

The Shelton Planning and Zoning Commission held a special meeting on July 15, 2008 in the Shelton City Hall, Room 303, at 7:00 p.m., 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

The following members were present: Chairman Anthony Pogoda
Comm. Virginia Harger
Comm. Patrick Lapera
Comm. Ruth Parkins
Comm. Leon Sylvester
(arrived 7:10 p.m.)
Comm. Thomas McGorty
(alternate for Comm. Sylvester/Jones)

Commission Members absent: Comm. Chris Jones

Staff members present: Richard Schultz, Administrator
Anthony Panico, Consultant
Karin Tuke, Recording Secretary

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

Chairman Pogoda began the meeting at 7:00 p.m. with the Pledge of Allegiance. To avoid any confusion, the Chairman announced that the meeting for the Fairchild Mobile Home appeal was being held in the Auditorium downstairs at 7:30 p.m. with the Zoning Board of Appeals.

Additionally, he added that the discussion this evening about the Scinto office building on Waterview Drive would only be for the purpose of scheduling the public hearing. Any public comments would be received at the time of the public hearing due to the need for a court stenographer.

PUBLIC HEARING

APPLICATION #08-13, E&E QUALITY HOMES, LLC FOR RE-SUBDIVISION APPROVAL (3 LOTS), 168 GROVE STREET (Map 93, Lot 9), R-3 District.

Mr. Schultz read the call of the hearing and five pieces of correspondence.

- * **See attached letter from Fire Chief, John Millo dated 7/15/08**
- * **See attached letter from City Engineer, Robert Kulacz dated 7/15/08**
- * **See attached letter from the Aquarian Water Company, Mark McCaffrey dated**
- * **See attached letter from Sewer Administrator, Thomas Simm dated 6/4/08**
- * **See attached letter from the Conservation Commission dated 7/10/08**

Mr. Schultz informed the Commissioners that in tonight's presentation, the Applicant would be proposing both open space and fee in the back left corner and also a conservation easement. This Commission has the final say as to whether they would like open space and fee simple and/or the conservation easement or the payment in lieu of. However, all City of Shelton open space has to be approved by the BOA; therefore, the Commission can recommend it, but the BOA can reject it. In such a case, it would come back to this Commission for another discussion. He indicated that Staff highlighted the open space areas in green on the displayed site map.

Atty. Stephen Bellis, 47 Perch Road, representing the Applicant, addressed the Commission. Atty. Bellis presented the notification of mailings sent to property owners within 100 feet by certified mail.

A resident living right across the street from the Applicant (name not provided) announced that she had not received any notification at all. Atty. Bellis responded that he didn't know who she was but he would check his list of names and get back to her.

Atty. Bellis also presented a photograph of the sign posted on the property for this public hearing. He indicated that this property was on Grove Street, halfway up between Coram Avenue and Howe Avenue. There is an existing home on the right hand side – an old one story ranch in very bad disrepair. All the copper piping had been pulled out leaving it without any plumbing. Additionally, the hot water heater had been removed or stolen.

Atty. Bellis indicated that there had been an old in-ground pool in the middle of the property that was in extreme disrepair with broken concrete around it – a complete eyesore. The Applicant initially went to the Inland Wetlands Commission to obtain a permit to remove the existing pool. The Applicant decided to keep the old existing home on the left side and the garage located behind it. Any other buildings there, which are falling down, will be removed. Only the existing garage and the existing dwelling will remain.

Atty. Bellis stated that the reason they were having this public hearing was because this piece of property was previously subdivided. Under the regulations, this is considered a re-subdivision.

On the site map, Atty. Bellis showed that on Lot 2, there is family living in an existing home with an easement that they share with a driveway. That driveway will not be affected in any way.

In addition to the existing house and garage, the property that remains, labeled Parcel B and Parcel C is a straight subdivision that meets both the Zoning Regulations and the Subdivision Regulations. For the Bulk Requirements, it is an R-3 zone, which means that it needs 12,000 square feet. All of these lots are oversized – Lot A is 19,000 sq. ft., Lot B is 14,800, and Lot C is 19,500. The square on the lot is 75 ft and meets that requirement. The front and side line and all other zoning requirements are met under the subdivision regulations. As a matter of right, the applicant would be entitled to a subdivision of this property.

Atty. Bellis stated that there is a brook in the back of the property. They call it a channeled brook because the brook has rocks that have been placed on both sides so it looks like a channel. It is not spread out or open, and it's very contained. They propose to put a conservation easement of approximately 50 ft there to protect the integrity of that brook and the vegetation that grows near it from being altered.

Atty. Bellis showed that in the upper left hand corner of the site map, there is a parcel labeled as open space. That parcel is approximately 7000 sq. ft. and it is adjacent to property that is presently owned by the City of Shelton. That open space was placed there to abut this Shelton property, and it would link up to the conservation easement that they would be proposing. Atty. Bellis indicated that this property has a total of 59,000 square feet or approx. 1 1/3 acres, but with the open space and the conservation easement, 31% (or 1/3) is being preserved.

Comm. Harger asked what the acreage of each parcel would be if it is 1.3 acres overall.

Atty. Bellis responded that each parcel was approximately one-third to one-half of an acre.

Chairman Pogoda interrupted the presentation to address the increasing amount of public audience members that had been entering the meeting room. He wanted to clarify that everyone present was there for a P&Z agenda item and not a ZBA issue. After ascertaining that most of the public were present for the Grove Street public hearing, he asked if everyone was comfortable with continuing this hearing with the standing only accommodations. Chairman Pogoda explained that the Auditorium was not available to use tonight, but the P&Z could postpone this meeting if the members of the public would like to have it on another date in the Auditorium.

Some residents indicated that they wanted to postpone the hearing, while others stated that they would like to continue it tonight. Chairman Pogoda asked for a show of hands in order to get a consensus from the public attendees.

A member of the audience, Ingrid Waters, 261 Long Hill Crossroads, commented that it should be postponed because not everyone in the neighborhood had been properly notified about this hearing.

Chairman Pogoda responded that the reason for the postponement would be due to previous FOIA citations regarding the lack of space for public attendees at the P&Z hearings. He stated, unequivocally, that if residents do not want to stay or stand up, he would postpone the meeting.

Ms. Waters replied that she was questioning the lack of notification in the neighborhood.

Chairman Pogoda indicated that most abutters, with the exception of one, had sent in their certified responses.

Mr. Schultz interjected that it is not a statutory requirement; it is a Shelton Subdivision Regulation. This Commission determines if there has been insufficient notification. A sign was posted and the applicant's attorney presented evidence that 20 mailings were sent out and returned. More importantly, this postponement would be to accommodate the residents that are presently standing here.

Chairman Pogoda continued with his request for a show of hands for and against the postponement of the hearing. The majority of public attendees voted to continue with the meeting.

Atty. Bellis continued with his comments regarding the open space and conservation easement comprising 31% of this small parcel. He respectfully disagreed with the Conservation Commission's recommendation for a fee in lieu of because 1/3 of the entire property has been set aside for no development. The open space itself is more than 10% of the property. It abuts the City of Shelton property and protects the brook and, therefore, provides a good reason to preserve it. The donation of open space prevents the home owner from cutting down trees, creating more lawn, or building other structures in this already tight Grove Street area.

Mr. Panico asked if the conservation easement was over and above the minimum lot area requirement of each lot.

Atty. Bellis responded that it was and the Inland Wetlands Commission commended the applicant about the open space and the conservation easement.

Mr. Panico asked if there was anything at the far end that a strip of open space would connect to. He asked if there was any logical connection down there, because there is other public land shown on the map.

Atty. Bellis responded that perhaps in the future there would be; however, he did not know at this time. It is owned by another family at this time.

Comm. Sylvester arrived at 7:10 p.m.; Comm. McGorty would now be the alternate for Comm. Jones.

Atty. Bellis continued with the proposed site development plans, which included two new structures and remodeling of the existing home. He commented that there are some multi-family homes on Grove Street; however, the two new buildings would be single family homes. They have proposed four bedrooms, approximately 2200 square feet, with a garage under and a driveway leading to each home. Each property would have its own sewer line and water line. The existing house would also be connected to city sewer and water lines. There would be no septic in any one of these three homes.

Atty. Bellis indicated that the Applicant was proposing retention chambers for any additional runoff from the homes or driveways. The property slopes from approximately 250 -246 to the street down to approx. 240 by the brook. The natural course of the land would take the water toward the wetlands and the brook that is there now.

Atty. Bellis stated that the Applicant received the City Engineer's report at 5 p.m. today and did not have any opportunity to prepare formal responses. However, he would like to address some of the City Engineer's comments concerning two of the driveway slopes. He responded that the driveway slopes could easily be rectified by changing the slope from the street to the home and keep it at 10% or less. Apparently, the City Engineer calculated the slope, and he will ask his own engineer to make that correction.

Additionally, he responded that the other comments made by the City Engineer were just administrative issues/typos on the map that needed correction or clarification. Other than that, the City Engineer has no issues with the proposal. The Water Pollution Control, Aquarian Water Company correspondence has been put into the record.

In summary, Atty. Bellis stated that this proposal, had it not been a re-subdivision, would have been a subdivision application meeting all the zoning regulations needed for a subdivision. However, since it is a re-subdivision, it requires this public hearing; otherwise, it is a straightforward 3 -lot subdivision. The Wetlands application has been approved. Atty. Bellis offered to answer any questions from the Commission.

Chairman Pogoda asked if any of the Commissioners had any questions regarding this application.

Comm. Parkins asked the about size of the new houses being put on the parcel.

Atty. Bellis responded that they would all be about 2200 square feet.

There were no other questions from the Commission. Chairman Pogoda asked if there were any questions or comments from the public regarding this application.

Denise Turecek, 222 Grove Street, Shelton, CT addressed the Commission. Ms. Turecek asked how the Wetland Commission could have possibly approved this application. She indicated that she has lived down the hill for 30 years and has been told that this area is wetlands which would never be built on. She asked if someone could show her a letter or a report, or explain how this was approved because she doesn't understand how it got to this point.

Also, Ms. Turecek questioned why, for the first time in the 30 years she's lived there, was the City out there cleaning up the brook. She indicated that the City could not explain why that needed to be done. They were out there for hours cleaning and pumping. She would like to know if there is some type of extra runoff that has to be dealt with there. She concluded that those were her two questions.

Greta Turecek, 186 Grove Street, Shelton, CT addressed the Commission. Mrs. Turecek indicated that she has lived there for 50 years and their property abuts that brook. She relayed that they have had a lot of trouble with that brook over the years. All of the water from Coram Road comes down into their brook. It used to be a very shallow brook, but over the years, it has gotten to be 3 or 4 feet deep in some places.

Mrs. Turecek said that her husband has spent considerable time and money trying to fix it. They feel that this new development will bring even more water back into this brook and give them trouble again. When they spoke to a City Commissioner years ago, they were told the City could not help them. In order to prevent a cave-in and damage to their driveway, they spent their own money for repairs.

Mrs. Turecek stated that she thinks this is going to create a big problem with the water. She added that the City pumped out a drain going from the road to their brook because even they realize there is a problem there.

Jerry Turecek, 186 Grove Street, Shelton, CT addressed the Commission. Mr. Turecek wanted to add to Denise Turecek's comments about the City coming to clean out the drain in front of 176 Grove Street. He added that the City has been there several times since the drain was put in. Somehow, they've been trying to get water to run upwards there, but it can't. It isn't going to work because (*inaudible*).

They came last Thursday to clean it out but there was a downpour the following Monday, and it overflowed into the 176 driveway and the area near there again.

Chairman Pogoda asked Mr. Turecek to try to show that area on the site map located on the table.

Mr. Turecek showed the areas of water flow, drainage, and the driveways (*actual discussion inaudible*).

Jean Dodds, 176 Grove Street, addressed the Commission. Ms. Dodds showed the location of her home on the site plan and agreed with the Tureceks' comments about the drain. She indicated that she has never seen anyone cleaning it out though. It is always covered with dirt and other junk.

Mr. Panico asked where the drain was located.

Ms. Dodds responded that it was in the street right on the border of the property. It is a grated drain.

Mr. Panico asked if there was a ditch along her property line leading to the brook.

Ms. Dodds and the Tureceks responded that there was not.

Mr. Panico asked if they were saying that the City's drainage system was not functioning.

The Tureceks indicated that it was not working.

Mr. Panico asked if the brook continued behind the #176 property.

Ms. Dodds responded that it did – but it was on the other side of her property. The water runs right down her driveway. Her driveway fills up and she has basement issues as well.

Mr. Edward Turecek, 200 Grove Street addressed the Commission. He stated that the brook runs all along there, and they had no problems with it until they built up Plaskon Drive. Now when it rains, that brook gets 5 or 6 feet wide and about 4 feet deep. It flows over and starts to look like a lake during a rainstorm.

Mr. Panico responded that over the years, the natural watercourse by the abutting property owners has been pushed in so that now it's referred to as a channelized brook.

Comm. McGorty asked if there were any large rocks along the brook.

Mr. Ed Turecek responded that he was hoping somebody would put some there.

Mrs. Greta Turecek responded that they had to pay for it and do it themselves. They keep getting washed out and they have to go out and clear it again.

Chairman Pogoda asked if this occurred only during heavy rain or if it happened all the time.

Mr. Ed Turecek responded that it isn't bad right now but with a lot of rain and all the development on the hill it raises holy heck.

Mr. Panico responded that there are two issues here. One issue is the storm drainage not working properly for some reason or it is inadequate. During heavy rain, it is overflowing and running down the #176 driveway. The other issue has to do with the natural watercourse overflowing during heavy rains.

Mr. Jerry Turecek commented that they need another drain near the brook.

Mr. Schultz interjected that Planning & Zoning sends out notices and posts signage on the property regarding their public hearings; however, Inland Wetlands does not. These residents did not have an opportunity to address the Inland Wetland Commission. This is occurring more and more – the remaining subdivisions coming in have inherent problems, and because of that lack of notification, residents are coming to this Commission to discuss wetlands issues.

Mr. Schultz explained that Inland Wetlands works directly with the City Engineer because when it comes to watercourses and wetlands, usually the Public Works Department has to deal with it too. This is just an observation and Mr. Panico is trying to separate it for the Commissioners – some of these issues have to be dealt with by Inland Wetlands and Engineering.

For the benefit of the public, Mr. Schultz stated that John Cook was the Wetlands Coordinator, and that he is available Tuesday – Friday, 8 a.m. – 5:30 p.m. Mr. Schultz identified himself as the point of contact for zoning issues.

He informed the Grove Street neighbors that John Cook could find out what the conditions of approval were; unfortunately, he was unable to attend his own meeting last week. He asked the residents to consult with Mr. Cook, who can meet them at the site, and relay any information to the City Engineer and the Superintendent of Highways and Bridges. This is a coordination issue going on here.

Mr. Ed Turecek asked about how many dwellings were being put on the property. He commented that there was a lot of yellow ribbon around (*inaudible*). He commented about the decayed buildings behind the main house and the water/well system on the property that was in shambles.

Comm. Sylvester responded to Mr. Turecek's concerns about what was going to be restored and what would be torn down.

Mr. Turecek asked what was going to be (*inaudible*)

Mr. Panico responded that Atty. Bellis indicated that they would be restoring the house and the garage and that the garage would be restored as a garage.

Comm. Lopera asked how large the garage was.

Greta Turecek responded that it was bigger than the house. Another resident (unidentified) stated it was about 40 x 35.

Comm. Lopera responded that was a very big garage.

Mr. Panico commented that it had to have been more than a garage at one time – like a barn or something else.

Mr. Ed Turecek made some comments about yellow tape marking the wetlands but it was inaudible.

Howard Sirois, 23 Sportsman Drive, Shelton, CT addressed the Commission. Mr. Sirois commented that since the P&Z meeting began at 7 p.m., it left only ½ hour between this meeting and the ZBA meeting downstairs which started at 7:30 p.m. He mentioned that it didn't leave very much time for anyone who might want to attend both meetings.

Chairman Pogoda responded that this was the scheduled P&Z meeting and this was the first item on the agenda.

Mr. Panico added that it was up to the citizen to determine which meeting was more important to them to attend. This Commission is an entirely different commission doing an entirely different piece of work.

Mr. Sirois concluded that he didn't think it was fair to have a citizen choose between two different meetings.

Mr. Panico tried to relay that no Commission has any way of knowing that any particular member of the public has interest in agenda items here and at another meeting. Each commission schedules its own meetings.

Chairman Pogoda asked if there was anyone else from the public who had questions or comments about this particular application.

Marlo Trantino, 164 Grove Street, Shelton, CT addressed the Commission. She asked what they'll do about knocking down (*inaudible*).

Chairman Pogoda responded that her question would be answered by Atty. Bellis at the end of this hearing.

Ken Kalinick, 165 Grove Street, Shelton, CT addressed the Commission.

He indicated that he has lived at the lot across the street for about 16 years. His concern is that it is already a saturated area. He indicated that the street is very narrow and during the winter it is extremely treacherous. Grove Street becomes a sheet of ice, and cars continually slide down the hill, cars are already parked on both sides of the street and no one can get out of their driveways. It seems like it is going to be a traffic and safety hazard with more homes. Additionally, it is at the bottom of a hill where cars would come down with a lot of momentum. Pulling in and out of driveways is going to be a safety issue, especially in the winter.

Mr. Kalinick added that he had concerns about the wetlands issues already discussed. He indicated that he was very surprised that Wetlands approved this.

Karen Kalinick, 165 Grove Street, Shelton, CT addressed the Commission. She stated that the people who owned the property before them wanted to do something with that property, and they were told they could not because of the wetlands. She did not understand why they got rejected, then sold their house, and now this is being approved.

Mr. Kalinick stated that with the runoff during heavy rains, that whole lot becomes a lake. Mrs. Kalinick added that it is such a little piece of property to build two houses on.

Mrs. Greta Turecek agreed that it was much too small a piece to put them on.

Robert Hinman, 247 Grove Street, Shelton, CT addressed the Commission. Mr. Hinman added that he has property at 241, 243, 244 Grove Street that he's owned for a number of years. He indicated that he had two concerns. The first being that it was a very wet lot that is, justifiably, a wetland. His second concern is the condition of Grove Street itself. He commented that if there is any more traffic on Grove Street at all, then there needs to be some major road improvements. He indicated that he thought it was one of the most dangerous streets in town. The lower part of the road only allows one car to pass at a time when it meets up with another car coming in the opposite direction.

Mrs. Greta Turecek asked where the open space was located.

Mr. Panico showed her the green area on the site map that the Applicant was proposing as open space. It was about 50 feet wide following along the brook.

Mr. Jerry Turecek asked to be shown the location of the City property near that open space.

Mr. Panico showed him the location of the City property. Mr. Schultz explained that it was open space dedicated from the Jennifer Court subdivision.

There was more than one discussion taking place (*inaudible*) about the open space location being only accessible from Jennifer Court and that it really didn't go anywhere.

Comm. Parkins commented that was probably why the Conservation Commission was recommending fee in lieu of.

Mrs. Greta Turecek indicated that seeing it on the map it looks nice, but it doesn't show how tiny that piece of property really is – and for two houses, it is incredibly small. Also, it has the wetland problem, and it seems like it will be a disaster. She added that anyone who buys those homes would have a lot of trouble with water in their basements. Ms. Turecek commented that their neighbor, Jean Dodds, already has a sump pump that is going all the time.

Jean Dodds, 176 Grove Street addressed the Commission. She asked a question about the second house being so close to her property line. She was concerned about the grading issues and the threat to some substantial trees on that property line. The trees could be damaged by construction equipment or grading. She wanted to know if there was anything in the plan to protect them.

Mrs. Greta Turecek added that there was a large weeping willow tree growing there that is rotten too. It breaks off more with each storm and falls down. It's not a good situation either.

Atty. Bellis responded to some of the questions and comments made by the public. He referenced that the catch basin in the road was maintained by the City. They would have nothing to do with cleaning that out. He doesn't know if there are any problems with that catch basin in regard to size, but it has nothing to do with this application. If anyone saw any work being done to clean it out, it was not on their behalf.

Atty. Bellis responded to some of the wetland concerns. He indicated that just because there are wetlands on a piece of property, it does not mean it can't be built on. They may have to get relief from the Wetlands Commission, but in this particular case, the only wetlands are delineated on the map and flagged. They are very close to the channelized brook and there is no construction being proposed over there at all. He stated that the homes being proposed are nearer to the street on Grove Street. The wetlands along the brook are not impacted.

Atty. Bellis responded to the question about what buildings would be knocked down. The existing dwelling, the house and a building behind it, the garage would remain and be refurbished. The one-story run-down shed that is falling will be removed. The dilapidated pool, the pool deck and all the concrete has been removed under a Wetlands application permit. A pump house that was all concrete and the pool slide are gone too. He indicated that there was another deteriorated structure behind the house that would be removed as well.

Mr. Ed Turecek asked what was outlined in orange on the proposed site map.

Atty. Bellis responded that the orange outline had been done for the Wetlands Hearing. He stated that a prior report was on record that was not actually wetlands. He added that many people have the misconception that if the property is wet or if there is an overflow of water, as many have described, it must be a wetland lot. He added that he wasn't a soil scientist, but wetland refers to the type of soil consistency. Atty. Bellis stated that he did not want to reiterate the Wetlands hearing, but they did hire a soil scientist who drilled for soil samples and examined them. John Cook, the Applicant, and the soil scientist visited the site to determine what was a wetland and what was not a wetland.

In regard to the icing at the bottom of Grove Street, Atty. Bellis responded that was an existing condition that was off-site. It was not something that these two homes would have any impact on. In regard to the on the street parking, he commented that the parking for these homes would be off the street. There

would be driveways leading to them and garage unders. It is doubtful that they would use Grove Street for parking at all.

Atty. Bellis indicated that the existing garage was full of roofing materials; however, it would be cleaned out for use as a garage. New driveways would be put in and there will be plenty of off street parking. Atty. Bellis respectfully disagreed that two homes would have any impact on Grove Street traffic.

Atty. Bellis responded to the concerns about grading and the trees on the property line. He indicated that there would be no grading on the abutting property. There would not be any slope riser or permission to go onto any adjoining properties. The Applicant would clear the trees around the home, but could not touch any trees within the conservation easement or the open space, if it is accepted by the City.

Jean Dodds, 176 Grove Street, requested to clarify her question about the grading and the trees. She asked about the trees on the property line that would be impacted by an increase in the grade on that lot. She indicated that she was concerned about the construction equipment that would be brought in that would compact the soil and cause damage to the root systems of those trees and the root systems of the trees on her property. She asked because if her tree declines, it could fall onto her house.

Atty. Bellis responded that the Applicant was present and he'd be happy to work with her. He indicated that there are ways to minimize damage to trees and their roots systems with other methods of grading along her property line.

Atty. Bellis commented about the open space. Under the subdivision regulations, the Applicant can donate open space or give a conservation easement or do a fee in lieu of. In this particular case, the applicant would like to do a little of both – give open space and give a conservation easement with a lesser fee in lieu of. It isn't just black or white with open space or fee in lieu of. He called it a hybrid where the Applicant could request a lesser amount.

Atty. Bellis indicated that the open space there wasn't large enough for a ball field but it was a nice pocket that breaks up the area of grass and homes. The Inland Wetlands Commission liked it, and they did a walk out there. If they would like them to keep that and then have a reduced fee in lieu of – that is the Commission's prerogative as well.

Atty. Bellis responded to comments about the brook. Presently, it is a trickle because it is July. The property is owned half by the Tureceks and partially by this Applicant. The property line follows the brook. It is a channel, it would not be touched or disturbed. There are no plans of putting any grass there, that's why there is a conservation easement. There would be no additional runoff there. The runoff that is there now would continue because they aren't saying that they are going to fix anything. It would be the status quo. They do have infiltrators attached for additional runoff from the roofs or footing drains. There wouldn't be any net increase in the runoff. He wasn't saying that they were making the situation better, but they were not making it worse. The land slopes down that way naturally anyway from the Turecek property to the brook.

Atty. Bellis commented again about the catch basin being a City issue. It can be addressed and the Applicant can discuss it with the City Engineer to see if there's a plan. However, it was not in the City Engineer's comments or the Wetland Commission's comments. That doesn't mean; however, that the applicant won't work with the neighborhood to solve a problem if he can.

Chairman Pogoda asked about the infiltrators on both pieces of property to get at least some of the water that's been overflowing.

Atty. Bellis responded that they would be underground and it will definitely help with the water.

Chairman Pogoda asked Atty. Bellis to reconfirm that both the house and the barn/garage would be redone.

Atty. Bellis responded that they won't be knocked down, and they have already started the remodeling process on the home – replacing windows, sewer, water, eliminating underground tanks and cleaning everything up.

Comm. Laperera asked if the back structure would be used for a garage only.

Atty. Bellis responded that absolutely it would be for no other intended use.

Comm. Harger asked if there was a driveway leading up to that garage and did it have overhead doors or some type of garage doors.

Atty. Bellis responded that there was a shared driveway with Lot 2 but the garage is on the Applicant's property. It can hold about four cars in the garage.

Comm. Laperera asked if the lots conform to the lot sizes in this zone.

Atty. Bellis responded that the lots were larger than the requirements.

Comm. Laperera asked if the setbacks conformed to regulations.

Atty. Bellis responded that the setback did conform to the regs.

Comm. Laperera stated that he had a concern on Lot C. The wet area on Lot C looks like a large area relative to the lot.

Atty. Bellis showed the breakdown on a separate map. The total area would be 19; the wetland is 6 so the net is 13.

Chairman Pogoda commented that there's still 13 exclusive of the wetlands. Mr. Schultz added that it needs 12 high and dry to meet the regulations.

Atty. Bellis responded that it meets the regulations for a subdivision with no public hearing but there was subdivision in 1989 shown on the title.

Comm. Laperera asked Mr. Schultz if the City Engineer can require that the applicant put drains in or does the City have to put the drains in, if additional drainage is needed.

Mr. Schultz responded that in the street, the City has to do that.

Mr. Panico added that if the applicant is creating a problem, the City Engineer can have him address it. But for an existing problem, they can't ask the Applicant to address it.

Mr. Schultz stated that he would relay these things to the City Engineer.

Comm. Laperera asked if there could be some drainage in between to take care of that runoff.

Mr. Panico responded that if the City Engineer thinks that is something that ought to be installed, then that can be coordinated with the Applicant to provide the necessary easement for (*inaudible*).

Ed Turecek, 200 Grove Street, asked the Commission if there could be some note made to have someone responsible to keep the brook clear due to the large volume of water that occurs there. The people there have been doing it all along, picking up boulders, and he doesn't think that's right because it is caused from the redevelopment up above.

Comm. Lopera asked if the brook naturally dammed at this spot or if there was some kind of accumulation of logs or rocks. He asked if the brook narrowed at the bottom.

Mr. Ed Turecek responded that it doesn't really narrow at the bottom.

Mr. Hinman asked if the houses planned to be put in there would have basements.

Atty. Bellis responded that they would have basements.

Mr. Hinman commented that he wouldn't build a house with a basement in that area. The water is about a foot under the ground.

Atty. Bellis indicated that the applicant was aware of that and plans to put in special drainage for it.

Mr. Jerry Turecek asked what the setbacks from the street were.

Atty. Bellis confirmed that it would be inside the square. The front setback was approximately 30 feet.

Chairman Pogoda asked if there were any more questions or comments. There were none. He asked for a motion to close the hearing at 8:05 p.m.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #08-13.

APPLICATION #08-14, SPORTS CENTER OF CT FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #30 (VIDEO ARCADE ADDITION), AND CAM SITE PLAN, 784 RIVER ROAD (MAP 12, LOTS 37 AND 38).

Mr. Schultz read the call of the hearing and one piece of correspondence from the Fire Marshal.

***See attached correspondence dated 7/15/08 from Fire Marshal, James Tortora.**

Howard Soffan, owner of the Sports Center of Connecticut, addressed the Commission. Mr. Soffan indicated that he was present with his architect, Joseph Mingoletto of Mingoletto & Hayes.

Mr. Soffan stated that Mr. Mingoletto made a presentation at a prior meeting with regard to the addition of the video arcade. At that time there was some concern with regard to the party rooms and the need that they might create for additional parking. He apologized for his absence at the previous meeting due to family commitments, and he wanted to clarify a few things.

Mr. Soffan showed the existing floor plan as it looks today with two party rooms separated by a foldable panel. In the reception area, there are tables where they hold two additional parties if they have an overflow.

Mr. Soffan showed a different floor plan with the modifications that Mr. Mingoello presented showing an additional three party rooms. The addition for them would essentially be one party room in the new video arcade. At this time, if they ever have an overflow at the parties, they'll bring them over to the rinks. At the rinks, they have 12 birthday party rooms. They were trying to create a convenience for anybody hosting a party in the front location to have some privacy because right now it is a public area. It is not in the essence that they will be having more parties there, because all the parties would overflow into the rinks. They just wanted to provide more privacy and convenience for the parties.

Comm. Sylvester asked if he would be diminishing the area of the pro shop.

Mr. Soffan responded that the pro shop, unfortunately, in these times of Internet shopping, is having difficulty staying in business. They have reduced his rent twice but he's still not making money.

Comm. Sylvester asked what would be done with that floor space.

Mr. Soffan showed that location on the floor plan and responded that the area would become the open area leading into the video arcade. The golf shop will no longer be there.

Chairman Pogoda commended Mr. Soffan for the great job the Sport Center does. It is recognized throughout Fairfield County and the entire State.

He indicated that the only concern the Commission has is about the parking. He drove by there last week and saw three buses. He asked about the amount of kids coming and going and the number of parties being held at one time. He asked if everything was going on at the same time, whether it is afternoon or evening, would there be enough parking, because they don't want to see any overflow parking into the main road. He was concerned about safety with people walking through and cars backing in and out.

Mr. Soffan responded that the golf center is all done on a reservation basis. He provided an example with the Fun Bowl, with six lanes – it is relatively small. Typically, a maximum of two birthday parties would take up that space. There is not a lot of other traffic in that building. At the rinks, there can be a lot of traffic. They will be coming before the Committee at a later date to address the creation of more parking areas. Mr. Soffan indicated that he knows that they haven't spilled out into the street, but they know they are full, and they'd like it to be more comfortable too.

He pointed to the area of the site plan where the birthday party building was located and indicated that he was very limited in regard to the reservation hours, just like they are with laser tag. They want it to be a customer oriented service that people enjoy so they come back.

Comm. Parkins asked if the arcade was only open for the birthday parties.

Mr. Soffan responded that the arcade would be open. They envision the arcade to be open during the weekend, but it is mainly for birthday parties just like laser tag or fun bowl. It is really structured for birthday parties and they don't expect a heavy amount of public traffic. It isn't like mini-golf where entire families come in. It is really oriented for family/fun birthday parties because that is their niche.

Comm. McGorty asked if there had been a parking study done to determine what the theoretical capacity would be if they were maxed out.

Mr. Soffan responded that as of today, they have had a study done, but as for the future, they will be presenting that plan to the Commission at a later date.

Comm. Harger asked if there was an admission fee just for the arcade.

Mr. Soffan responded that there was not.

Comm. Parkins asked how big the arcade was and what types of games were in there.

Mr. Soffan responded that there would be approximately 15-20 games per floor. A total of 30 to 40 games.

Comm. Parkins asked why he did not envision that being a draw for kids to just come in and do that rather than being part of a birthday party.

Mr. Soffan responded that arcades haven't been very successful. He indicated that, like the batting cages, they are nice to have but they are not the predominant reason people will come there.

Comm. Harger asked if there was a party room upstairs.

Mr. Soffan responded that there was not.

Comm. Lopera commented that he was concerned to be adding space here without adding any parking.

Chairman Pogoda responded that the original concept didn't envision these changes that would create the need for more parking.

Mr. Soffan responded that adding on to the rinks – they have a total now of 350 parking spots. They added 10 more because they found some room with re-striping within the facility. There are the rare occasions when the lot is tight, but it never spills out into the street. People tend to circle; because that is the way the DOT wanted it, by cutting off the driveway. Traffic in and out of the golf shop would be eliminated, and they aren't adding any more party rooms to the facility. The party room set up is for a service orientation not to add more people.

Comm. Sylvester commented that Mr. Soffan runs a very nice business. His family has used it. His granddaughter has taken skating lessons there and they've had birthday parties at the Fun Bowl and he's used the driving range. He complimented him on the shopping center down the street too. He commended him for letting people park there to use the brook. He recognized that Mr. Soffan was very community-oriented and welcoming with his facilities.

Comm. Sylvester indicated that his only concern would be that it would become an arcade environment with kids hanging around. It isn't what anyone envisioned and it hasn't happened but, he'd feel more comfortable if he had a guarantee that it would not happen. He hoped that it would remain as a family-oriented facility that would be welcoming and not intimidating.

Comm. Sylvester asked Mr. Soffan if he could share his thoughts about the additional parking that he plans to bring to the board in the future to give them a better sense of what would be going on there.

Mr. Soffan explained that they have had concerns from the beginning when they had public skating. There were teams and large groups of people, and they got uncomfortable and nervous. He indicated that they met with the Police to get their help. Now there is always a police officer there from the City of Shelton on a Friday night – teen skate night. They will always have a police officer present at the arcade or anywhere that it becomes an issue – whether it is a Saturday or a Sunday or whenever. Mr. Soffan indicated that it wasn't a cost factor, it was a safety factor.

Mr. Soffan stated that the reason that they came back to the Commission was because they were eliminating an alley way. They had a security consultant take a look at the set up with the alley way because they felt it was not safe situation. He indicated that was why they were before the Commission now. This was a safety issue and that was how it all evolved. They had previously been approved but they were uncomfortable with that alley way. In terms of the community and the kids, it's important to him. He has four kids. He is there on Friday night, Saturday and Saturday night as well as Sunday. If there is an issue, he will take care of it and address it. The future of the parking will have to be left for a later date because they are still in the design phases.

Comm. Parkins asked if he had any concerns about the parking in this area right now.

Mr. Soffan responded that it was a very open area in the front. The parking was tighter in the back of the rinks.

Comm. Parkins asked about the miniature golf and if there were seasonal parking issues.

Mr. Soffan responded that there was not any seasonal issue because the video arcade and the fun bowl aren't very active in the summer when the mini golf is.

Comm. Parkins asked how large the minimum party size would be.

Mr. Soffan responded that the average party was 8 – 9 people. In the rink, it is a little bit larger, as well as with the laser tag parties.

Comm. Parkins asked about the maximum occupancy for the building.

Mr. Schultz indicated that the Fire Marshal determines that.

Comm. Parkins asked how it would be monitored in terms of the arcade. Do kids buy a ticket to come in to access the arcade?

Mr. Soffan responded that tickets for the arcade would be obtained through the center entranceway. Everything is run off of swipe cards now, and they are sold at the reception window.

Comm. Sylvester noted that these facilities aren't just for children because he saw an office get together at the miniature golf when he was at the driving range a couple of weeks ago.

Mr. Soffan responded that they do have sales conferences on the mezzanine and when they get bored, they go hit golf balls, bowl or use the mini golf.

Comm. Sylvester added that he gives seniors a discount too.

Chairman Pogoda asked if there were any more questions or comments from the Commissioners or public. He asked for a motion to close the public hearing.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to close the public hearing for Application #08-14.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

Mr. Schultz indicated that there were 31 Standards. Staff has reviewed each application for Certificate of Zoning Compliance and finds them to be in compliance with Shelton Zoning Regulations and recommends their approval.

On a motion made by Patrick Lopera seconded by Leon Sylvester, it was unanimously voted to approve the Applications for Certificates of Zoning Compliance, Standards 1 – 31.

SEPARATE #6852 MARCIN STAWIARSKI, 17 CORAM ROAD, HOME OFFICE

Mr. Schultz indicated that this was for a 300 square foot carpenter/contractor office. He owns one ½ pick-up truck with no signage, standard restrictions, no building inventory.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Separate #6852.

SEPARATE 7062, ELEANOR OSBORNE, 76 KYLES WAY, HOME OFFICE

Mr. Schultz indicated that this was for an educational consultant with a 25 square foot office. It was very straightforward, and Staff recommends approval.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve Separate #7062.

SEPARATE 6727, ROBERT MCGUIRE, 38 MARTINKA DRIVE, HOME OFFICE

Mr. Schultz indicated that this was for a gas services consultant with 100 square feet of office space using a PC and no commercial operations. Staff recommends approval.

On a motion made by Patrick Lopera seconded by Thomas McGorty, it was unanimously voted to approve Separate #6727.

SEPARATE 6735, LORI QUARANTE, 111 SPRING GLEN, HOME OFFICE

Mr. Schultz indicated that this was for an Internet operation involving publishing, 300 square foot office, and one vehicle that is not commercial. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6735.

SEPARATE 6725, GLOBAL SOURCE LLC, 65 TRAP FALLS RD, BUSINESS/SIGN

Mr. Schultz indicated that this was the large building that Swiss Army Knife had occupied. This would be a partial occupancy. The building is 103,000 square feet. The new company will occupy 25,008 square feet. This is for office space and the assembly of computer equipment, 15 full time employees. There is significant parking for multiple tenants. Hours of operation would be 7 a.m. to 7 p.m. weekdays with some weekend work. Insofar as it's adjacent to a residential area, they monitor that area. They haven't had problems with other occupants.

He indicated that as part this application, they want to replace the ground sign. He showed a rendering of the sign to the Commission.

Chairman Pogoda asked if they would have any additional lighting outside.

Mr. Schultz responded that there would not be any additional lighting. Staff recommends both the occupancy and the sign replacements.

On a motion made by Thomas McGorty seconded by Patrick Lapera, it was unanimously voted to approve Separate #6725.

SEPARATE #6736, CLINICAL LABORATORY PARTNERS, 90 HUNTINGTON STREET, BUSINESS/SIGN

Mr. Schultz indicated that this was for a new business to replace the ob/gyn doctor's office in the Huntington Depot Shopping Center at 1900 Huntington Street. He showed the proposed signage to the Commission. The business area is 1000 square feet, hours of operation are 7 a.m. – 4 p.m., Monday - Friday. This is a clinical laboratory for blood testing. The sign is consistent with others in the Shopping Center. Employees will be parking lot on Lane Street.

Chairman Pogoda asked if there had been any reported problems in that area.

Mr. Schultz responded that there were not. It has worked out. It was something the Commission thought long and hard about because it was such a narrow piece of property when it was built.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6736. Comm. Sylvester abstained from voting.

SEPARATE #6859, CHRISTOPER HUSK, 1000 BRIDGEPORT AVENUE, BUSINESS

Mr. Schultz stated that this was a 7254 square foot office space at 1000 Bridgeport Avenue, Suite 101, next to Burger King and People's Bank. The hours of operation would be 8 a.m. – 5 p.m. with 44 employees. The business would be for corporate taxation.

Comm. Lapera asked if there was enough space in that parking lot.

Mr. Schultz responded that there was plenty on the right and left and underneath.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #6859.

SEPARATE #4107, MICHAEL FERREIRA, 488 HOWE AVE, BUSINESS

Mr. Schultz indicated that this was for an insurance company at 488 Howe Avenue. Vina? Jewelers were in there next to the other jewelry store, Mark's by Design. It is 400 square feet, hours of operation 9 a.m. – 4:30 p.m. Monday - Friday with one employee.

On a motion made by Thomas McGorty seconded by Leon Sylvester, it was unanimously voted to approve Separate #4107.

SEPARATE #6886, ABC SIGN CORP, 865 RIVER ROAD, SIGN

Mr. Schultz indicated that this was for Howard Soffan's new commercial building that would replace Esther's Hacienda. He showed the rendering of a pole sign and added that Staff has asked the applicant to go with a two stand pole design.

Later this evening, the Chairman will discuss the Zoning Subcommittee and the status of the sign regulation amendment.

Mr. Schultz indicated that the applicant has just told him that he will comply with the wishes of the Commission, if they would like the modified design. It will run a little bit more; however, if its in the best interest of the City of Shelton, he will comply. The draft regulations would require it.

Chairman Pogoda commented about the commendable job done at that site, and he's happy that Mr. Soffan is willing to go with the two poles on that type of sign.

Mr. Schultz added that the sign can hold up to three tenants.

Comm. Harger asked about the height of this sign especially for visibility.

Chairman Pogoda responded that it was at 15 which was pretty standard.

On a motion made by Thomas McGorty seconded by Patrick Lapera, it was unanimously voted to approve Separate #6886 with signage modifications to be approved by Staff.

SEPARATE #016, TUTOR TIME, 708 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this was for identification signs at Tutor Time which is under construction. He showed the proposed wall signs and the proposed monument sign.

Atty. Bellis indicated that he was there to represent the applicant.

Chairman Pogoda commented that they looked at these drawings prior to the meeting and they have some questions. According to Mr. Panico, that roof sign is not on a flat roof – it is a peaked roof.

Mr. Panico stated that it is not a gable end that it appears to be upon first looking at it. It is actually a sloping roof that slopes away and the sign is perched on it.

Atty. Bellis responded that Tutor Time asked them to move it up to that spot because coming up the driveway on Old Stratford Road, the large amount of ledge makes it impossible to see their Tutor Time sign.

Mr. Panico stated that they can't expect to see the Tutor Time sign from Old Stratford Road.

Atty. Bellis responded that they want to see it coming up the driveway.

Mr. Panico asked - coming up the driveway from where?

Chairman Pogoda added that once you're up the driveway, you would know it's there.

Atty. Bellis commented that a fire truck might not know where it is.

Mr. Panico explained that going by the restaurant parking looking to the left, the sign can not be missed.

Chairman Pogoda commented that the wall sign would be seen already.

Atty. Bellis responded that it would be seen after entering the driveway and getting to the top.

Comm. McGorty asked where the wall sign was located.

Atty. Bellis responded that it was facing Vazzi's.

Comm. Parkins added that it was facing the side off of Bridgeport Avenue.

Atty. Bellis noted that the one with the peak is the one that would be seen in the front.

Mr. Panico stated that signs on roofs are not allowed. And that is a sign on a roof. That is a gutter line and then the roof slopes away – the sign is perched above the gutter line.

Atty. Bellis indicated that when he went up to look at it, it appeared to be a decorative thing, like a portico.

Mr. Panico indicated that looking at that in cross section as you drive up to it, the sign would be sticking up from the roof. It is not a gable end – it's not flush.

Chairman Pogoda stated that they don't permit roof signs and also this is a PDD.

Mr. Panico added that they have to rework it and drop it down.

Atty. Bellis commented that the tenant, not the landlord, wanted to be able to see it coming up from the Old Stratford Road driveway.

Chairman Pogoda indicated that he was going to direct Staff to work with Atty. Bellis or the applicant.

Mr. Panico asked where the ground sign was going.

Atty. Bellis responded that it was going on the top entering into the property across from Vazzi's.

Chairman Pogoda commented that it would be to the left of the open drive that goes inside.

Mr. Schultz commented that there was no issue with the monument sign.

Mr. Panico indicated that he went out to look at that roof and knew that sign would not conform. One option would be to be lower everything so that it's on the façade.

Atty. Bellis indicated that he would discuss it with the applicant and work with Rick.

Mr. Panico asked about the size of the lettering.

Comm. Lopera asked if it was the standard size.

Atty. Bellis responded that it was a 24" channel letter – 2 feet high.

Mr. Schultz indicated that he would share this with the Zoning Subcommittee because they are presently working on sign regulations.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #016 with signage modifications to be approved by Staff.

SEPARATE 6868, ROBERT DESALLE, 475-502 HOWE AVENUE, SIGN

Mr. Schultz indicated that this was for Goodmen Insurance Company that is occupying the old Connecticut National Bank on Howe Avenue. Their sign is the lower one on the menu sign shown. Staff recommends approval. It is consistent with size and colors.

Chairman Pogoda asked if it was just part of the grouping that is already there.

Mr. Schultz responded that it was. They used to be located at Castiello's Deli.

Mr. Panico noted that it has four tenant names on the sign.

Comm. Sylvester added that they just said they only wanted three.

Mr. Panico commented that he was not a big fan of menu signs and Comm. Sylvester agreed that he was not a big fan of any signs.

Chairman Pogoda stated it was up to the Commission. Since they had just said three, he asked the Commissioners if they should go for the fourth.

Mr. Schultz indicated that this was a replacement sign.

Comm. Parkins suggested removing the "Drive Up ATM" line off of the sign - it would reduce one panel. It is obvious that there's a drive-through there. It would leave three tenant names under Webster Bank.

Chairman Pogoda asked Rick if he could ask the owner to do that.

Mr. Schultz responded that he would -it was a reasonable request. There are two Webster Banks within a stone's throw of one another anyway.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Separate #6868 with signage modifications to be approved by Staff.

SEPARATE #6881, FLOWING SPIRIT, 472 RIVER ROAD, TENT REVIVAL

Mr. Schultz indicated that the church group was back, and they have monitored them over the last six years. The dates would be August 15th – August 30th. The only issues that they had were with the PA systems, and they did control that. There is plenty of parking available in the old A&P shopping center lot. He tried to get them to move it to the back, but they still want the exposure. They are still on the side, but they are only getting 10 or 15 people.

Chairman Pogoda asked if there were any comments from area residents.

Mr. Schultz indicated that there were none whatsoever. The police responded to the complaint to turn down the volume of the PA system.

On a motion made by Leon Sylvester seconded by Ruth Parkins, it was unanimously voted to approve Separate #6881.

SEPARATE #6853, TURNER CONSTRUCTION, 1 FAR MILL CROSSING, PARKING GARAGE

Mr. Schultz indicated that this was for the Health-net parking garage for 450 cars. The Commission recently approved it. Staff recommends approval.

On a motion made by Patrick Lopera seconded by Thomas McGorty, it was unanimously voted to approve Separate #6853.

SEPARATE #6739, HAWLEY LANE SHOWES, 862 BRIDGEPORT AVENUE, TENT SALE

Mr. Schultz stated that they have had issues with Hawley Lane Shoes and the signage. They have been working with Staff, who has a part time enforcement officer that goes out and monitors this. This is the first sign with a spirit of cooperation. This will be in the side parking area next to the old Bradlees where they had storage. It is a great location because there is a guard rail around it. The tent sale dates are July 18th, 19th and 20th - rain or shine. They've come in because Shelton Square is a PDD, and they regulate these activities just as they do with Wal-mart.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6739.

SEPARATE #6723, CHOATE BUILDERS, 216 LONG HILL CROSS ROADS, DECK

Mr. Schultz indicated that this was for the child daycare center on the right side going down Long Hill Crossroads – Gingerbread Child Daycare Center. The applicant is asking the Commission to waive a full site plan. This is for a deck, 28 x 20 feet to the rear side of the building. It would be used for outside activities. It is completely monitored by the State. It is completely on grade.

Comm. Lopera asked if they waive the site plan, would the Fire Marshal still take a look at it.

Mr. Schultz responded that they have to get the Building Department and the Building Dept triggers the Fire Marshal.

Mr. Panico asked if that would take away from the outdoor play area.

Mr. Schultz responded that it would not. He added that it was up to the Commission because rarely does the Commission like to waive site plans.

Mr. Panico commented that it appeared to be relatively simple.

Mr. Schultz responded that they've had no issues there. This facility has a lawn area all the way around it unlike the other one and they have sufficient room. This wouldn't contribute to any increase in enrollment issues.

Chairman Pogoda asked about the wintertime, would there be a closure of the deck.

Mr. Schultz responded that it wouldn't be closed – just an open deck. He added that he would be going up there to take a look at it again. He would advise the Commission if there appeared to be any issues that required a site plan.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to waive the site plan for Separate #6723.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #6723.

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 (PUBLIC HEARING CLOSED ON 6/10/08) – DISCUSSION AND POSSIBLE ACTION

Chairman Pogoda indicated that this was the former location of Cingular Wireless. Mr. Schultz stated that he had prepared a draft report of findings/concerns dated 7/15/08.

***See attached P&Z Commission Report for Application #08-08 dated 7/15/08.**

Chairman Pogoda asked if the Commissioners had any questions or comments regarding the draft resolution. There were none.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously roll call voted (6-0) to approve Application #08-08.

APPLICATION #08-09, BARRY KNOTT ON BEHALF OF RICAR, LLC AND MIANUS HOLDINGS, LLC FOR MODIFICATIONS 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 (PUBLIC HEARING CLOSED ON 6/10/08) – DISCUSSION AND POSSIBLE ACTION

Mr. Schultz stated that Staff has provided a draft resolution. As a side note, he mentioned that Item G on the P&Z agenda for tonight, is an older application. So, if the Commission takes action tonight, he recommended that they go to Item G and accept their letter of withdrawal.

Chairman Pogoda asked Mr. Schultz to explain the reason for Item G.

Mr. Schultz responded that when the Commission initially approved the Initial Development Plans, the concept plans, they went ahead and submitted their Detailed Development Plans because they wanted to get moving on it. However, issues came before the Commission and they rethought the entire site design and decided to modify it to include more dwelling units. The report will also reflect the shifting and relocation of some of the buildings on their site. The applicant indicated that they wanted to keep this Detailed Development application open until the Commission heard the modified proposal. Since the Commission has heard the modified plan, hopefully they will feel comfortable to act upon it tonight. At that time, Item G can be disposed of by accepting it's withdrawal.

Chairman Pogoda stated that at the last meeting, the Commission directed Staff to prepare a draft resolution for Application #08-09. Mr. Panico read the report/resolution for the record.

***See attached Report/Resolution for Application #08-09.**

After reading the draft report, Mr. Schultz called for a correction to an error on Page 4, Paragraph 5 which needed to read "In order to maintain economic viability, eight (8) new dwelling units were added to the Plans." Mr. Panico indicated that the number would be clarified in the final report.

Chairman Pogoda asked if there were any questions or comments from the Commission regarding the draft resolution.

Comm. Parkins asked for clarification about Item #4 on Page 6. She indicated that she didn't believe there was any proposed modification of the easement with the gas pipeline.

Mr. Panico responded that he meant modification of conditions within the easement such as grading, disturbance, landscaping, etc. He indicated that he would clarify it in the final report to be less general in meaning to say "activities within a respective easement."

Chairman Pogoda asked for a motion before taking a roll call vote.

Comm. Sylvester indicated that he wanted to make a statement with his vote. He stated that he had no issues with what was happening with this application. He thought it was positive for the community and positive for the River. He commended the individuals doing this work and thought they were terrific applicants. He clarified that he believes this application will work; however, aside from this application, he has been troubled by the density of the development.

Comm. Sylvester stated that he would vote positively for this application, but he wants to go on the record to say that he is troubled by the density of the development as to how it will impact future development on the River. He is appreciative of everything the applicant has done. They have been so pro-community with the accessibility to the public. He is comfortable with the applicant and all the elements of this application – it is all beneficial.

Comm. Sylvester continued to state that he has been on the Commission for a long time and has concerns that other people will come in and point to this in order to acquire an equal density up the River. Comm. Sylvester concluded that his vote was yes, but he would continue to address any future applications from a density point of view and from the perspective of what it would offer to the community.

Mr. Panico responded that doing it as a PDD means that the Commission recognizes this, by itself, as a unique development. It is not precedent setting. It grants nobody else, anywhere else in the City, the same rights.

Comm. Sylvester agreed to disagree because he has seen it happen over and over again in the twenty plus years that he's been doing this. He anticipates other people coming to request the same density, PDD or not.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously roll call voted (6-0) to approve Application #08-09.

Chairman Pogoda continued the roll call vote. Atty. Knott and Richard Kral thanked the Commission before leaving the meeting.

APPLICATION #07-55, BARRY KNOTT ON BEHALF OF RICAR, LLC AND MIANUS HOLDINGS, LLC FOR FINAL SITE DEVELOPMENT PLAN FOR PDD #66 (MARINA, MULTI-FAMILY, RESTAURANT/CLUBHOUSE), 704-722 RIVER ROAD (MAP 32, LOTS 16 AND 17) – REQUEST FOR WITHDRAWAL (APPLICANT INITIATED)

Chairman Pogoda asked for a motion to withdraw Application #07-55.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve the request for withdrawal of Application #07-55.

APPLICATION #08-11, TERRA DEVELOPMENT, LCC FOR SUBDIVISION APPROVAL (3 LOTS: MARSHAL MEADOWS), 151 NELLS ROCK ROAD (MAP 90, LOT 5) R-1 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Mr. Schultz showed the site map to familiarize the Commissioners with the location on Nells Rock Road. He read several pieces of correspondence.

***See attached letter from Fire Chief, John Millo, dated 7/15/08.**

***See attached letter from Naugatuck Valley Health, Gary Malone, Chief, dated 6/18/08**

***See attached report from the City Engineer, Robert Kulacz dated 7/15/08**

***See attached P&Z Staff Report dated 7/15/08**

Mr. Schultz summarized his report by indicating that there were two new proposed building lots. Due to the sight line and the speed of the vehicles, it makes sense to identify where vehicles would enter and exit the site. Coming down that road, most people know where L'Hermitage is located, but they need to know where cars would exit out of these two new homes and the existing third home.

Mr. Schultz indicated that they've received communication from area residents. They would be supportive of a common driveway design. The Applicant was made aware of it. The Applicant is present tonight to indicate that they would incorporate that design. They are looking for the Commission to act on this tonight. Mr. Schultz indicated that he did prepare a draft motion.

Michael O'Bymachow, land surveyor, Nowakowski O'Bymachow & Kane, 415 Howe Avenue, Shelton, CT addressed the Commission.

Mr. O'Bymachow indicated that he wanted to show the three driveway cuts on the site drawing of this particular property. He pointed out a horseshoe, and a dirt drive that lead to an existing barn. He stated that for Lot 3, they did propose the driveway where the existing driveway is located. The only newly proposed driveway would be for Lot #2. They provided a sight line map to the City Engineer and with grading for Lot #2 and providing no shelf along the northerly edge of Nells Rock Road to the left of Lot #2 and to the east of Lot #3; they could provide a 250 foot sight line.

Mr. O'Bymachow stated that if the Commission would prefer, they could do a common driveway easement; however, they would need to take a look at how that would work out because that can't count driveway easements as part of the lot area. Mr. O'Bymachow indicated that they would have to reconfigure some of the lot lines to get that drive easement incorporated.

Comm. Harger asked if that would lead to the rear lot/house being repositioned at all.

Mr. O'Bymachow responded that it would not. They would still be in the same location but they would probably have to come in with a driveway or something like that at the westerly end of the horseshoe that's existing and reconfigure Lot #1.

Comm. Harger asked if that meant the driveway to the right, not the horseshoe one, wouldn't be there.

Mr. O'Bymachow responded that driveway would still be there but not as close to the westerly property.

Comm. Harger clarified that she was asking about the driveway all the way to the right, and if it would potentially allow access to the rear lot.

Mr. O'Bymachow responded that it would not because of the wetlands and the steep slope there. They looked at that possibility originally.

Chairman Pogoda asked about Lot #2 and asked why that driveway couldn't be incorporated into the horseshoe.

Mr. O'Bymachow responded that it could not because of the grade. The initial grade going in there from the road jumps up into the property there. Also, there is a stone retaining wall there, about 3 feet high. They would have to cut into that area. They looked into that possibility as well. He indicated that he would have to look at it design-wise and reconfigure it according to lot area because they can't have the driveway easement as part of the lot area. They would need to reconfigure Lot #3 and Lot #1.

Chairman Pogoda asked Mr. Schultz if that was what the City Engineer had recommended.

Mr. Schultz responded that it was. He added that the more difficult parcels are coming before the Commission. He realizes that some of the Commissioners might want the developer to provide an Exhibit A, Exhibit B, and Exhibit C type of scenario because the comfort level needs to be there before taking action on it.

Chairman Pogoda added that was a rough spot on Nells Rock with that blind curve there near L'Hermitage.

Mr. Schultz added that drivers tend to speed on that road as well.

Comm. Harger asked if it was private property to the right of that particular area.

Mr. O'Bymachow responded that it was L'Hermitage open space. He showed another location of open space on the site map.

Comm. Harger asked for clarification of the location of L'Hermitage and its main entrance.

Mr. O'Bymachow showed her the L'Hermitage entrance to the left and its undeveloped open space on the right.

Chairman Pogoda indicated that he would feel more comfortable if they saw another design solution.

Mr. Schultz indicated that he would have the City Engineer work with the applicants. The next meeting would be August 5th.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to table Application #08-11.

Some residents from L'Hermitage were present and wanted to make comments about the application.

Name Inaudible, 37 L'Hermitage, Shelton, CT addressed the Commission. He commented that the longest driveway slopes toward Nells Rock Road. When he looked at the property, quite a bit of additional water would be coming down to Nells Rock Road from that area as well as the other driveways. He added that he has only seen one gravity-type drain on Nells Rock Road at that point. There is flooding and icing that occurs in that area on the curve right now. He wanted that information to be taken into consideration.

Jim Gallagher, 27 L'Hermitage, Shelton CT addressed the Commission.

Mr. Gallagher indicated that he had made a few comments at the last meeting relative to sewage and wetlands. No one has said anything about the wetlands tonight. Based on the copies of the drawings that he'd seen, he's assuming that nothing would be placed within 50 feet of the wetlands. Nothing was said about it so he's assuming that will be carried out, because that had been one of his concerns.

Mr. Schultz responded that Inland Wetlands approved it as is. That is a separate land use board. That may have been made a condition; however, he hasn't received any letters from them yet.

Comm. Sylvester stated that they made a presentation to the Commission specifically inquiring about preservation of the area they were concerned about.

Mr. Gallagher confirmed that they were concerned about the wetlands in general. In the past, when anyone wanted to do something, they couldn't because of wetlands; now, all of a sudden they are going to have this. They wanted to make sure about the wetlands.

Chairman Pogoda responded that before approving anything, the Commission requires letters from all pertinent boards or departments.

Mr. Gallagher added that they are also concerned about two more entrances in that area (*inaudible due to side conversations*).

Chairman Pogoda assured him that was why the Commission would like to see a couple of scenarios and receive comments from the City Engineer. The applicant may be able to fix or improve this design.

Mr. Gallagher commented that his other issue had been about sewers, but he realized that was going to be taken care of by the mention of individual septic.

Chairman Pogoda asked if they were too far away for city sewers – more than 200 feet.

Mr. Schultz responded that it wasn't the distance per se; it's the logistics of it. They would have to tap in through private property.

APPLICATION #08-13, E&E QUALITY HOMES, LLC FOR RE-SUBDIVISION APPROVAL (3 LOTS), 168 GROVE STREET (Map 93, Lot 9), R-3 District.

On a motion made by Patrick Lopera seconded by Thomas McGorty, it was unanimously voted to table Application #08-13.

APPLICATION #08-15, LONG HILL CROSSROAD, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: LIGHT INDUSTRIAL BUILDING, CONTRACTOR'S STORAGE BUILDING (MAP 51, LOT 29), LIP/R-1 DISTRICTS – RESCHEDULE PUBLIC HEARING DATE

Mr. Schultz indicated that the original date of August 19th has presented conflicts. Chairman Pogoda asked the Commissioners if August 5th was a better date.

Comm. Sylvester said he would be on vacation. He had scheduled his vacation with the understanding that this meeting would be on August 19th. He wanted to clarify that because he has received some criticism about his attendance at meetings.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted to reschedule the public hearing for Application #08-15 to be held on August 5th. Comm. Sylvester opposed the date change.

APPLICATION #08-16, R.D. SCINTO, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (OFFICE BUILDING), WATERVIEW DRIVE (MAP 79, LOT 14) – ACCEPT AND SCHEDULE PUBLIC HEARING.

Mr. Schultz stated that Staff recommended August 5th for the public hearing. He indicated that this would be for a three-story office building on the one, former remaining Pitney Bowes property on Waterview. It has frontage on both Waterview and Coram Road. He asked the Commissioners, when they have an opportunity, to look at the vicinity where Belmont Avenue intersects with Coram Road.

Chairman Pogoda added that it basically starts there and goes southerly.

Mr. Schultz reminded the Commissioners that this was not a zone change. It was a building over 25,000 square feet and more than 40 parking spaces so it triggers a special exception which requires a public hearing.

On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to accept Application #08-16 and schedule a public hearing for August 5th.

PUBLIC PORTION

Chairman Pogoda asked three times if there was anyone from the public who would like to address the Commission on a subject not on the agenda. There were no public comments.

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

OTHER BUSINESS:

HUNTINGTON WOOD TRUST FUND: PRESENTATION BY CONSERVATION COMMISSION ON PROPOSED PROJECT

Mr. Schultz provided some background about the Huntington Wood Trust Fund. He indicated that on 10/24/2000, the Commission approved the 72 lot PRD subdivision known as Huntington Wood. One of the conditions of approval was the deposit of a \$60K cash payment to the City of Shelton to be deposited into a special trust fund for the purpose of funding other on-site or offsite improvements as determined by the Shelton Planning and Zoning Commission. He indicated that tonight they would hear a presentation and a request to use a portion of that trust fund.

Bill Dyer, Chairman of the Trails Committee/Vice-Chairman of the Conservation Commission and Thomas Harbinson, Chairman of the Conservation Commission addressed the Commission.

Mr. Dyer stated that for many years they have been trying to create a multi-use recreation path going from Huntington Center to Downtown Shelton. They have made good progress. Using a site map, he showed the location of the trail. They are endeavoring to get the recreation path, which is basically an 8 -12 foot wide gravel smooth path. They are trying to make it ADA-compliant for wheelchairs and motorized wheelchairs, as well as to be used by baby strollers, bikes, etc. They have created a walking trail, and they envision moving forward

to physically have it meet the original specifications. In certain areas it would be 12 feet wide, but in other areas it might be 8 feet wide. A few places will be paved, because they are already paved; however, for their purposes they are talking about a compacted gravel trail 12 or 8 feet wide.

Mr. Dyer indicated that they have already gone out for bids on this project. They have received bids to go from Pine Lake Bridge behind the Senior Center and the Police Station crossing over at Meadow Street connecting to the existing paved portion which goes by the new ball fields. He continued to show on the map that the path would go through the BOE property across Constitution following the existing trail across the dam and the new pedestrian bridge looping back across a smaller pedestrian bridge and ending at the white house on Nells Rock Road and Rt. 108.

Mr. Dyer stated that they want to create the Phase I section. He showed the 3 phases on the site map. They went out for bids and selected a vendor in the order of \$150K. They hoped to obtain LOSIP funds or other funds for this purpose. He and Thomas Harbinson made a presentation to the Mayor regarding these bids. The Mayor felt it was a lot of money and suggested that they could get the \$60K set aside for the recreation path. If they had that money, then perhaps, the City could also use LOSIP money or some Open Space money. Mr. Dyer stated that the Mayor challenged them to come to this Commission and ask for the money set aside for the purpose of the recreation path. It is not obviously near the Huntington Woods section, but they feel that it is very vital to begin building this so that residents can see what this can be and will be. Last Thursday, they made a presentation to the Inland Wetlands Commission for the section off of Lane Street. They approved it and one member even offered to come out and do the work.

Mr. Dyer concluded that they felt it was very important to begin building this and they are looking for multiple places to obtain funding. From what Mr. Schultz has told them, the purpose of this fund was set aside for a recreation path.

Comm. Harger asked if this was an improvement or widening of an already existing path.

Mr. Dyer responded that it would need to be widened, graded out and made suitable not just for hikers, but for bikes, wheelchairs, etc.

Thomas Harbinson, Chairman of the Conservation Commission addressed the Commission.

Mr. Harbinson indicated that the basic concept came about in 1986 or 1987 with the Stowe, Vermont recreation path. That was one of the points brought out when they purchased the bulk of the property in this area from Bridgeport Hydraulic. That path is a multi-use path, gravel, rustic type path.

He stated that commonly recreation paths in this area get funding from the federal government because it requires millions of dollars, as with the case of the Cheshire/Hamden Lock. Mr. Harbinson stated that in a high use area, such as the Intermediate School campus center to Meadow Street, it was already done as a paved path. That path was done about 10 years ago. It was a high use area with the Senior Center and the Police Station. However, they do not want to create a driveway through the woods, so to speak. They would like to bring it to a base level and if public use demands paving it in the future, it would have a proper base, grading and drainage.

Mr. Harbinson indicated that Terry Gallagher along with Bill Dyer had prepared some engineering drawings that were able to go out to spec for this. They have had to be very creative in getting this project to this point. A lot of people don't

realize that the timber bridge is on both Pine Lake and Silent Waters. It didn't cost the City a dime; they got it through a grant after he spoke to the Monroe Land Trust people. They were looking for a bridge, and between their bridge and our two bridges, they qualified for a U.S. Forest Service grant.

Mr. Harbinson continued to say that there has been a lot of work done to bring it to a trails level with trails volunteers, and volunteer labor through engineers on their committees. Now they are at the point where they need to bring it to a level of a multi-use type of path and that requires some creative financing. Part of that was the recreation path set aside for Huntington Woods. Geographically, it's obviously not at Huntington Woods but that is why they are making this presentation.

Comm. Parkins asked if this would be ADA compliant.

Mr. Harbinson responded that it would be.

Chairman Pogoda stated that he wasn't certain, but he recalled from 8 years ago when they approved Huntington Woods, he thought that money was to be used on Huntington Woods or around Huntington Woods for the benefit of the people living there.

Mr. Harbinson responded that he didn't believe so but Rick Schultz could better tell them what the details of the discussion and the approval were because he didn't think it had that restriction.

Mr. Schultz stated that it was more general, "onsite or offsite improvements, as determined by this Commission..."

Comm. Lopera asked if that referred to the immediate vicinity of Huntington Woods.

Mr. Schultz responded that it was the Commission's discretion because what they are saying is that the Shelton Lakes Trail is going to benefit this neighborhood, but Phase I is up by Shelton Avenue.

Mr. Panico asked what the commentary was that prefaced that statement.

Mr. Schultz indicated that he would go and get the resolution.

Mr. Harbinson indicated that they have done work in the Huntington Woods area. From when Huntington Woods was approved, there was scenic Lane Estates where the Lane Street fire road emergency access was improved and that helped the recreation path routing. Also on the land trust property off of Lane Street, they did a significant area for the recreational path. They put down filter fabric and the millings, and then a bridge that connects to City property near Lane Street. As Bill mentioned he attended the Inland Wetlands meeting last week to give a presentation about that component of the project. There have been a lot of things happening in different areas to get it from A to Z.

Chairman Pogoda stated that he thought it was a great project but he wanted to make sure that the money placed in the fund is used as it was intended to be used. He'd like Rick to check it out in the resolution.

Comm. Lopera asked if Huntington Woods was an association.

Mr. Schultz responded that it was a residential development.

Comm. Parkins commented about the great job done on these trails. She asked why they were focusing on this section, other than the fact that part of it was already paved. She noted that in coming from Huntington Woods heading down toward Lane Street, they've already made it ADA compliant with the boardwalk. She asked why there was any reason they were concentrating on this area rather than the Huntington Woods area.

Mr. Dyer responded that last Thursday they just received the approval from the Inland Wetlands to go from the boardwalk out to Lane Street.

Mr. Harbinson added that the area on the school campus gets a lot of use, and when they put the bridge in, which was pretty high profile, a lot of people became aware of a trail being there. That was when they began to see a significant amount of use on the trail in this area. Public use is demanding that this is the portion to work on next.

Mr. Dyer commented that because they've built the boardwalk and the trail around the meadow, they think they've done a lot for the people of Huntington Woods already. Only so much can be done on the volunteer level. In order to get a road grader, have proper drainage put in with gravel and mulch it will require *(inaudible due to cell phone ringing)*.

Comm. Parkins asked what the estimated cost of the project was.

Mr. Dyer showed a portion of the trail and stated that it would cost about \$150K. They went out *(inaudible due to cell phone ringing)*.

Mr. Harbinson indicated that they needed to fund the path from the bridge at Pine Lake around to Meadow Street where one part has already been paved, from the intersection, the sidewalk infrastructure, the school and the rec. path through and over the sewer line easement across Constitution Blvd, along the old Woods Road of BHC on top of the dam, and back to the intersection.

Mr. Dyer added that in order to be ADA compliant, they have to bring in some fill because it gets a little steep in some areas.

Mr. Harbinson stated that they've confirmed that the project does qualify under LOSIP's which is a state funding project for local capital improvement programs. But the City has a certain volume that it can subscribe to the LOSIP's program within a calendar year and this would be a very large project compared to how the LOSIP program has been used in the past by the City so they are looking for ways to reduce costs under the LOSIP umbrella. Part of that would be the \$60K from the set aside for the Huntington Woods Rec path, and that would leave a balance of \$90K under the LOSIP umbrella. That doesn't cost the City anything, it is a cash flow issue in terms of out and then reimbursement back from the State. Similar to the grants for the timber bridges, they are trying to keep this at the lowest cost for the City.

Comm. Harger asked if they would want access to the whole \$60K.

Mr. Harbinson responded yes.

Mr. Schultz found the resolution and indicated that the wording was very general. To preface, he indicated that the Commission approved the PRD for 72 lot subdivision with the conveyance of 63 acres to the City of Shelton as open space plus the deposit of a \$60K cash deposit in the form of a trust fund to accommodate the planned construction of the Shelton Lakes Rec. Path.

Mr. Panico asked if it implied construction of the rec. path through that development.

Mr. Schultz responded that yes, there was no question about that.

Mr. Harbinson stated that there's been a lot of work done there. They've done a couple of bridge hikes and they've had an Eagle Scout project with Spencer Tate. He did a couple of bridges on crossings in the location where they knew the rec. path would be in Huntington Woods.

Mr. Dyer added that they thought this was the best way to get the public really interested in the rec. path.

Comm. Lapera indicated that there were a couple of issues. The first issue, as Rick indicated, was that this is a trust fund. If this is trust fund, then they have a fiduciary duty to make sure that the trust is spent the way it was intended to be spent. He added that he was uncomfortable with spending the money without a real clear designation of purpose in the document. He wanted, at the least, to let Corporation Counsel tell them there is some basis on which they can give them the money.

Mr. Schultz responded that he would run that by them.

Mr. Lapera stated that secondly, from the trust aspect, he wouldn't be in favor of giving the money out until they are able to prove that they have the rest of the money. Because if the other \$90K can't be raised from the City or wherever, then the \$60K has to come back to P&Z. It has to be contingent upon completing a project.

Mr. Harbinson agreed with that and indicated that they did decide on the contractor with the lowest bid.

Comm. Lapera stated that he thought it was a great project, but if it specifically mentions trust fund in the document then it puts an entirely different level of obligation on the Commission, in his opinion. He asked (*inaudible*)...

Mr. Schultz asked what portion were Phase 2 and Phase 3.

Mr. Dyer responded that Phase 2 starts where it crosses over on Nells Rock Road going towards Oak Valley and entering toward the open space Huntington Woods and Lane Street.

Comm. Parkins asked if Phase 2 would be ADA compliant.

Mr. Harbinson responded that was their goal – with contracting. Any work done on the trails would overall benefit the residents of Huntington Woods and everyone else.

Chairman Pogoda asked for some tally of the work done in the Huntington Woods Area already in which that money could have been taken for.

Mr. Dyer responded that the Iroquois Grant was \$10K and the Land Trust was another \$4K or \$5K. Mr. Harbinson indicated that there had been Eagle Scout projects; there has definitely been money spent close to the vicinity of Huntington Woods.

Mr. Harbinson commented that this was a little bit different for them because normally they go to the BOA for a fiscal issue so this is a unique item for them to come to P&Z for a fiduciary activity. Normally they have their own budget, they

have the Open Space Trust Account and they go the BOA if they think they have to purchase open space and bonding.

Comm. Parkins asked if there was any association involved with this.

Comm. Lopera added that was what he had been thinking. If there was an association, they could at least get them to agree that they had no issues. But they represent the residents of Shelton.

Mr. Panico commented that this money was donated. They didn't exact it from the developer. If it was an exaction, then he would say it should be spent nowhere else but there – at Huntington Woods.

Comm. Lopera responded that it might have been better as an exaction because as a donation they are bound by a trust obligation.

Mr. Panico added that an exaction would allow no freedom to use it anywhere but Huntington Woods. It is definitely in a gray area.

Mr. Harbinson noted that the history of the \$60K preceded the owner of the property who then developed it, and that is why it's more of a trust issue.

Mr. Panico recalled that it all came about when the Land Trust or somebody had advocated buying that whole piece of property, it was going to cost a certain amount of money, and it was the same amount of acreage and (*inaudible...*)

APPROVAL OF THE MINUTES

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve the minutes of 5/15/08 and 6/10/08.

8-24 Referral: City School Bus Lot on Riverdale Avenue

Mr. Schultz showed a location map and explained that this entailed two separate parcels on both sides of Riverdale Avenue. One by the Pink Elephant, the storage building for people that vacate their dwellings and the other property is on the River side. He marked the map to show the location.

Chairman Pogoda indicated that many have probably seen the buses parked at Long Hill, Booth Hill and Elizabeth Shelton Schools. They are parking the buses there because the lease ran out on July 1st. It is fine for the summer but they can't remain there during the school year.

Comm. Harger asked why they couldn't stay there all the time because they were positioned in the neighborhoods that would need the services.

Comm. Sylvester responded that it was impossible because the buses are used for all of the schools and they run them in tiers.

Mr. Schultz stated that on behalf of the Mayor he was requesting a statutory 8-24 Referral to use the City-owned vacant land on Riverdale Avenue (Map 18, Lots 24 and 43) as marked for school bus parking to reduce the cost of school bus transportation contract. He read the letter of recommendation from the City Engineer dated July 15, 2008.

***See attached letter from Robert Kulacz, City Engineer dated 7/15/08.**

Comm. Harger asked for some clarification as to how the buses pick up the kids from one neighborhood but go to different schools.

Comm. Sylvester responded that he doesn't know what the schedule is now, but certain schools are on different tiers so that they don't have to have buses for every school. He stated that they did this once before and it was a nightmare.

Comm. Sylvester added they he would like to hear what the Superintendent of Schools has to say about this. This is a request from the Mayor, but before making a decision that impacts them, he'd like to know what the Superintendent of Schools thinks. It's an important part of what they do. He indicated that they should try to find out what the people that work with the buses have to say. He recalled that they did this once before, and they had trouble with the buses down by the River.

Chairman Pogoda asked if he could recall what some of the logistical problems were.

Comm. Sylvester responded that aside from disagreements with the Mayor at that time, it was difficult getting the buses in and out of that area. At that time, the privately owned property was leased to the bus company and that inflated the price. The City got involved in the leasing and it became a nightmare. There was no security down there and no facilities for the bus drivers. All the buses along the River created concerns about fluids leaking into the River, oil and gas issues, etc. It was not a productive situation. It was a pleasure to the schools when the buses were moved and centrally located on Constitution Boulevard without the traffic.

He added that the buses run on a very fine time line in order to function properly and pick up and drop off students safely within the allotted time. They used to be and may still be on three tiers. It is very difficult to get the buses running on time. He recalled that he has brought it to the table many times when they have new developments because people have expectations about school buses being able to get into the developments, and turning them around. They've had to refuse service because they just can't do it – it's a large geographical area for the number of buses available to pick up the number of students that they have.

Comm. Sylvester commented that this might work and the Superintendent of Schools might be for it, but a wise decision should include asking their opinion, at least out of courtesy.

Chairman Pogoda agreed that those were good points and directed Mr. Schultz to solicit comments from the people responsible for the busing.

Comm. Sylvester responded that any decision having to do with the school system should require their comments rather than make recommendations and then hear after the fact that they were totally against it.

Chairman Pogoda commented that on River Road it was a more centralized location to make it easier for the buses and the time constraints. This Riverdale location is even farther away.

Comm. Sylvester noted that it wasn't even so much the distance but the ability to get the buses up and out of the area easily. It may not be a problem anymore, but it seems like an area that isn't easily accessible because it is heavily congested.

Mr. Panico asked if this was a temporary situation.

Comm. Sylvester responded that it was a money saving situation. Over the years, he has had many arguments about this. At one time, the Mayor wanted to put them on the high school tennis courts and he refused to allow that.

Comm. Harger clarified that the reason she asked about positioning the buses in different parts of town was because of the high price of gas and the need for buses having to go from one area all the way across town, to the other side of town.

Comm. Sylvester responded that all of the buses service the entire community as far as the high school goes, and then they break off into different sections of town. It is a very intricate system; it's been managed with transportation software and all kinds of studies. It is best to talk to the people who deal with it. He doesn't want to make a vote that will make an already difficult task even more difficult for them to deal with.

Chairman Pogoda directed Staff to check with the Superintendent of Schools on this.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to table the 8-24 Referral recommendation for the city school bus lot on Riverdale Avenue.

TURTLE ROCK SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND

Mr. Schultz indicated that this was Kneen Street. He read the City Engineer's letter regarding the onsite storm drainage system and release of the \$7500 maintenance performance bond.

***See attached letter dated July 1, 2008 from City Engineer, Robert Kulacz.**

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to approve the request for release of the Performance Bond at Turtle Rock Subdivision.

RENAISSANCE: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz indicated that this was for the release of the performance bond in the amount of \$10K being held for the improvements associated with the Renaissance. Site was inspected on June 20th and site improvements have been satisfactorily completed. Staff recommends that the bond be released.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for release of Site Bond at the Renaissance.

495 RIVER ROAD: REQUEST FOR RELEASE OF EROSION CONTROL BOND

Mr. Schultz stated that this was the commercial development at the corner of Petremont and River Road. This is for the erosion control bond, not the site completion bond, in the amount of \$5K. The site was inspected on June 20th. The erosion control has been satisfactorily completed and it's recommended that the bond be released.

On a motion made by Thomas McGorty seconded by Patrick Lapera, it was unanimously voted to approve the request for release of the Erosion Control Bond at 495 River Road.

PAYMENT OF BILLS

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

STAFF REPORT

Mr. Schultz summarized the P&Z Staff Report and Chairman Pogoda provided an update on the Zoning Subcommittee.

Chairman Pogoda indicated that the Zoning Subcommittee met at 6:30 p.m. tonight. There were no additional comments, so Mr. Panico will edit the sign regulation amendments. Rick will then run it by Corporation Counsel who will provide copies to all the members, and they will attempt to schedule a public hearing in September or October.

Chairman Pogoda commented about Constitution Boulevard, Exit 13. Presently, they are beginning to get interest from property owners and investors that are looking to do something because they rezoned that area on Bridgeport Avenue to the restricted business district.

Mr. Schultz suggested that especially the newer Commissioners understand the importance of the location of the extension of Constitution Boulevard and what it means economically for that area, traffic circulation, etc. He indicated that it was a big deal. It's very close the Crabtree property as well. There are going to be some major planning issues in that short stretch – it's Exit 13. There is development occurring at the former Laurel Heights property with Mr. Scinto – so a lot of things are happening.

Comm. Sylvester asked what was happening with Crabtree.

Mr. Schultz responded that there were only rumors and he has not been contacted officially. He will be doing his best to get that grass maintained, especially where it is highly visible.

Chairman Pogoda commented that the Commissioners should think about what could possibly go there, because they do have some choices, and it is going to be a big project.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to adjourn at 10:40 p.m.

Respectfully submitted,

Karin Tuke