indicated that they would keep it open until the next regularly scheduled P&Z meeting on June 10<sup>th</sup>.

Mr. Schultz indicated that they may or may not withdraw the application.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to keep the public hearing open for Application #08-08 until June 10, 2008.**

## **OLD BUSINESS**

### **APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE**

Mr. Schultz indicated that Staff has reviewed Standards 1-20 and they are in compliance with Shelton Zoning Regulations; and accordingly they recommend approval as submitted.

Comm. Harger asked about the handicapped access for the deck addition on Standard #4698, Custom Basements CT, 112 Summerfield Gardens because she had never seen an application for a deck of that sort.

Mr. Schultz indicated that it required some additional ramping.

Chairman Pogoda noted that at the Gardens of Summerfield condominium association probably has their own specific criteria for deck additions as well.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Standards 1-20.**

**SEPARATE #4816, ORL, 1 FOREST PARKWAY, COMMERCIAL CONSTRUCTION**

Mr. Schultz indicated that the Commission approved the site plan for the roof-mounted equipment; he was pleased to report that they modified it. They are now concentrating it to the central portion of the building so that it would have less of a visual impact. Additionally, they have a parking adjustment, back-up generator on the pad, two hazmat structures and internal renovations. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #4816.**

**SEPARATE #7027, SUBWAY, 465 BRIDGEPORT AVENUE, BUSINESS/SIGN**

Mr. Schultz indicated that this Subway would be inside Wal-Mart. They've had their own food court and then this Commission approved a McDonalds, but it never materialized. Now they have a request for Subway. He showed the floor plan to the Commissioners. Initially, the Commission said no to any outside signage because patrons would be going there for the Wal-Mart experience. They are proposing a wall sign to the left of the entrance sign. Once again, it has been this Commission's position not to have signage on the pole sign out by Bridgeport Avenue and nothing on the building. However, it is the Commission's call; it is a PDD.

Chairman Pogoda recalled that when they approved the McDonalds, the Commission at that time specified that there would be no external signage on the building or the street. He thinks that should remain the same. This Subway would be ancillary to Wal-mart, because there is already a Subway down the street.

Mr. Schultz noted that there's been an increase in these types of retail/food marriages – Dunkin Donuts/Baskin Robbins, Target/Starbucks, etc.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the business for Separate #7027.**

Chairman Pogoda asked the other Commissioners for their thoughts about the external signage for Subway on the building to the left of the entrance to Wal-mart.

Mr. Schultz indicated that the Commission initially approved Wal-mart; they had a submission for an automotive wing which was eliminated. There's been a whole evolution to this, but it has remained that there be no additional signage representing any accessory activities.

Mr. Panico asked if the stipulation for the approval of McDonalds indicated no exterior signage.

Mr. Schultz responded that was absolutely correct, so it would be consistent with the past decisions.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to deny the exterior signage for Separate #7027.**

**SEPARATE #7028, CALABRIA ASSOCIATES, LLC, 474 RIVER ROAD, BUSINESS/SIGN**

Mr. Schultz stated that this was to replace the restaurant at the old A&P – Lia's Pizza was in there. It is 950 square feet, hours of operation 11 a.m. – 11 p.m., 4 employees, plenty of parking in that lot. They have a full Conn. Beer & Wine permits, full restaurant permits. It would be another restaurant taking over the existing facility. The signage is uniform. He showed a rendering of the signage with background color.

Comm. Harger asked if there hadn't been some issues with logos on the signage downtown.

Chairman Pogoda indicated that it was up to the Commission, but it's an ongoing effort to keep ice cream cones, fishing rods, pencils and whatever else off the signs to keep them somewhat uniform, or they could get out of hand.

Mr. Schultz responded that it took years to get rid of the phone numbers.

Mr. Panico asked what the other signs in that center looked like.

Mr. Schultz responded that they were solid with no logos.

Chairman Pogoda asked to have Staff direct the applicant to remove the fisherman from the signage.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the business and the sign with the elimination of additional logos for Separate #7028.**

**SEPARATE #7051, CHERYL JAROCKI, 538, HOWE AVENUE, BUSINESS/SIGN**

Mr. Schultz indicated that this would be for a barber shop across from the Mill on Howe Avenue going through town; there's a free standing building before the residential begins. There was some confusion as to its exact location.

Comm. Harger commented that it used to be a barber shop – it's to the right of Valley Travel.

Mr. Schultz added that then it was Opotzner's Bakery. Its 350 square feet, one full time employee, hours 8 a.m. – 5 p.m. He showed the signage including a barber pole. It's downtown in the overlay zone, so it's not internally illuminated, it's solid, but the Commission can control the logos.

Chairman Pogoda indicated that they should stay consistent about the logos; however, the outside pole would be allowed because it's traditional. He asked for a motion for the business and the sign without the logo on it.

**On a motion made by Virginia Harger seconded by Chris Jones, it was unanimously voted to approve the business and the sign without the logo for Separate #7051.**

**SEPARATE #7031, GLOEDE SIGNS, 760 BRIDGEPORT AVENUE, SIGN**

The Applicant from the sign company was present representing her client, Ultimate Fitness. Mr. Schultz showed the existing and proposed signage. He indicated that the gym was located right before Bertucci's, across from Woodside Plaza.

Chairman Pogoda expressed his shock upon seeing the rendering of the proposed signage with the bright yellow background and pink letter color combination.

**Nancy Forest, Gloede Signs, addressed the Commission.** Ms. Forest informed Chairman Pogoda that the pink was in actuality, a deep purple. It just looks pink on the photocopy. She indicated that when the folks from Planet Fitness took over this business, they saw the three signs on the tower, and that's what they asked her company to reproduce for them. The rendering that the Commission is looking at was a reface of the back sign that existed.

She continued to say that in her discussions with them, they've realized that they don't need all three sides of that tower covered. Only one on the tower backside would be necessary because it's the entrance with just a reface of an existing single sided sign that's on there now. However, for traffic purposes and for their members, they would like to add a free-standing sign. It meets all the setbacks, and it's smaller than the total allowed for which is 40 square feet.

Chairman Pogoda asked why they needed a sign on the back of the building if no one can see it.

Ms. Forest responded that in pulling into the parking lot, which would be the entrance to the gym.

Comm. Parkins asked if that was the back that abuts Bertucci's.

Chairman Pogoda indicated that no - it was facing Route 8, but it's the main entrance. He added that he thought a sign in the back was redundant.

Comm. Parkins asked for some clarification on the site plan of the location for the proposed signs.

Ms. Forest explained where the gym entrance was and desired signs would be located. She indicated that the free standing sign was at 32 sq. ft.

Comm. Parkins asked why it was being called a re-facing.

Mr. Schultz responded that the wall signs were replacements but the ground sign would be new.

Chairman Pogoda added that there was no ground sign there right now.

Ms. Forest responded that the ordinance states that they are allowed to have one if it's within the guidelines.

Mr. Schultz concurred that it would have to be 10 feet from the property line and up to 40 square feet in surface area.

Ms. Forest indicated that the proposed signage was 32 with no dimension larger than 8 feet. She showed a drawing of what they would like to do there.

Comm. Jones stated that a sign was needed on the Bertucci side but not one facing Route 8. And if there's a monument sign out in the front...

Comm. McGorty asked if the monument sign was lit.

Ms. Forest responded that it was internally illuminated.

Mr. Schultz asked if the logo was a barbell or a gear wheel.

Ms. Forest responded that it was a gear wheel.

Comm. Parkins indicated that she had no problem with the sign in the front.

Chairman Pogoda didn't think there was any need to put one in the back of the building even if it is the entrance – because anyone going in there ought to know they're going to the gym...

Ms. Forest showed that coming in from Bridgeport Avenue, they wouldn't be putting a sign on that side.

Mr. Schultz commented that the application was for signage on the west side facing Bridgeport Avenue and on the south side (Bertucci's) and the monument sign.

There were two separate discussions going on at the same time about the signage in regard to the colors, the logo and the lighting.

Chairman Pogoda commented that he thought one of those signs needed to go and he had difficulty with the brightness of the yellow.

Comm. Harger asked if the company's corporate identity was calling for these particular colors.

Ms. Forest said yes, it is yellow and the lettering is deep purple.

Comm. Jones added that those colors, psychologically, were probably part of their marketing strategy.

Mr. Schultz added that signs are such a subjective thing – these days, bold is better now.

Mr. Panico asked where the replacement sign was - that's up on the tower.

Ms. Forest responded that the sign on the building was not channel letters. She has a picture of what it looks like. She indicated that the previous owners had three of them, but they only want one sign on the tower.

Mr. Panico asked what the replacement sign on the tower would look like.

Ms. Forest responded that it would be the same thing – channel letters, smaller than what is presently there. They only want one tower sign with individual letters. It's at the entrance facing Route 8.

Chairman Pogoda commented that there would be no yellow there, and that looks good, but that's the side where he, personally, doesn't think they need a sign.

Mr. Schultz tried to summarize that the channel letters are requested for the west side which is Bridgeport Avenue; the south side is Bertucci's; the north side faces the hubcap lady's property.

Chairman Pogoda commented that the west side doesn't really need it if they have a monument sign on the outside.

Mr. Panico showed the rendering of the sign that would be seen driving in past where the hubcap lady used to be, the long skinny driveway, around the corner where all the parking is located. The parking side is the Route 8 side. Then he showed the hubcap lady's side of the street and the Bridgeport Avenue side.

Ms. Forest took away one of the signs to minimize some of the confusion. She pointed out the free-standing sign and noted that there was no need to put channel letters on that side of the tower because it's right above the free-standing sign.

**End of Tape 2, Side A 8:59 p.m.**

Chairman Pogoda asked to see the side that they were requesting for Bertucci's – the south side – the replacement sign.

Ms. Forest commented that it is already there and they would just be putting a new face in it.

Comm. Parkins indicated that is the only one she didn't like. She added that she would rather see the channel letters up on top on that side instead of that.

Comm. McGorty agreed that it would be a lot less – not so right-in-your-face.

Comm. Parkins commented that she liked the monument sign.

Chairman Pogoda selected one of the sign renderings that he'd like to see on the Bertucci side, but on the tower with channel letters. On the Route 8 side, he indicated that nothing should be there.

Comm. Jones commented that they wanted two signs on the tower – the Bertucci's side and the front side.

Chairman Pogoda said no, it was the Bertucci side and the south side.

Mr. Panico indicated that they want signs on the south and north side of the tower – one faces Bertucci's, and one faces the hubcap lady's side on the tower.

Chairman Pogoda asked about the monument sign.

Comm. McGorty asked if it was internally lit.

Chairman Pogoda responded that it's externally illuminated – not internally illuminated.

Comm. Harger asked if it could be red on white to match the tower.

Ms. Forest indicated that was up to them because it's their national logo – they may not want to change that.

Comm. McGorty commented that it would look better to have ground lighting versus internally lit.

Comm. Jones referenced the yellow sign used by the Sports Center on River Road.

Comm. McGorty responded that it wasn't 6 ft x 10 ft.

Ms. Forest responded that it was 32 square feet.

Comm. McGorty added that he thinks the internal lighting is the problem.

Comm. Parkins asked what the Sports Center had.

Chairman Pogoda commented that was a menu sign and this was a monument sign; they would like to have monument signs show an address and nothing else on top of it with some kind of masonry.

Mr. Schultz added that the masonry has to compliment the principle building too.

Ms. Forest responded that it isn't masonry; it's the exposed cabinet that covers poles and everything. She asked if they wanted ground lighting or lighting above, indirect. She mentioned that they need to be careful with ground lighting that it's not something (inaudible.)

Chairman Pogoda stated that they want masonry.

Comm. Parkins asked if there were other internally lit signs on that road. She was concerned that they might be saying no because it's yellow.

Comm. Jones added that Dunkin Donuts is internally lit at night.

Ms. Forest responded that it makes no difference to her, she doesn't make any more or less profit for selling an illuminated sign. She indicated that she's been doing this for about 30 years, and going to different towns, she knows that in asking for external lighting, it needs to be specific. There are spotlights, symmetrical lighting, direct lighting, etc. The internal illumination houses everything inside giving a constant flow of light. She added that if any light gets put onto the ground, and she has no problem doing that, it is going to focus on the center color, in this case the yellow, and fade out.

Comm. Parkins asked about bringing the yellow down a bit.

Ms. Forest responded that this is their color – they have 40 some signs/places out there.

Mr. Schultz commented that it would be nice to incorporate the brick into the base, because the Commission has consistently done that. It seems like a fair trade-off, internally illuminated but add brick that matches the principal building for the base.

Comm. Harger asked if they could lose the yellow though, so it's a cleaner looking sign.

Comm. Jones indicated that they can't change their company logo, it's like Dunkin Donuts – a logo.

Comm. Harger added that they altered their logo - company color on the tower.

Chairman Pogoda mentioned that in traveling around Connecticut, he's seen Dunkin Donuts signs in different colors – like black and white, if that's what that city wants. If they want to come into the town, even it's their corporate logo, they have to make modifications.

Mr. Schultz commented that signs can be so subjective, the colors...

Comm. Parkins didn't feel as though the photograph was a realistic depiction of the colors and that could make a big difference.

Chairman Pogoda asked about yellow – if they could do anything about the yellow.

Ms. Forest indicated that it was an unbreakable, plexiglass-type material that they'd be using.

Comm. Harger asked if she had any samples.

Ms. Forest went to her car to get chip samples of the yellow plastic? to be used. Separate #7031 was tabled until her return.

**SEPARATE #014, V. RISTORANTE, 706 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz showed a rendering of the sign to be used by Vazzi's. Everyone agreed that it was attractive signage.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #014.**

**SEPARATE #7036, JOSEPH COCI, ONE WATERMAN DRIVE, BUSINESS**

Mr. Schultz indicated that the Commission previously approved a 52,000 square foot office user, a mixed occupant building, they are looking to occupy another 12,000 square feet which is existing warehousing. This is an accessory activity to the principle use for a total combined area of 64,000 square feet.

Comm. Parkins asked if it was an accessory or a business.

Mr. Schultz responded that it was a NYSE company that stores inventory – computer. It's Waterview, the first building on the right going up to Pitney Bowes.

Chairman Pogoda asked if it would be similar to the data center in the back on the left.

Mr. Schultz responded that it was similar to that.

Mr. Panico commented that it wasn't a business per se.

Mr. Schultz responded that it was an expansion of the floor area for the previously approved office space.

Chairman Pogoda asked if there would be any more employees or customers.

Mr. Schultz responded that there were none.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #7036.**

**SEPARATE #7022, TOMMY LEANDRES, 15 CAMEO DRIVE, DECK/IN-LAW**

Mr. Schultz provided the site/floor plan for the addition. He indicated that it would be over the garage. The roofline would be jogged, not a straight line. The Commission likes to see a break in the roof line. It would be second floor addition above the existing garage, 704 square feet, connected to the main

house by interior stairs. The deck is 10 x 15. So, it's a colonial with an attached two car garage with a second floor addition going above the garage. Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #7022.**

**SEPARATE #7031, GLOEDE SIGNS, 760 BRIDGEPORT AVENUE, SIGN**

**Separate #7031 resumed**

Ms. Forest returned with color samples of the yellow to be used for the signage.

Comm. Parkins stated that she didn't think it was that bad, and the sign isn't that big anyway.

Comm. Jones asked what the dimensions of the free standing sign were.

Ms. Forest 35.5" tall and 96" wide.

Mr. Panico added that it would be sitting on top of a pylon.

Chairman Pogoda stated that it certainly wouldn't be missed. He recommended putting that sign into masonry frame.

Mr. Panico commented that if they are going to the trouble of masonry, than why not just build a masonry pier and put channel letters on it like the channel letters that would be on the tower.

Chairman Pogoda asked if they could do that.

Mr. Panico suggested building the base out of masonry and use channel letters inside.

Chairman Pogoda indicated that then he wouldn't mind if they used the yellow color and internally illuminated.

Ms. Forest responded that the closest they could get to that – they could build a brick column and these letters are a purple shade; they won't be easily seen because there's no contrast there. That is her concern.

Mr. Panico asked what color brick was on the building. He suggested that if the brick base is created, then put a background similar to background of the other signs and put the letters on that. He asked Rick if he wanted to work with them on the design of this.

Chairman Pogoda commented that Rick knows what the Commission is looking for, so they could make this motion.

Ms. Forest told them that it would still have to be a cabinet because each of those letters has two or three housing holes coming through the back with neon inside, so it has to go somewhere and be powered. She indicated that it would be a cabinet between two brick columns. In the middle of that the individual channel letters could come out through the cabinet.

Mr. Panico commented that would be very similar to the one on the tower.

Mr. Schultz indicated that the street number had to be included for 911 purposes.

Chairman Pogoda stated that they are set with the signs on the buildings and the monument sign – he asked Ms. Forest to please work with Staff.

Ms. Forest agreed to work with Rick Schultz via e-mail to finalize the specifics regarding color, background, and lettering.

Comm. Harger requested that they be able to see a rendering of the sign before it is finalized.

Mr. Schultz responded that he would show it to her at the subcommittee level.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #7031 with the recommendation to work with Staff on the modifications.**

**SEPARATE #4697, HELEN CUTERELLI, 36 CLOVERDALE AVENUE, IN-LAW**

Mr. Schultz indicated that this was a conversion within an existing house. There was no add-on. It's 880 square feet; he showed a floor plan to the Commission.

Comm. McGorty asked what the maximum allowed square footage was.

Mr. Schultz responded that it could be up to 900 square feet. This is a conversion within an existing house. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #4697.**

**SEPARATE #7045, LAURIE BIRCH, 212 MOHEGAN ROAD, INLAW**

Mr. Schultz clarified for the Commission members that when there is an addition to a house, it must be five years or older. This is a big house and this is for a 900 square foot addition. He showed the floor plan depicting the shaded area as the proposed addition. He pointed out the accessory dwelling/in-law is 900 square feet but they are adding a huge computer room too – this is a major addition on the house.

Mr. Schultz commented that what's been happening, as they may know, is that more and more family members are moving in. However, there is a five year restriction – the house has to be at least five years old.

Chairman Pogoda commented that the addition was bigger than the house.

Comm. Parkins questioned that it looked like more than 900 square feet.

Mr. Schultz stated that the in-law square footage is what they have to monitor.

Mr. Panico commented that it's a sizeable addition. He pointed out on the floor plan that what they were representing is an addition to the existing living space, with a passageway into the proposed 900 square ft in-law apartment.

Chairman Pogoda asked why there was an upper level – were they adding another level to the house.

Mr. Panico commented that the family room was a large open space up with a vaulted ceiling.

Mr. Schultz mentioned that if the maximum of 900 was changed to 1200, then they would be seeing 1200 – everyone is going big.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #7045.**

**SEPARATE #4664, KATHLEEN KINSELLA, 33 PERRY AVENUE, APT. 8, HOME OFFICE/OCCUPATION**

Mr. Schultz stated that this was for a sewing room/ home occupation – a crafts room. They've allowed that as long as it goes to the craft fairs. No deliveries to the house.

Chairman Pogoda asked if they had permission from the landlord.

Mr. Schultz responded that they did, dated April 14<sup>th</sup>.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #4664.**

**SEPARATE #4693, RICHARD GROSSO, 34 NUTMEG LANE, HOME OFFICE**

Mr. Schultz indicated that this was for a non-profit basketball academy and computer room with one employee.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #4693.**

**SEPARATE #7035, ALLISON MENENDEZ, 18 SPORTSMAN DRIVE, HOME OFFICE**

Mr. Schultz indicated that this was for a garden design/consultation business, 50 square feet. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty it was unanimously voted to approve Separate #7035.**

**SEPARATE #7037, CAROL JACOBSEN, 9 JUDSEN CIRCLE, HOME OFFICE**

Mr. Schultz stated that this was for drafting and design, 130 square feet, one employee; Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #7037.**

## **NEW BUSINESS**

**APPLICATION #08-10, R.D. SCINTO, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #51 (THE RENAISSANCE: COVERED WALKWAY STRUCTURE) 100 PARROTT DRIVE (MAP 28, LOT 21) – ACCEPT, DISCUSSION AND POSSIBLE ACTION**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #08-10.**

Mr. Schultz indicated that Staff had told the applicant that it made sense to have an enclosure – this is luxury living, as they know. The parking garage is right there. He provided a site plan for the Commission to review.

Mr. Schultz stated that it was the first lower level – inside of the parking garage. He indicated that it goes to the basement area, but the elevator goes to the basement.

Mr. Panico asked if you walk under the deck into the side door.

Chairman Pogoda commented that there was no deck there, it's the basement level – not the concierge's level.

Mr. Schultz commented that it was a brick wall that he has to break through – he's visualizing how this will work. He'll have to cut through the wall.

There was a lot of discussion about the different levels (concierge, basement, first) of the parking garage and the location of the covered walkway structure and the elevation of the wall to be cut into; however, there was a consensus that Mr. Scinto would do a great job on it.

**On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve Application #08-10.**

### **OTHER BUSINESS**

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

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve the minutes of 2/5/08, 2/26/08, 3/11/08 and 3/25/08.**

### **CRESCENT VILLAGE CONDOMINIUMS**

Mr. Schultz indicated that they had a \$100K cash bond and most of the area has been stabilized. Staff recommends reducing it to \$50K which is still sizeable. All of the areas in the front that are susceptible to major erosion are stabilized with landscaping. They did a nice job in the front. They are not touching the site bond. This is for the sediment/erosion control bond and it's a cash bond of \$100,000 and Staff recommends reducing it to \$50,000. The site bond is for \$125K – they aren't touching the site completion bond because they still have to do all the units. They have been working with the City. Pine Rock Park is going to add a detached building and they are also assisting the City to reforest that lot where all the trees were cut down.

Chairman Pogoda commented that he read in the paper that John Anglace had approached the people at Crescent Village to ask them if they would work to restore that area with green stuff. He drove by there today, and noticed that it was in the process of being graded – so that's a positive.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to reduce the soil erosion/sediment control/site restoration bond to \$50K for Crescent Village Condominiums.**

### **ZONING ENFORCEMENT: 208 LONG HILL CROSSROADS (JUNKYARD)**

Mr. Schultz stated that the neighbors were here tonight to make sure that the Commission took action on this. The property owner has failed to comply with the zoning officers cease and desist, so they are now asking this Commission to authorize legal action.

Comm. Jones asked who the property owner was.

Mr. Schultz responded that he didn't know the name – Tom Dingle has been handling it.

Comm. Harger asked what was meant by junkyard conditions.

Mr. Schultz responded that there were old cars, building materials, etc.

Comm. McGorty asked what side of the road it was on.

Mr. Schultz indicated that he wasn't really sure but the owners that came in are on the left side going down the hill.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to initiate zoning enforcement for the property at 208 Long Hill Cross Roads.**

### **PAYMENT OF BILLS**

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

### **STAFF REPORT**

#### **SHELTON CANAL COMPANY/MCCALLUM ENTERPRISES**

Mr. Schultz indicated that there has been ongoing communication with the property owner, the Mayor's Office and Corporation Counsel to work out a permanent solution on the permanent preservation of the canal area and the river lock. Accordingly, they are asking the Commission to hold off on the rezoning of that. It would be prudent for them to recognize that but, also prudent for Staff to provide updates at every meeting, because if there is any breakdown, obviously the City's position is to protect that and one of the best tools is to rezone it – it's in a multi-family zone. All of their planning documents say no to the multifamily and no to the development of that site. In addition, the Army Corp, because there is still a pending application before Army Corp to fill it in – that public informational meeting is June 25<sup>th</sup>.

#### **End of Tape 2, Side B – 9:39 p.m.**

Comm. Harger asked who asked for the Commission to hold off on the rezoning.

Mr. Schultz responded that it was the property owner and they backed it up with a letter confirming that they met with the Mayor and Corporation Counsel. He'll be reporting back at the June 10<sup>th</sup> meeting.

Chairman Pogoda commented that even if they hold off, it doesn't mean they won't have the zone change. The zone is supposed to be changed – it has always been in the plan to have that in an R-1 zone.

Mr. Schultz added as well as Riverview Park.

Mr. Panico commented that he didn't understand the rationale in requesting the delay in the zone change.

Mr. Schultz responded that they're asking the Commission to hold off at this time - in the spirit of cooperation – they are working with the Mayor's Office on a permanent resolution on the preservation.

Mr. Panico indicated that his concerns were that even if there are some ongoing negotiations about the potential acquisition by the City; and, if for whatever reason, those things fall through the cracks and six months or a year from now they go ahead and decide it's not going anywhere and rezone it. And then if there is further action by the City, perhaps in condemning it, then it appears as though they rezoned it to try to reduce the property values for condemnation purposes.

Mr. Schultz responded that he has to continually report to the Commission about it, like he does with the United Illuminating matter, because they need to stay on top of this one. June 10<sup>th</sup> is the next meeting.

Mr. Panico suggested that they wait for the receipt of information from that public informational meeting and reschedule the public hearing for a later date.

Comm. Parkins suggested that they could hold the public hearing open.

Chairman Pogoda agreed that they should delay the hearing until they know what has been discussed at the meeting with the Army Corp.

**On a motion made by Chris Jones seconded by Thomas McGorty, it was unanimously voted to reschedule the public hearing for Shelton Canal Company/McCallum Enterprises until July 8, 2008.**

#### **8-24 REFERRAL**

Mr. Schultz indicated that the BOA authorized the construction of a 26 ft x 28 ft detached accessory structure to the rear of the Pine Rock Park Fire Station to house their antique vehicles and storage of equipment. A favorable 8-24 referral is required from this Commission. They'd like to begin construction; it would be a metal, maintenance free, painted green to match the stained wooden Pine Rock Park Fire House exterior.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to report favorably on the 8-24 Referral for the Pine Rock Park Fire Department.**

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to adjourn at 9:46 p.m.**

Respectfully submitted,

Karin Tuke