



**On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to add Application #10-14 to tonight's agenda under New Business.**

**SEPARATE #5362, FRANK BARBIERO, 32 WOODFIELD DRIVE, HOME OFFICE**

Mr. Schultz indicated that this was for a State of Connecticut regulated health coach occupying 100 square feet, with hours that vary by appointment only. Clients do not come to the premises; he goes to the client's home. Hours vary but generally between the hours of 12 noon – 6 p.m. Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Patrick Lapera, it was unanimously voted to approve Separate #5362.**

**SEPARATE #5339, CLEAR WIRELESS, LLC, 1000 BPT. AVENUE, INSTALL TELECOMMUNICATIONS ON ROOF**

Mr. Schultz indicated that this was the Knapp Building, Exit 11 on Route 8 after Shelton Square. He showed a rendering of the top of the roof indicating that the subject equipment is adjacent to the penthouse. Clear Wireless is currently developing a 4G wireless broadband network to provide high speed wireless within the state. In order to upgrade its network in this area, Clear Wireless plans to locate its dishes and equipment on the rooftop of an existing building at 1000 Bridgeport Avenue.

Clear Wireless proposes to install 2 dishes on the existing penthouse and locate its equipment cabinet in its 10 ft x 10 ft lease area on the rooftop. It is in the zoning regulations, and the Commission encourages roof-mounted as opposed to the installation of new towers and specifically these mid-rise to high-rise buildings where it can't even be seen. Mr. Schultz provided a picture of the cabinet and stated that Staff recommends approval.

Comm. Flannery asked if the dishes were going to be higher than the penthouse.

Mr. Schultz responded no, not at all.

Mr. Panico asked if there was a mast involved or not.

Comm. McGorty responded that it just says mounted on side wall rack.

Mr. Schultz added that the technology has come a long way in the last 10 years. It is very insignificant in size and won't even be seen from the road.

**On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to approve Separate #5339.**

**SEPARATE 5372 SZABO'S SEAFOOD, 615 HOWE AVENUE, BUSINESS/ SIGN**

Mr. Schultz indicated that Szabo's Seafood would be occupying 615 Howe Avenue, a 600 square foot lease arrangement, up to 4 employees, hours of operation Thursday – Sunday, 10 a.m.-10 p.m. This is a catering business so the public does not visit the premises. There is rear parking available. The applicant is present to answer any questions. He presented a rendering of the signage to be a decal on the windows.

Acting Chair Harger commented about the phone number included as part of the sign. They haven't been allowing that in the past.

Mr. Schultz asked the applicant if it was something he could do without.

The applicant (unidentified) responded no, not really but why (inaudible)

Mr. Schultz responded that the Commission doesn't want to see the phone number on that type of signage.

Comm. Flannery commented that if they are going to allow that lobster, then they have to allow the cakes on that other sign.

Acting Chair Harger indicated that this was not a sign up over the doorway; it is in the window.

Comm. Flannery asked what size the sign was.

Comm. Lopera responded that one of them 40 inches x 30 inches and the other 30 inches x 20 inches. One is the front window and the other is the side window.

Mr. Schultz indicated that it was a corner lot.

Mr. Panico asked if these signs are intended to be painted on to the glass.

Mr. Schultz responded that they would be decals.

Mr. Panico commented that its one of those gray areas in the present regulations; they are pretty clear about it in the new regulations.

Acting Chair Harger asked what could be done about the phone number.

Comm. Lopera asked what the rest of the Downtown signs look like, are they window signs.

Mr. Schultz responded that Downtown are exterior wall signs.

Mr. Panico added that this is outside of their design district – downtown. Their hands are somewhat tied; they don't have the degree of control. It's whatever the regulations allow them to do, and the regulations don't allow them to control that.

Comm. Flannery asked for some clarification.

Mr. Panico explained that when you're in the center of downtown, you're in a design district but once you have a greater degree of control and get around the periphery or beyond the limits of that district.

Comm. Flannery commented on the size of the numbers – the letters are about 5 inches tall.

Comm. Lopera asked how much of the window it was going to take up – is it going to take up the whole window?

The Applicant (unidentified) stated that the dimensions of the window and the sign are on the drawing.

Comm. McGorty noted that it was 76 x 37, so roughly half and 30 ½ x 43 so it's half up and pretty much extends the whole width.

Mr. Schultz asked the Applicant if he was going to use the whole window or half.

The Applicant responded that it was going to be on the upper part of the window (inaudible).

Acting Chair Harger asked if there was a possibility that the phone number could be dropped down.

The Applicant responded yes, sure.

Mr. Panico commented that it would be permissible if the phone number were on the door, it's just when it is part of the main sign that it is an issue.

Comm. McGorty asked if there was anything on the door.

The Applicant responded no.

Mr. Panico suggested that if he wanted to put his phone number on the door, just like with the hours of operation – they don't get involved in that. Since it's a catering type operation and even someone walks up and he's closed, at least they can contact him – at least his number is on the door.

Acting Chair Harger commented that was a little bit more uniform and a nice option. She asked the Applicant if that would be a possibility.

The Applicant commented that he wanted to revisit what was said about dropping it down. Why would we (inaudible)...

Acting Chair Harger responded to the applicant that she was trying to keep a clear identification for him and Mr. Panico brought up that zoning regs don't indicate that has to be eliminated from the door. It can be on the door with the hours of operation. That might be a better way to go and just give identification on the windows.

The Applicant asked if they wanted the phone number on the door then.

Comm. McGorty added that it is more appealing for the sign as well to take the phone number off there.

Acting Chair Harger agreed that the sign is attractive – it just needs to be clearer.

Comm. Lapera agreed that if it's just takes up half the window and the phone number on the door makes for a cleaner appearance.

Comm. Flannery commented that she didn't want to start something here.

Acting Chair Harger responded that as Tony said, they have no control over a phone number going on a door with the hours of operation.

**On a motion made by Thomas McGorty seconded by Patrick Lapera, it was unanimously voted to approve Separate #5372 for the business and the signage with the sign provision that the telephone number be on the door instead of the window.**

Mr. Schultz indicated that Staff added another Separate that he was unaware of that needs to be added to the agenda. It is for a dance studio and a sign at This is on the lower level – 215 Bridgeport Avenue, Suite D.

**On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to add Separate #5308 to the agenda under Applications for Certificate of Zoning Compliance.**

**SEPARATE #5308, DANCE STUDIO,BUSINESS/SIGN**

Mr. Schultz indicated again that this is for 215 Bridgeport Avenue, Suite D. This is a 1000 ft lease area with 2 part time employees and varied hours of operation depending upon need. This is a permitted use in a commercial zone.

Acting Chair Harger asked what the hours were.

Mr. Schultz responded that the hours vary on an as needed basis but routinely, many are after school from 4:30 p.m. – 10:00 p.m. and on the weekends – six days a week.

Comm. Lapera asked for clarification about the hours “as needed.”

Mr. Schultz responded that it is the Commission’s call but it is permitted as of right. There is plenty of parking in the front because the other occupants are retailers. He showed a rendering of the proposed signage.

Acting Chair Harger asked how many storefronts were on the first floor.

Mr. Schultz responded that they have the carpet store and the salon to the right of it – so, three tenants.

Acting Chair Harger asked if they were combined in (inaudible)

Comm. Lapera asked if it was an inside lighted window sign.

Mr. Panico asked if it was a dance studio for adults or children.

Mr. Schultz responded that it was a dance studio for children.

Comm. Lapera asked if it was an inside lighted sign, and what the rest of the signs there are.

Mr. Schultz responded yes, it is internally illuminated. He showed them a rendering of the proposed signage. It’s like the other signs there.

Mr. Panico asked if the parking lot was easy to get in and out of, to turn around.

Mr. Schultz responded yes, except for the grade, it’s the front parking lot.

Mr. Panico commented that if it’s a dance studio for children, there will be a lot of parents dropping off and picking up – there is going to be a lot of activity.

Mr. Schultz agreed and it would just be like the deli had.

Comm. McGorty asked if the sign gets turned off at night.

Mr. Schultz responded that they could oppose that. They are having the same thing at the gas station across from Aspetuck – they are keeping it on all night and that is a residential zone. They are working with them to shut it off after 10 p.m. They don’t need it. They could do it automatically.

Mr. Panico commented that the problem is that they are outside of a control area and they are limited to whatever the regulation says. They could certainly travail on them to modify it.

There was a discussion about the graphic on the proposed sign which depicted a dancer with the dance studio initials BLDA.

Comm. Lopera responded that the sign is almost the same size as the window. That building is off the street though.

Mr. Panico commented that they can't make a decision subjectively - either something is acceptable or it isn't.

Comm. Lopera commented that part of it though is where it is.

Comm. Flannery asked if it would be lit up.

Mr. Schultz responded that it is an inside lit window.

Comm. Harger asked for a motion for the business and the signage.

**On a motion made by Comm. Flannery seconded by Thomas McGorty for the occupancy and the signage with the requirement that the lighted sign be turned off at 10 p.m.**

Acting Chair Harger asked if there were any questions or comments about Standards 6 – 30. She asked for clarification and details about #12 and #13.

#12	#5337	Mark Berritto, 2 Sharon Drive, deck
#13	#5330	Mark Berritto, 2 Sharon Drive, deck replacement

Comm. McGorty asked about the house/deck for #6 048 Monty Blakeman, 15 Housatonic Rise.

Mr. Schultz responded that they just started – the real estate signs are up. In regard to #12 and #13, he responded that the first one is to repair/replace a deck and the 2<sup>nd</sup> is for a brand new deck.

Acting Chair Harger asked about #21.

#21	#5305	Vincent Vallillo, 18 North Princeton Drive, detached structure
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Mr. Schultz indicated that it was a pre-built storage shed, single bay garage. He showed a site map of the area for the shed.

Acting Chair Harger asked if it met all the requirements and setbacks.

Mr. Schultz responded yes.

Acting Chair Harger asked if there was any notification to abutters.

Mr. Schultz responded no.

Mr. Panico asked if it was a storage shed.

Mr. Schultz responded that it was for a single bay. More and more people are collecting cars – it can fit a car in there. The term is accessory structure, but it can fit a vehicle in it.

Mr. Panico asked if it was one of those canvas things.

Mr. Schultz responded no, they regulate those – it's a permanent structure that compliments the house.

Acting Chair Harger asked about #24 and #25.

#24 #5350 MCR Boutique, 15 Plum Tree Lane, home office  
#25 #5334 Jaimee Mansfield, 34 Kneen Street, home office

Mr. Schultz responded that #5350 was for clothing sales; she's a salesperson.

Acting Chair Harger asked if people were visiting the home.

Mr. Schultz responded absolutely no, it is on there. She uses her computer and phone. Standard #5334 is for photography.

Mr. Panico asked why these were put on the agenda and the others were not – is it because they were tabled from a previous actions? Because there was a home office on the agenda.

Mr. Schultz responded that Staff uses its discretion – it is the uniqueness of it.

Comm. McGorty asked about the communications pole.

#28 #059 Brian Rockwood, 40 Cornell Street, communications pole

Mr. Schultz responded that was Yankee Gas as reported in the Staff Report. They have that 60 foot pole – UI put one up by Mohegan School and by United Methodist. They are going to be doing it electronically. Just one pole, the lighter shade.

Acting Chair Harger asked how much of the 60 feet is really seen.

Mr. Schultz responded that it's down significantly. There is 40 feet covered by the slope and the building, but they will see the top part and the antenna.

Acting Chair Harger asked about #29.

#29 #060 Clearvine Corp., 308 River Road, flag pole

Mr. Schultz responded that when they erect new monopoles or in this case a flag pole, they can take co-location; so, it's everything within.

Acting Chair Harger asked if this was the flagpole by the cemetery.

Mr. Schultz responded yes, it is a new co-location, another company – they built it big enough to co-locate

Acting Chair Harger asked if the last one on the list was for the annual application for the tent that goes up.

Mr. Schultz responded yes, #5368, by Oakdale.

Comm. Flannery asked about #26.

#26 #5349 Curtain Call, 435 Coram Avenue, business

Mr. Schultz responded that it was a retail fabric store across from St. Joe's.

Comm. Flannery asked about #9.

#9 5352 Jason Williams, 19 Earl Street, addition.

Mr. Schultz indicated that this was for a small bedroom/den addition to the rear of the house. It won't even be seen.

Mr. Panico asked if the design and materials would match the house.

MR. Schultz responded yes.

There were no further questions on the Applications for Certificate of Zoning Compliance Standards 6 – 30.

Acting Chair Harger indicated that she would be taking an agenda item out of sequence with the next item being under New Business, Application 10-14 Sports Center of Connecticut. Her understanding is that they have three different ways of dealing with this. They can accept it and act on it tonight; they could find that this is significant and requires a public hearing; or they could table it because they have two commissioners not in attendance.

Mr. Schultz added that the applicant is here to make a presentation.

## **NEW BUSINESS**

### **APPLICATION #10-14, SPORTS CENTER OF CT FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #30 (PAINT BALL ACTIVITY REPLACING GOLF SAND TRAP), 784 RIVER ROAD, CT**

**Joseph Mingoello, Mingoello & Hayes Architects, 19 Huntington Street, Shelton addressed the Commission.** Mr. Mingoello showed a site map and the present location of a sand trap at the Sports Center. He showed the entrance of the building, the driving range, existing batting cages and maintenance shed and the proposed location for the paintball target station. He explained that it would be six paintball stations and showed where they would be positioned on the plan. It is totally enclosed and protected. It has netting all around it. It is designed for kids - he showed a depiction of the typical paintball station and a typical paintball target area constructed by a company out of New York.

Mr. Mingoello indicated that it is totally enclosed. They would end up building a cashier's stations with a wall and gate, the fence would go around to the back and line up with the existing fencing that is there.

Mr. Panico asked what type of a fence he was talking about.

Mr. Mingoello explained that it is a complete netting around the top and solid on the sides. If a child wanted to shoot at the maintenance shed, he wouldn't be able to do it because it is totally secure.

Comm. Lopera asked what the height of the fencing would be.

Mr. Panico asked what they would be shooting into if they shot over the fence.

Mr. Mingoello responded that there is a net on top of it but the other side of it is the CRR – the landfill. There are no occupants there.

Comm. Lopera asked if it was near the putting green.

Mr. Mingoello responded no, and showed him the location of the putting green - this is on the other side, the far side.

Comm. Lopera commented then it is away from the parking.

Mr. Mingoello responded that this is tucked into to the back at the end of the driving range, and there is a maintenance shed to the back.

Comm. Flannery asked if the paint washes off.

Mr. Mingoello responded yes, absolutely. It is a (inaudible)

Mr. Panico asked what it's location was relative to River Road and the Rinks.

Mr. Mingoello responded that it was way on the other side. This is on the rear of the batting cages, it is on the river side. They will never see it because it is on the backside of the batting cages.

Mr. Panico asked if this was the side that had the pedestrian easement until they moved it to the other side.

Mr. Mingoello responded yes, they moved it to the other side and to the back, correct.

Comm. McGorty asked if these were old pictures.

Mr. Mingoello responded no, he took them it last week.

Comm. Lopera asked what the size of the space would be.

Mr. Mingoello responded that it is about 18 feet and then 22 feet by the target area – it is pretty small.

Mr. Panico asked how many patrons it could accommodate.

Mr. Mingoello responded six – six stations. They stay in the stations. They are enclosed. There is a cashier there that supervises everything.

Acting Chair Harger asked about the typical station.

Mr. Mingoello showed her the rendering of the typical station and explained that they were about 3 feet wide. He showed the target area and the netting around it.

Acting Chair Harger asked if the paint ball guns were secured there.

Mr. Mingoello responded yes, they are chained right there. They can't pick them up and walk around the place with them.

Comm. Lopera asked if there was some kind of a drain – if they wash the paint off – where is it all going?

Mr. Mingoello explained that they power wash the targets at the end of the day. It is all gravel and it is a biodegradable water-based paint. They have to wash it at the end of the day.

Acting Chair Harger asked if the kids had to wear any protective clothing.

Mr. Mingoello responded no, the kids aren't out there. They stand behind the glass separating the target area and the other stations. The guns are affixed to each station.

Mr. Panico commented that it is really target practice with a paint ball gun.

Mr. Mingoello responded yes, exactly.

Comm. Lapera asked about the targets and the lighting.

Mr. Mingoello explained about the moving targets that pop up and the light pole and there may be some internal lighting.

Mr. Panico asked if it would operate past dusk.

Mr. Mingoello explained that he thinks it would operate until about 9:00 o'clock at night so there is enough illumination there for that purpose. It is only a summer activity. It is closed at the same time as the other outdoor activities such as mini golf, etc.

Acting Chair Harger commented that it didn't look like a major modification to her. She asked for comments from the other commissioners – would they be ready to act on this or would they rather table it, or do they feel it needs a public hearing.

Comm. McGorty responded that he thought it was pretty straightforward.

Mr. Panico indicated that his only concern was how many kids it could accommodate and if it would create an additional burden on the parking but it only accommodates six at a time and maybe six waiting.

Acting Chair Harger asked for a motion if there was consensus.

Comm. Flannery made a motion to approve Application #10-14. Comm. McGorty seconded.

Comm. Lapera agreed but wanted the record to reflect that it should be have solid fencing, totally enclosed in netting, six stations with the proper security.

**On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted to approve Application #10-14 as a Minor Modification of Detailed Development Plans for PDD #30 with the noted stipulations.**

**APPLICATION #09-28, MODIFICATION OF HOURS OF OPERATION FOR THE WHITE HILLS EAGLES R.C. CLUB, INC. LOCATED AT 178 BIRDSEYE ROAD**

Mr. Schultz commented that before Mr. Panico reads the draft resolution, he wanted to acknowledge that both of the property owners that are adjacent confirmed that they were in support of the revised hours and he received confirmation to that effect. The Commission wanted that to be noted for the record.

Mr. Panico added that they were supportive because the hours were pulled way back from what they were originally seeking.

Acting Chair Harger recalled for everyone that according to the Staff Report dated 10/27/09, the electrics were only going to be flying until 4:00 p.m. Monday through Saturday and Sunday.

Mr. Panico added that they had drafted something originally that was going to let them go until 8:30 p.m. and that raised a lot of concerns so the concerned parties got together with the applicants and agreed on a much more compliant hours. Therefore, the Commission's original contention of saying that a public hearing might be required, if there is no agreement, is not required. Based on that and the original draft that he put together, he has revised it further incorporating the agreed upon information. So basically, this is concerning the request of the White Hills Eagles Remote Control Club to extend the hours of electric powered planes beyond the current 4:00 p.m. daily limit.

Mr. Panico read the draft resolution with the noted conditions.

**\*See attached Resolution for Application #09-28 Modification of Hours of Operation for the White Hills R.C. Club, Inc. dated 6/8/10.**

Acting Chair Harger noted that Daylight Savings Time in 2010 ends on Sunday, November 7<sup>th</sup>.

Mr. Panico added that Daylight Savings, it was almost redundant, but he was fearful that if Daylight Savings was extended to the point where it was already getting to dusk before 6 p.m. Usually, when they get to the end of Daylight Savings Time, 5:30 to 6:00 p.m. is dusk and then all of sudden with Daylight Savings Time it is suddenly getting dark at 4:30 p.m. He thinks "dusk" is important for the end of the period.

Acting Chair Harger asked if he thought that covered it.

Mr. Panico responded yes, he thinks so (inaudible).

Acting Chair Harger asked if there were any questions or comments from the other Commissioners.

Comm. Flannery asked why they shortened it to 5 p.m. on the weekends – why not just say 6 p.m. on the weekends.

Mr. Panico responded that he thinks that they just decided that the weekends is more private time for the families in the area and they didn't like the potential for intrusion.

Comm. Lapera added that if they don't work on the weekends, then they can fly it all day long, so it can end a little earlier.

Mr. Panico commented that apparently what created the issue was that there were a lot of working members of this club, and by the time they got home after work and got ready to fly, their flying time was already over. This gives them an extra hour or two.

**End of Tape 1 A 8:00 p.m.**

**On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted (4-0) to approve Application #09-28 for the modification of hours of operation for the White Hills Eagles R.C. Club, Inc. located at 178 Birdseye Road.**

**APPLICATION #10-05 JEFFREY NISBERG FOR TEMPORARY SPECIAL EXCEPTION/SITE PLAN (PUBLIC HEARING CLOSED ON 5/26/10)**

Comm. Lapera abstained from this discussion and this vote because he was not present for the public hearing on Application #10-05.

Mr. Schultz indicated that this is very manageable and straightforward but Staff prepared a detailed resolution, as they should, for all filling operations. As a side note, Ladyslipper will be probably be starting this week. That situation was an after the fact. He thinks that the word is out now that the Commission is not going to tolerate these types of filling projects any longer. He read the draft report/resolution.

**\*See attached report for Application #10-05 Jeffrey Nisberg for Temporary Special Exception/Site Plan Approval, 39 Wabuda Place, dated June 8, 2010.**

Acting Chair Harger asked for clarification in the draft minutes about the measurements for the amount of fill being placed. It should say that 1000 cubic yards of fill instead of 7500 yards. She asked Rick to clarify the amount.

Mr. Schultz confirmed that the application states 1000 cubic yards of fill.

Comm. McGorty commented that he recalled asking how many truckloads of fill.

Acting Chair Parkins responded that it stated 139 trucks – 18 yards a truck.

Mr. Schultz indicated that he would double check that number before any permits are issued and send out an email.

Mr. Panico asked if the Sediment and Erosion Control Plan was going to address the possibility that he doesn't seal the fill before the winter; he asked about seeing piles of fill out there during the winter. Do they want it to be hydro seeded?

Mr. Schultz responded that would be secured; it comes under the permit.

Mr. Panico suggested that he encourage him to get it started and get it done.

Mr. Schultz responded that he would double check that, they go by the plan.

Acting Chair Harger referenced the minutes and when multiplied out – Comm. McGorty had asked how many truckloads – it was 139 trucks – 18 yards a truck.

Mr. Schultz responded that is why they need the detailed plan spelling everything out.

Comm. McGorty commented that this seemed very light from what they were saying.

Mr. Panico suggested that they give him 6 months to complete the project.

Mr. Schultz agreed that it was a small project.

Mr. Panico commented that if they need more time, they can come in and ask for more time. Apparently, they are ready to go and they have the materials.

Mr. Schultz added that this is about ¼ of Ladyslipper.

Mr. Panico indicated if it is done in 6 months than it will be done before wintertime.

Mr. Schultz agreed that it should start within one month too.

Comm. Flannery asked what the cash bond would be.

Mr. Schultz responded that they usually do a \$5,000 minimum for an acre, this is under an acre but \$5000 cash and the site completion bond would probably be in the \$5K- \$10K range.

Acting Chair Harger asked who determines the amount of the bond.

Mr. Schultz responded that the City Engineer quantifies it.

Comm. McGorty clarified for the record that drawings say 2500 and coincide with the record map.

Mr. Schultz responded yes, and the Chairman has to sign off on the record map.

Comm. Flannery noted that they are changing the time it is done.

Mr. Schultz agreed that the starting time would be to start within one month and it should be completed in 6 months.

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously roll call voted (3-0) to approve Application #10-05 with modifications. Comm. Lopera was present but abstained from voting.**

Mr. Schultz stated that as a side note, the Zoning Subcommittee is working on the rewrite of Section 32 Earth Removal.

**APPLICATION #10-08 OPTIWIND CORP. ON BEHALF OF MBI INC. TO AMEND THE ZONING REGULATIONS BY ADDING SECTION 49 (DISTRIBUTED WIND ENERGY FACILITIES): RESCHEDULE PUBLIC HEARING CONTINUATION DATE.**

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to reschedule the public hearing continuation date for Application #10-08 until Tuesday, June 29<sup>th</sup> at 7:00 p.m.**

**APPLICATION #10-13 DOMINICK THOMAS ON BEHALF OF SHELTON HOTEL ASSOCIATION, LP FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS (REAR YARD SETBACK), FOR PDD #64, (HOTEL SIERRA), 820-830 BRIDGEPORT AVENUE: RESCHEDULE PUBLIC HEARING DATE.**

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to reschedule the public hearing date for Application #10-13 until June 29<sup>th</sup>.**

### **PUBLIC PORTION**

Acting Chair Harger asked three times if there was anyone from the public wishing to address the Commission on any item not on the agenda. There was no one wishing to address the Commission.

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to close the Public Portion.**

### **OTHER BUSINESS**

**APPROVAL OF MINUTES: 4/28/10 and 5/11/10**

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to table the approval of the minutes for 4/28/10 and 5/11/10.**

**ASPEN RIDGE CONDOMINIUMS: REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND**

Mr. Schultz indicated that there were two separate bonds for the Aspen Ridge Condos going up Commerce Drive. The first one is the \$10K cash bond for Sediment and Erosion Control being held by the City to ensure the completion of improvements associated w/Aspen Ridge. He made a joint inspection with John Cook last Friday and he reports that everything is stabilized and they went above and beyond. It is the highest level of landscaping that he has seen in the community.

Comm. McGorty agreed that he went above and beyond with the fencing and the plantings.

Mr. Schultz recommended releasing the \$10,000 Sediment and Erosion Control cash bond.

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve the request for release of the Sediment and Erosion Control Bond for Aspen Ridge Condominiums.**

**ASPEN RIDGE CONDOMINIUMS: REQUEST FOR RELEASE OF SITE PERFORMANCE BOND**

Mr. Schultz stated the second bond was the \$30,000 site completion bond. From John Paul Development, they are holding a performance bond in the amount of \$30,000 for the completion of improvements associated with the development entitled Aspen Ridge. This covers the overall development, the stone wall and the fencing, the entrance drive with the cobblestone off of Commerce Drive, site lighting and everything has been completed more than adequately. Everything is done westerly to Commerce Drive and easterly to the Far Mill River and northerly to where it abuts the land trust property and south to the rear of the parking lot in back of Blockbuster.

Comm. Flannery asked if this means the Jersey barriers will be removed.

Mr. Schultz responded that they already have been removed.

Mr. Panico asked if the emergency exit by Blockbuster Video had been completed.

Mr. Schultz responded that it was a good idea for the Commission to check it out and drive through there before security guards are put in place there. Right now it is pretty open because there is a model open there.

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve the request for release of the Site Performance Bond for Aspen Ridge Condominiums.**

**PAYMENT OF BILLS**

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

**STAFF REPORT**

Mr. Schultz stated that the Chairman and Vice Chairman requested that it be tabled until the next meeting because there are a variety of issues to discuss.

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to table the Staff Report.**

**REPORT FROM CHAIRMAN/SUBCOMMITTEE CHAIRS**

**On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to table the Reports from Subcommittee Chairs.**

**ADJOURNMENT**

**On a motion made by Patrick Lopera seconded by Thomas McGorty, it was unanimously voted to adjourn at 8:22 p.m.**

Respectfully submitted,

Karin Tuke  
Recording Secretary, Planning & Zoning Commission



