

Mr. Schultz responded that he wasn't aware of any restrictions, and they always get an authorization letter from the association.

Comm. Harger asked if there was already an existing garage for Separate #5573, carport.

Mr. Schultz responded that it is a connection from the house to the existing garage.

Chair Parkins asked if there were any questions regarding the Separates #1-#12.

Comm. Flannery asked for clarification regarding Separate #5577, Patrivck Salvati, 22 Birdseye Road, farm.

Mr. Schultz responded that this property contains five full acres, so that is the criteria and they are entitled to all the benefits of agricultural uses which includes the raising of livestock, the growing of agricultural products and the sale thereof.

Comm. Flannery asked if he indicated what he planned to do with those five acres.

Mr. Schultz responded that he planned a combination – poultry, livestock, agricultural – all agriculture related uses. This is something that they don't see too often.

Comm. Flannery asked for clarification regarding Separate #081, AECOM, 113 Canal Street, soil remediation.

Mr. Schultz responded that one of the sites on Canal Street is going through the remediation phase and like other areas in town, they have to drill and monitor it. This is one of the ongoing measures for brown field areas in the community. So, this is a requirement under DEP for the reuse of the upper property.

Comm. Flannery asked for clarification regarding Separate #5574, Michael Yarish, 32 Soundridge Road, tree removal.

Mr. Schultz responded that is a situation where clear cutting was done for the creation of a lawn. As he indicated to the Commission, they are updating their Earth Removal Provision - that will be the next one after the Sign Regulations. He stated that now they require each property owner to come in and define the area that they are regrading, the tree removal and lawn installation. They also have to sign a sediment erosion control plan which is the most important, especially during this time of the year. They do require them to stabilize it this late in the year. They use winter rye that the farmers use because it does germinate.

Comm. Harger asked for more information about Separate #5603, Sal Matto, 500 River Road, grading.

Mr. Schultz responded that one is along the Housatonic River. This particular owner on Fanny Street was cited by DEP. They filled a part of the Housatonic River. They had an order to remove it. Mr. Matto owns that industrial building next to Latex Foam and he has an area that can take it and spread it out nicely; so, it's a win, win situation. This is a direct order of DEP and Mr. Matto has the land down there – it's up high on River Road, where the buses used to be stored on River Road. The access drive is down there and he is going to put it in the back area.

Comm. Harger asked if he had an idea how many cubic yards it was.

Mr. Schultz responded that it is 150 cubic yards.

With no motions required for the Standards and Staff Separates, Chair Parkins moved on to the next agenda item for Applications for Certificate of Zoning Compliance.

SEPARATE #5586, WALLINGFORD PRINTING, 19 FOREST PARKWAY, SIGN

Mr. Schultz indicated that this was for a sign replacement. He showed the Commission a rendering of the sign and added that they are using the same base. It is 33" x 96" and it is 5 feet in height. Staff recommends approval.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5586.

SEPARATE #5606 ARQTECH SIGNS & GRAPHICS, 140 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this is the ground sign for the new commercial building where Chaves Bakery and the liquor store are going. He showed the Commission a rendering of the recommended solution and an alternative one. There is also an older one. He wanted to show them the evolution of this. Additionally, there are wall signs. Everything is internally illuminated and the wall signs are channel letters affixed to a raceway.

Comm. Pogoda noted that the only thing that they were missing was the address. There has to be an address someplace on it.

Mr. Schultz stated yes, that they need to add the 140 Bpt. Avenue.

The Commissioners came to a consensus on the preferred signage rendering.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5606.

SEPARATE #083 RIMMON BLDRS., 71 SPOKE DRIVE, IN-LAW

Mr. Schultz indicated that they have several in-law apartments. Many of them are add-ons and not conversions within. He showed the Commission the plot plan for the addition to the house. The dimension is 30' x 34', that's the plot plan. This is a raised ranch style home with the addition to the left side of the home. It will be connected to the main house through an interconnecting doorway. They are proposing a covered porch on the addition. It will have a family room, bedroom, computer room, full bath and kitchen area.

Chair Parkins asked if this was within the square footage limitations.

Mr. Schultz indicated that it was 900 square feet – the maximum. A family room that is 24' x 24' is 550 square feet, just to give them an idea of what a normal family room is.

Comm. Pogoda asked if it was 30' x 30' or 30' x 34'.

Mr. Schultz responded that it was 30 x 34 of which 900 square feet will be dedicated to the in-law apartment. The additional space is shared space.

Chair Parkins and Mr. Panico asked how you identify what is shared space and what is the in-law apartment because the plan is one big block.

Mr. Schultz suggested tabling it for further clarification.

Mr. Panico indicated that he was asking because it is introducing another front door on the street.

Mr. Schultz responded yes, they are allowed two per front façade.

Mr. Panico commented that architecturally they are supposed to maintain the integrity of the single family home. They have to be careful that this doesn't end up looking like a two-family house with two front doors.

Mr. Schultz indicated that he asked Staff to make sure that they have architectural drawings in case they are needed by the Commission, so let's get that because it will help in making the determination.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to table Separate #083.

SEPARATE #5590, J.J. BRENNAN CONSTRUCTION, 35 WATERVIEW DRIVE, CONCRETE PAD AND FUEL TANK

Mr. Schultz indicated that this was Pitney Bowes on Waterview Drive. The location is highlighted on the site plan. This is for the construction of a concrete pad and a 500 gallon above-ground fuel tank for an existing emergency generator. The dimension of the pad is 11' x 4'5" and the tank is 4'. It is a double wall.

Chair Parkins asked if this was for an existing generator at Pitney Bowes – and if the screening is already there.

Mr. Schultz responded yes, this is located in the back out of sight. As the Commission is aware, they are seeing more back-up generators – either new or modified, especially the fuel tanks.

Mr. Panico asked what kind of fuel. Mr. Schultz responded diesel.

Comm. Flannery asked how the truck was going to be able to deliver it.

Mr. Schultz responded that, as with home delivery, the line can go 100 feet. He pointed out the location of the existing generator, the location of Waterview Drive, the main entrance and the parking lot.

Chair Parkins asked if they need a DEP permit for this.

Mr. Schultz responded yes and added that the Fire Marshal's Office regulates it.

Chair Parkins asked if that meant they would make sure that they had the proper containment (inaudible)

Mr. Schultz responded yes, double-lined tanks and the spill recovery.

Mr. Panico asked if spill containment is provided for accidents or spills because they don't want to take a chance of that getting into the drainage system before anyone realizes it.

Mr. Schultz responded yes, and he will be making that as a recommendation.

Chair Parkins asked that someone include that in the motion.

Mr. Schultz indicated that Staff is recommending approval with approval by DEP and providing a proper spill recover design. The tanks are all double-lined now, but in the event that even when they are filling it up, it could spill.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5590 with the discussed stipulations.

SEPARATE #5475, DEBORAH ULLRICH, 9 ALLYNDALE CT., DETACHED GARAGE

Mr. Schultz indicated that due to the size of this detached accessory structure, the Planning & Zoning Commission looks at the detailed plans for architectural reasons. He showed the proposed plans to the Commission. He stated that the applicant received a variance from the ZBA to increase the size of the maximum of the detached accessory structure from 750, the maximum, to 1290 square feet. This has a 2-story component but the upper floor area is for cold storage.

Mr. Schultz pointed out the three dormers, and three means of egress into the garage area.

The applicant, Michael Ullrich, 9 Allyndale Court, Shelton addressed the Commission. Mr. Ullrich explained that the basement in his house is currently finished and his garage has a 6' 6" ceiling and they can't fit any vehicles in there because there is a sewer pipe running across it. He added that is why they went for a ZBA variance to ask for a garage to fit their vehicles in because none of their vehicles could fit in it.

Comm. Pogoda asked what type of vehicles he had.

Mr. Ullrich responded that he had two F350 trucks and an Expedition and none of them will fit in that garage because the ceiling height is lower than 6' 6" where the garage doors are. His trucks are 6' 5" or 6' 6" and with a little snow in there, they can't fit in without busting the sewer pipe.

Mr. Schultz added that the doors do not exceed the maximum height because they don't want it to look like a commercial building. They are looking at a residential accessory structure, and the Commission's job is to make sure that it is consistent with the appearance of what they would expect in a residential neighborhood. It is a two-story structure but the upper area is for storage.

Mr. Ullrich added that it was reduced in height at the Zoning Board of Appeals.

Comm. Flannery asked what the lot size of this was.

Mr. Ullrich responded 2 ½ acres. He added that there were other stipulations from the ZBA – no commercial use, no water, and no sewer. The only thing that they are putting in there is electricity. There is to be no sheet rock and no insulation – this is just a garage area. The only thing that will be in there is electricity for the garage door opener and some lights.

Comm. Pogoda asked if they had a copy of that for Staff.

Mr. Schultz responded that he has a copy on file.

Chair Parkins asked if they were granting him a hardship because he can't get his vehicles in the garage.

Mr. Ullrich responded yes, and because he has a finished basement, so he has no storage space in his house.

Mr. Schultz commented that it should be noted that he is on the end of a permanent cul-de-sac so he isn't impacting a lot of neighbors.

Mr. Ullrich stated that there was one house on one side of him and approx. 13 acres of open space on the other side – Allyndale Court.

Mr. Schultz added that it should also be noted that the ZBA held a public hearing so notices were sent out to the abutting property owners.

Mr. Panico asked if there were any objections from any of the abutters.

Mr. Ullrich responded that the only objection came from Miss Meyers but that was because she didn't understand her house's location on the application. She received clarification and there were no further problems.

Mr. Panico asked how his lot runs topographically and if it drops.

Mr. Ullrich showed on the site drawing how it drops from one area to another, flattens out and then slopes gradually over to the other corner.

Mr. Panico asked if there was any vegetation there.

Mr. Ullrich responded that there was a storm drain that comes out to a headwall that just empties out onto his property. It should have been corrected many years ago when it was built, but it was not.

Mr. Panico commented that it would be desirable if they could get a little bit of some type of planting or something.

Mr. Ullrich indicated that the area he was referring to is actually all trees even though it isn't shown on the drawing. He showed the location of a hand dug ditch to keep water from going down his driveway and wrecking his yard.

Chair Parkins asked if this was a three-story house.

Mr. Ullrich responded that it was three-story in the rear, two-story in the front because it drops down 10 feet from the front of the yard to the rear of the house. He showed the location of the proposed garage and added that siding will conform to the same exact colors of the house; it will be vinyl siding that matches the house.

Chair Parkins asked what the purpose of the dormers was.

Mr. Ullrich responded that it was just aesthetics so his neighbors don't have to look at a tent pitched roof that is 25 feet – the intent was to make it look somewhat like a barn and keep it aesthetically pleasing for the neighbors.

Mr. Panico asked for more clarification about the wooded areas on the plan.

Mr. Ullrich responded that they were mostly 80-100 foot trees, oaks, maples and deciduous – he has pine trees on the other side of his property.

There was further discussion regarding the plans but it was inaudible.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5475.

APPLICATION #5592 BOB GRIER PHOTOGRAPHY, 25 BROOK STREET, PHOTOGRAPHY OF FIREARMS

Mr. Schultz indicated that the location was the building right before the Boys & Girls Club on the left. He read a letter from Bob Grier Photography regarding the request for an Federal Firearms License (FFL) license for their business to be able to ship firearms without ammunition to their facility for photography purposes only. He added that Bob Grier Photography leases 2000 square feet, has two employees, and they are open from 8 a.m. to 5 p.m., Monday through Friday.

Chair Parkins commented that they need the firearms license – do they have that?

Mr. Schultz responded no, it was subject to approval from this local planning agency.

Comm. Flannery asked what would happen in the event of a Saturday delivery.

Chair Parkins responded that they have to sign for these type of deliveries, they can't just leave them. Is that correct? They were told that by a previous applicant.

Mr. Schultz responded that it is closely monitored and they have to pre-determine the dates of delivery. Mr. Schultz asked the representative from Bob Grier Photography if that was correct about the Saturday or Sunday deliveries.

A woman (unidentified) representing Bob Grier Photography responded that "no," there were no Saturday or Sunday deliveries. She added that she also had two letters to submit to the Commission from the Boys & Girls Club and also from the landlord.

Mr. Schultz added that being consistent with the last application, he thought it was important to let the neighbors know what was going on.

The Bob Grier Photo rep. commented that there would be no ammunition. This is totally for photography purposes. She showed the Commission a copy of a firearms catalog. She added that they will be receiving firearms from two locations in Prescott, AZ and Newport, NH and that would allow them to sign for it. The ATF has been out and approved them and now they are waiting for the FFL to come through. They will be supplying a one ton safe that will be hidden in the far left corner of their studio where no one sees it. The firearms will be stored for no more than 48 hours and that will allow them to receive, sign in, have a record of it for the ATF for their records. It will enable them to ship out or she can physically take them in her vehicle to Southport if they need to have them. She added that if anyone in the business knows them, they are actually against guns, but it is their second amendment.

Chair Parkins asked if they would be leaving any packages outside for FedEx to pick up.

The rep. from Bob Grier Photography responded "no." From what they understand from the ATF, if UPS comes in they will deliver and only Bob or she will sign. They are the only two on the FFL application and the guns will be picked up. She will personally hand them to the UPS or FedEx or physically take

them in the back of her vehicle with no ammunition and bring it to Southport. There is never any ammo in them and sometimes there are no firing pins in them. The guns are brand new. No one is allowed in their studio and they have a security system. She knows that the Commission was concerned about the Boys & Girls Club but Jack has no problem and her landlord has no problem. They have been photographing for 20+ years with Ruger. And this way, her Ruger client doesn't have to sit with them because the laws have changed and they have to sit with us. So they either go through this or they lose them as a client. If she loses them as a client, she'll lose her business.

Comm. Sedlock asked if the reason for the safe was so that no one steals the guns then. If there aren't any bullets, then there is really no danger.

The woman responded that yes, if they ever look at the price of rifles, shot guns and ammunition – they are expensive. There is no safety issue; in fact, when the ATF knocked on her door, she asked to see his badge because she doesn't just allow anyone in. Both doors are locked and she has a security system. There are no deliveries on Saturday, although they work on Saturdays, if they have to. This will allow them do this without having someone from Ruger with them.

Chair Parkins asked who was in Southport.

The woman responded that it was the main office of Sturm, Ruger & Co. and they have plants in New Hampshire and Westcott, AZ.

Comm. Flannery asked if she had said that she has done this before for this client.

The woman responded that they have been photographing Ruger for over 20 years. They were on Long Hill Cross Road for 16 years and the client was always with them. They have been at Brook Street for about 7 ½ years and the laws have changed recently. They applied for the FFL in August.

Comm. Flannery asked if they were just asking now to do this without the owner being there.

The woman responded yes, without a representative from the company being present. She doesn't own any of them herself, it is under the Sturm Ruger Co. The ATF showed her how to maintain the records by supplying her number with their number, keeping the records, making copies and recording everything. The ATF will show up at her office, unannounced to make sure that they are following procedure.

She provided the example of having 8 rifles delivered. It could take 8 hours to shoot them or it can take 2 days. Then they'll be locked up in the safe. When they are done, they'll be shipped out or she delivers them to Southport. There is no safety, really, involved because there is no ammunition; although she did go through gun safety and has a pistol permit with the State. This is strictly for photography purposes. Her husband is totally against guns.

Chair Parkins asked if there were any further questions. There were none.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #5592.

APPLICATION #5603, 500 RIVER ROAD, SAL MATTO, FILLING & GRADING

Mr. Schultz commented that was 150 cubic yards of fill.

Chair Parkins asked if there were any further questions about this.

Comm. Harger asked if this was going to have any limitations such as certain hours of the day because River Road is so busy.

Mr. Schultz responded yes, they are going to monitor that part of it. His house is right there, so he's able to go through his house. It is a win, win situation in light of what happened. It is a DEP order.

On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was unanimously voted to approve Application #5603.

APPLICATION #5611, 6 JAMES FARM, GUNSMITHING, 6 JAMES FARM ROAD, HOME OCCUPATION, JOHN FRITZ

Mr. Schultz stated that this was James Farm Road on the Trumbull/Stratford town line. John Fritz is relocating to that location.

Mr. Fritz indicated that he was the gunsmith at the arms ammunition gun store that burned down last Thursday in Monroe. He is looking for at least temporary, maybe longer, variance to a private residence in order to do his gunsmithing. There will be no private customers bringing their guns in. All his business is strictly with other gun stores; particularly, Connecticut Gun Exchange in Monroe and Shooters up in Brookfield.

Comm. McGorty asked if he goes and picks up the guns from them.

Mr. Fritz responded that he does pick the guns up from them and they stay under his control or locked up in a safe. He works on them and brings them back there. There is no traffic generated by this.

Comm. McGorty asked if there would be times when they are shipped to him.

Mr. Fritz responded no. He gets parts shipped in but that is all.

Chair Parkins asked if this was temporary.

Mr. Fritz responded that it is at this point. He doesn't know what is going to happen with the economy and everything.

Chair Parkins asked if there were any customers coming to the door or anything.

Mr. Fritz responded no.

Mr. Schultz asked Mr. Fritz if he had those letters provided from the neighbors.

Mr. Fritz responded yes, 6 James Farm Road only has about three neighbors. His wife lives next door, and Michael Kwan lives next door. He provided a letter to the Commission from Mr. Kwan indicating that he has no problem with that. He has another neighbor across the pond at the Cranberry Pond intersection so it is a good, long distance over to his neighbor to the north, Daniel Pringle. Mr. Pringle is also aware of what he is doing and has no problem with it.

Comm. Flannery asked if his business was up near the Monroe Skate Time.

Mr. Fritz responded yes, it was.

Comm. Sedlock indicated that he wasn't certain of what gunsmithing entailed and asked if that means he refurbishes guns.

Mr. Fritz responded yes, that is right.

Comm. Sedlock asked if he shoots them on his premises to make sure that they work.

Mr. Fritz responded no, he takes them to a range and does his test firing there. There was a range in Monroe that was very convenient but now he has to go down to an indoor range in Bridgeport.

Chair Parkins asked if that range was a separate business from his then – that wasn't his firing range

Mr. Fritz responded no, it was not his. He and his partner worked well together and shared the space.

Mr. Panico asked how much square footage was involved in his operation.

Mr. Fritz responded that his old shop was the size of the men's room over there. He'll probably be using a section of the living room that isn't being used at the moment that has very good light. Most of the work will be done there but the safe will be down in the basement.

Chair Parkins asked if his firearms license had to be transferred to that location.

Mr. Fritz responded yes, that is exactly the problem. The Federal Firearms License that he has right now has to go somewhere to straighten out the books, if nothing else. By history, this same property was varianced a number of years ago. When his aunt died, he thought the property was going to be sold so he moved his license to the gun store. So he has done this at this location in the past with no problem.

Comm. Sedlock asked if he had to come back again if this is done under the same permit.

Chair Parkins responded that no, they'll be approving it. They are approving this on (inaudible).

Mr. Panico commented that he thinks that it needs to be stipulated that he has to reside there.

Mr. Fritz responded yes, he has a lease from his cousin that he will be there – it is a family member. He provided the Commission with a copy.

Mr. Panico commented that he can do as he wishes, but is he certifying that he lives there?

Mr. Fritz responded that if he wants him to live there, then he'll live there.

Mr. Panico responded that unfortunately, without that he'd be conducting a non-residential activity in a residential zone.

Mr. Schultz indicated that yes, they went over that they when over this when John came into the office.

Mr. Fritz responded that yes, he'll be living there. His aunt and his daughter were living there at one time too.

Mr. Schultz added that there is a history of family living there.

Chair Parkins indicated that would need to be a condition of the motion.

On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to approve Application #5611 with the noted conditions.

APPLICATION #086, 207 DICKINSON DRIVE, WILLIAM AND SALLY DISTASSIO, IN-LAW APT.

Mr. Schultz indicated that this is another in-law apartment with an addition to the main residence. The addition is 26' x 26' and the in-law is 676 square feet. He showed the proposed plans and indicated that the contractor was present to explain to the Commission that he does comply with the letter of the regulation. It has to be physically attached to the main dwelling by a common wall and not just by a vestibule area.

Mr. Panico asked to see the floor plan and asked where the common wall was located.

Barry Mucci, contractor for the Applicant, 61 Armstrong Road, Shelton addressed the Commission. Mr. Mucci provided photographs to show the way that it presently is.

Mr. Schultz added that the applicant has received a variance from the ZBA.

Mr. Mucci showed the second level addition and indicated that it would be the same level as the existing main house. He stated that it would be one bedroom, a bathroom and a kitchen. He showed the location of the staircases and garage.

Mr. Schultz explained that it was a two-story addition, garage under and in-law apartment on the second level.

Comm. Flannery asked about the location of the addition and asked why it couldn't be in an alternate location.

Mr. Mucci indicated that it wouldn't look as good aesthetically.

Comm. Flannery commented that she didn't think it was aesthetically pleasing the way it was shown.

Mr. Schultz summarized that the issue is how the addition is physically connected to the main house.

Mr. Panico asked for clarification about the number and location of the garages on the existing house.

Mr. Mucci responded that the existing house had a garage under it.

Mr. Panico indicated that there were two other garages in two locations.

Mr. Mucci responded yes, he keeps antique cars in there.

Chair Parkins asked for clarification as to the location of the second garages.

Mr. Panico clarified the location and asked Mr. Mucci if there was any way that he could just lose that garage and slide the addition so that they would get a true common wall.

Mr. Mucci responded that they would lose the garage and be parking one of the cars outside.

Chair Parkins asked what the difference was between putting on an addition and putting in an in-law apartment.

Mr. Schultz responded that the regulations that the architectural design will be done in such a way that it will not impact the physical appearance of the neighborhood. So, they have to feel comfortable with the design solution.

Chair Parkins asked if that was for the in-law, the addition or both.

Mr. Schultz responded that it was for the in-law. The garage underneath is irrelevant for the moment.

Mr. Mucci commented that it is the criteria for the addition.

Mr. Schultz added – and how it is connected to the main house.

Mr. Panico asked if it was important to have the garage under there too. Can't it just be basement?

Mr. Mucci responded that it could just be a basement but then there is nowhere to park the cars. He explained that the daughter and her husband are taking the main house; he has two cars, and the owners of the house have two cars and then they have the antique cars.

Mr. Schultz commented that this may be one where the Commission wants to go over the elevations and (inaudible). He asked Mr. Mucci which way the ridge line was going to go.

Mr. Mucci responded that the ridge line was going to follow the house the same way that it is so there is not going to be a gable coming into it (inaudible).

Mr. Panico asked if it was going to be a single story addition.

Mr. Mucci responded yes.

Mr. Panico made comments regarding the level of roof on the addition differing from the other level. He pointed out the finished floor level of the addition and the roof level.

There was further discussion regarding the roof level, location of living space and the garage doors (multiple conversations, inaudible).

Mr. Schultz commented that they need to provide architectural and the elevations for the Building Department and then the Commission needs the whole package because (inaudible)

Comm. McGorty indicated that he'd like to see the architectural to what it is going to look like and if it is in keeping with the house and the neighborhood.

Comm. Flannery asked if this was over the building setback line.

Chair Parkins responded that was why he got the variance.

Mr. Panico added that you have to get creative in a unique situation where you are going to have a house in full view with 6 garages.

Comm. McGorty commented that you weren't going to see 6 garages. It depends what angle you're coming from. It's a dead end street – a cul-de-sac. You are going to see two garages (inaudible).

There were further comments regarding the drawing but they were inaudible.

End of Tape 1A, 7:59 p.m.

Mr. Mucci showed the location where he put on a garage to go with the house, explained that this would do the same thing - same roof line (inaudible)

Mr. Panico noted that it was essentially the roof line of the new addition but then this is going to be living space and then it drops down and this garage is underneath.

More drawings were shown and comments were made about the living space and the garage door it but they were inaudible.

Chair Parkins asked about the next door neighbors (inaudible)

Mr. Mucci responded that he had one next door neighbor and he had a letter (inaudible)

Mr. Panico asked about the property line and the curb line (inaudible)

Mr. Mucci responded (inaudible)

Chair Parkins asked the applicant if he could provide a drawing with some elevations and a rendering. She indicated that they were going to table this.

On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to table Application #086.

APPLICATION #5613, 265 EAST VILLAGE ROAD, MICHAEL MILITELLO, IN-LAW APT.

Mr. Schultz indicated that this was an addition to the house and part of that will be used for the in-law and a portion of the existing single family dwelling. He showed the plans for the addition and how it is attached to the main residence. He also showed the floor plan for a 897 square foot in-law apartment. They comply with all the setbacks. The addition is for a garage and for the living room of the in-law apartment. A portion of the existing home on the left end will be the balance of the in-law apartment.

Mr. Panico stated that they weren't expanding the existing living space – they are taking some of the existing living space and adding a little more to it to create the in-law apartment. He asked the applicant if he would be replacing the kitchen.

Mr. Michael Militello, 265 East Village Road, Shelton, addressed the Commission.

Mr. Militello responded that (inaudible).

Mr. Panico commented about the plans (inaudible). He asked where the kitchen for the existing house was located right now.

Mr. Militello responded that it was on the second floor – above.

Mr. Schultz asked if this was a 2-story raised ranch.

Mr. Militello responded no, it was a ranch so basically they are turning the two car garage into the in-law downstairs so then they'll build it on from the two car garage on the side.

Comm. Flannery and Mr. Panico commented on the plans (inaudible).

Discussion regarding the plans was inaudible due to cross over conversations.

Mr. Panico indicated that there will no longer be any garage space in the existing house. The only garage space will be the two car garage addition that they are building.

Mr. Militello responded yes, that's correct.

Chair Parkins asked if there was access from the garage into the house or anywhere.

Mr. Militello responded no, there's just the door by the garage.

Mr. Panico asked the applicant if he lived in the main house. Mr. Militello responded that he did. Mr. Panico asked if he has to go outside to get into his house.

Mr. Militello responded yes, they go in through the front door.

Other comments (inaudible).

Mr. Schultz asked Mr. Panico to highlight the width of the addition to the main house – this area here is substantial.

Mr. Panico pointed out the end of the in-law apartment and added that it is roughly a little better than half of the lower level of the existing house plus an 15' x17' living room.

Mr. Schultz commented that the common wall area is substantial – because they are seeing smaller versions of it.

Mr. Panico stated that this, in effect, is going to be a common wall because there is a finished basement here. He asked if there was a full flight of stairs on the plan.

Mr. Militello responded yes, it is going to the (inaudible)

Other comments were made regarding the floor plan but they were inaudible.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #5613.

NEW BUSINESS

APPLICATION #10-22, 252 GROVE, LLC FOR SUBDIVISION APPLICATION (SCENIC GROVE: 15 LOTS), RICHARD BOULEVARD (MAP 94, LOT 17), R-3 DISTRICT – ACCEPT FOR REVIEW

Chair Parkins indicated that she would be taking the next item out of sequence under New Business for Application #10-22 for 252 Grove LLC. She informed audience members that this was an as-right application. This is not a public hearing on it. The engineer is here to do a brief presentation on it. The Commission will listen to comments that people may have on this proposal and they will be taken into consideration. The Commission will not be taking action on this tonight. This is the first time that the Commission is seeing it as well. As was indicated earlier by Staff, there will be certain questions that they won't be able to answer right now but all comments and concerns will be taken into consideration.

1:03:42

Jim Swift, Professional Engineer and Landscape Architect addressed the Commission. Mr. Swift indicated that he was going to give the Commission an overview on the location of the property. He showed an aerial photograph of the property and pointed out the location of Grove Street on one end of the property and the temporary cul-de-sac of Richard Boulevard on the other end. He showed the location of an old estate type of a house that is now vacant at the moment.

He showed the location of the property on a larger map. He pointed out the location again of Grove Street, the location of Coram Avenue heading towards downtown, Richard Boulevard, Belmont Avenue and River Road.

Mr. Swift indicated that their big question when they got this property for development was clearly that the property was property that had frontage on Grove Street and Richard Boulevard, but how were they going to develop it. Once they put this plan together and saw that there were 75 lots that basically have one access off of Belmont, their assumption was that the Commission would want the road to go through as a temporary cul-de-sac generally indicates.

Mr. Swift went back to the previous map and indicated that this is an R-3 zone. They are proposing to develop the parcel in accordance with the R-3 zoning regulations. There are no waivers or requests for variance or anything so they are pretty much straight down the line as far as that goes.

Mr. Swift indicated that they just finished up with the Inlands Wetlands application. He showed the location of the wetlands that cross the parcel and indicated that Wetlands has granted them a permit to cross that watercourse to do some filling for a storm water detention pond there. They do have access to sanitary sewer and city water and that would be provided to the site and all the lots.

Mr. Swift stated that they have designed the detention to post development run-off rates that are less than or equal to the pre-development run-off rates. The City Engineer does have the full calculations for that. He offered to answer any questions that the Commission had.

Chair Parkins asked if the City Engineer had looked at this.

Atty. Steven Bellis addressed the Commission. Atty. Bellis responded that he did for the Wetlands application and he signed off on it. He added that he thinks that his office is also of the opinion that the road should be a true road.

He knows that a while back they had meeting and that was kind of the consensus.

Mr. Schultz added that when the Commission accepts this application tonight, referrals will be made tomorrow to the Police Department, City Engineer and the Conservation Commission. He asked Atty. Bellis to discuss open space and payment in lieu of and what the options are.

Atty. Bellis responded that at this point they are going to be proposing a 10% payment in lieu of (inaudible)

Mr. Swift added that there is no open space in this (inaudible)

Mr. Schultz indicated that the Commission will be receiving a recommendation from the Conservation Commission on that very issue so when he sends a referral to them it is going say that the applicant is requesting payment in lieu of. That value is 10% of the fair market value of the property. If the property were worth \$100,000, then it would be \$10,000. That money goes into the City of Shelton Open Space Fund. He stated that the Commission does have the right to determine whether they want open space that goes to the City of Shelton or payment in lieu of. That is one function of this planning commission. They have a lot of other issues that they have to deal with such as a through road, as indicated earlier. Also, sidewalks because the applicant is not proposing sidewalks because there are no sidewalks in the immediate area. They are also proposing underground utilities as opposed to above ground.

Chair Parkins asked what the typical size house is because these are pretty small lots.

Atty. Bellis responded that the lots are typically 75 foot frontage so the houses that they are proposing would probably be around 2200 square feet with about 3 or 4 bedrooms.

Comm. Flannery asked how many acres it was.

Atty. Bellis responded that he believes it is 5.8.

Comm. Flannery asked, if they were to request open space, how much they would get.

Atty. Bellis responded that there is no open space.

Comm. Sedlock responded that it would be 10% or a minimum of one acre.

Atty. Bellis added that the State Statute says 10% of the fair market value of the raw land – that is what they are going by, the State Statute.

Mr. Schultz asked Jim Swift to explain the grade of the extension of Richard Boulevard and what improvements they are doing at the Grove Street intersection.

Mr. Swift explained that they have a high point on the site which is right about in the middle. They have a maximum grade in Shelton for city streets of 10%. He showed that they achieved that on the length of the road in one area. He showed another portion of Richard Boulevard that was less at 7% because they needed a safe, sight distance. He showed that as you go out to Grove Street, they are doing some work on either side of that intersection to make sure that they have the minimum sight distance. The Traffic Authority and the City

Engineer have reviewed that and determined that they do have the minimum distances.

Mr. Panico asked Jim to explain what Parcel A is.

Atty. Bellis responded that it is the detention pond.

Mr. Panico asked who is going to own it.

Atty. Bellis responded that City would own it. That is typically what is done in the past in Shelton. They don't count that as open space because typically that is not counted in.

Mr. Schultz asked if he was going to convey that to the City of Shelton.

Atty. Bellis responded yes, it would be conveyed to the City of Shelton.

Mr. Swift added that was the suggestion of the Wetlands Commission.

Atty. Bellis stated that he couldn't tell from this drawing what the area of it was.

Mr. Swift indicated that Parcel A was a ½ acre.

Atty. Bellis added that the City would get a ½ acre.

Chair Parkins commented that it wasn't included in their calculations though, correct?

Atty. Bellis responded no, it is not, because it's a detention pond. It does stay open and natural though.

Mr. Panico added that even if it was claimed as open space, it wouldn't qualify. They could take it as open space but they'd get no credit for it.

Comm. Sedlock asked for some clarification about the City taking a ½ acre – does that bring it down to 5.3?

Mr. Panico responded that they are proposing to create a detention facility as part of the storm water management plan and to convey ownership of it to the City of Shelton. And it is roughly ½ acre.

Comm. Sedlock commented that they are taking ½ acre out of the existing 5.8 acres. And they are going to put 15 houses on 5 acres?

Atty. Bellis responded that is what the zoning allows by right.

Chair Parkins added that it's a third of an acre lots.

Mr. Panico commented that the lots appear to conform to zoning at a quick glance but they have to check it.

Mr. Schultz asked Jim Swift if the roadway width was consistent with Richard Boulevard.

Mr. Swift responded that (inaudible)...They went with 26 feet because of the nature of (inaudible).

Atty. Bellis added that another thing that they did with the road was put a slight curve in it as opposed to just a straight road.

Mr. Schultz added that it was for aesthetics and as a traffic calming measure.

Comm. Harger asked how long Richard Boulevard had been in existence.

Mr. Schultz responded since the mid 1980's.

Mr. Panico stated that long range planning for the last 30 years has always envisioned that at some point in time, Richard Boulevard would get extended in some way, shape or form out to Grove Street.

Comm. Harger asked what the zoning was on Richard Boulevard.

Mr. Swift responded R-3.

With no other questions from the Commissioners, Chair Parkins stated that she would open the discussion to the public attendees wishing to speak.

Paul Nadeau, 36 Richard Boulevard, Shelton, addressed the Commission. Mr. Nadeau indicated that he had a couple of questions. He asked about them saying that they were going to go from an above the ground utility to an underground utility. Does that mean that once they open this up, halfway down the street, they are going to bury everything on Richard Boulevard so that there is conformity? Because what he heard is that they are going to go to below ground utilities and yet, they have above ground utilities. So, half the street is going to be above ground and half the street is going to be below, which is really going to look odd on the street.

Mr. Nadeau also asked if they have taken into consideration the health risk of West Nile Virus with the potential from the detention facility that they are going to put in. He stated that they would be opening up a huge, standing body of water that is going to be a breeding ground for mosquitoes.

Mr. Nadeau addressed the long range plans and commented that 30 years ago it might have been a different world that they lived in. They are taking a cul-de-sac street and opening it up to where they have two exit places. So now, as residents, they have to worry about people driving through their neighborhood, scoping it out, and increased crime.

Mr. Nadeau indicated that he was against this. If they want to do development, they should submit a cul-de-sac version of Grove Street where they build their houses on that and look at it from those two standpoints. The recommendation to open up this street will bring more traffic to where people have young kids, pets - things like people speeding aren't conducive to a family neighborhood. He indicated that those were his thoughts on this.

Robert Hinman, 247 Grove Street, Shelton addressed the Commission. Mr. Hinman stated that he lived at 247 Grove and also owned property at 244 Grove Street. It just seems to him from this map that they are trying to squeeze in an awful lot of houses into a relatively small area. Using the site drawing, he stated that he would be interested to know how much space they have between the backs of these houses to the adjoining property. He asked how close they were going to be to those properties. It looks like it is going to be 20 feet or something like that. If that is the case, is there anything in the plan to do some landscaping or build a wall along there that could help to separate that a little bit? Mr. Hinman commented that it seems to him, from a logical point of view, that they are trying to get too much into a small space.

Lenore Hinman, 244 Grove Street, Shelton addressed the Commission.

Ms. Hinman stated that she lives at 244 Grove and she doesn't see how those houses aren't going to be right in her backyard. She indicated that she was very against this for the safety factor – she has a five year old child.

1:16:53

She used to live right next to that property and she'd go exploring over there a lot with a friend. It looks big on the drawing, but if you go on that property, it doesn't look that big. She doesn't know how they are going to fit 15 houses with a lot of children and all the traffic. They have signs on the street to slow down – they have three hills on Grove Street, and as people go down and up, they go faster and faster. So, now if there is traffic coming out of another road – it doesn't make any sense.

Ms. Hinman commented about the West Nile thing being a perfect example of what is back there. They used to have fun going back there but they never went in the fall or summer – they went in the winter because there were no bugs are alive. Ms. Hinman indicated that she was totally against this. She doesn't want it in her backyard. She is going to fight this and do whatever she can do to not have this.

Ray Beck, 64 Richard Boulevard, Shelton addressed the Commission.

Mr. Beck indicated that he agreed with the previous speaker, Paul Nadeau. Everyone bought a house there because it is on a cul-de-sac. The purpose of having a through road on a road that is less than a mile long is ridiculous. They don't need two entrances into the neighborhood.

Mr. Beck stated that the entire area to be developed is full of ledge so there is going to be blasting going on. There are safety issues. It is a tight area. They can't blast very effectively without some debris flying. They'll have to clear out a lot of woodland area. It will create a huge lifestyle problem for everyone on both streets for the next 2 or 3 years or however long it takes.

Mr. Beck commented that if the craftsmanship is anything like the houses that they have – he's had a lot of issues, repairs, rewiring since they were built back in the 80's. If the craftsmanship is the same, from the same developer, these houses aren't going to be worth anything. Twenty-five years ago it was a different market and there was a purpose to building 15 houses in a neighborhood because you'd get something out of it. But now, he drove past six houses on the way to City Hall with "For Sale" signs. He knows that he'll drive past those same six houses plus more over the next several months. He asked what the point of this was. There is no economic point to this. It inconveniences a whole lot of people and it is moronic. This is stupid thing that is going to inconvenience a lot of people for very little profit. He totally objects to this.

Yan Jiang, 56 Richard Boulevard, Shelton addressed the Commission.

Ms. Jiang stated that she bought this house because of the cul-de-sac. It's a fine neighborhood (inaudible).

Fred Bodyk, 74 Richard Boulevard, Shelton addressed the Commission.

Mr. Bodyk indicated that he was a civil engineer, a structural engineer and a project manager for a large construction company. He stated that the havoc that will happen because of this construction will ruin the neighborhood. Also, the wildlife that will be displaced on that parcel of land will never be the same. They have beavers living in those wetlands – in Shelton. He knows this because they came in and ate his tomatoes.

Mr. Bodyk commented that he just thinks that all the construction vehicles and things like that are not going to be able to come off Grove into the site; they'll

have to come off of Richard Boulevard. It is a very quiet neighborhood. He bought his house 25 years ago. He bought it because it was a cul-de-sac and he wants it to stay that way. He indicated that he would spend every last dime he has to stop this. He thanked the Commission.

Joyce Henrikson, 32 Richard Boulevard, Shelton, CT addressed the Commission. Ms. Henrikson indicated that she has lived at 32 Richard Boulevard for 24 years and she loves her good, quiet neighborhood. They are a friendly neighborhood with dogs, cats, children and people who look out for each other. She stated that she would like to see Richard Boulevard be made a permanent cul-de-sac.

Ms. Henrikson indicated that she didn't have an objection to them building some homes there but she doesn't see why they just can't come in off of Grove Street and make that a cul-de-sac.

Ms. Henrikson indicated that she'll do whatever she can possibly do to get Richard Boulevard as a permanent cul-de-sac.

She hopes to get some help from Jason Perillo, Inland Wetlands, and the Alderman for her district. She asked the Commission not to approve this.

Rebecca Jarvis, 64 Richard Boulevard, Shelton addressed the Commission. Ms. Jarvis indicated that they bought their house a couple of years ago because it was on a cul-de-sac. They got a dog and they like to take their dog for a lot of walks. She feels as though a cul-de-sac is a much safer environment than having a through street that will increased traffic, and potentially increased crime because now they'll have two entrances/exits to their neighborhood. Ms. Jarvis stated that they have children on the street with special needs and she doesn't think that the increased traffic would be good for them. Also, they have a lot of people with pets, kids on bikes and skateboards. She stated that she was really strongly opposed to this development. She thanked the Commission.

1:37:31

Larry Henrikson, 32 Richard Boulevard, Shelton, CT addressed the Commission. Mr. Henrikson indicated that the last time he was here they were putting in a development called Audubon up behind them. There was open space there and houses went in there. He recalls that when they did it, they had a lot of water problems and (inaudible). He commented that now they want to take this open space, build houses and make money – they are building everywhere and it is ridiculous. He is against them opening up Richard Boulevard. He thanked the Commission.

Stephen Twomey, 25 Grove Street addressed the Commission. Mr. Twomey stated that he realizes that it is going to be hard to stop this development because it is R-3 zoned. He has walked that property for over 20 years and he's (comments inaudible). Over the years he has seen turkey, red fox, deer that reside on that property.

He requested that Planning & Zoning Commission, in lieu of the payment, to take the land. He thinks it will get short changed on the fair market value (comments inaudible)... If they use that to access the market value, then the Commission will be doing a great disservice to the community, and the citizens because they'll never get the open space and they'll be giving it up for a penny on the dollar. He strongly urged the Commission not to accept the money but to take the land and the entire community will be better served.

Mr. Twomey stated that he was only notified of these plans this Saturday. He doesn't want a single inch of ground being touched until all the plans, drawings, are approved by the proper agencies. He is requesting that very clearly that he would like nothing to be done until everything is approved.

Tracy Dawley, 83 Richard Boulevard, Shelton addressed the

Commission. Ms. Dawley stated that in addition to what everyone has already said about the cul-de-sac and the through road, she is concerned how it cuts through from Grove Street. There is a curve in the street and a hill that goes down. There would be very fast traffic and it would be very dangerous on that curve. There are already houses on that curve. She added that right at the end of that curve on Richard, there are two special needs children. It is a downgrade going down that hill and the curve on Richard Boulevard and it would be very dangerous. She thinks that would be very dangerous for everyone on Grove Street as well. She thanked the Commission.

Lawrence Jarosek, 27 Bruce Drive, Shelton addressed the Commission.

He wanted to know what impact this would have on the property values in that area if new homes were built.

Chair Parkins responded that was not the purview of this Commission. This is strictly about land use.

Mr. Jarosek asked if there any guarantee that Richard Boulevard would be a cul-de-sac forever.

Chair Parkins responded that no, there was not. It is a temporary cul-de-sac.

Mr. Jarosek addressed traffic safety, people running STOP signs on that cul-de-sac and speeding up and down his street. He suggested more patrol cars in the area to monitor the speed. Although he doesn't think that traffic will impact this development.

Chair Parkins asked if he was for or against this project or just neutral.

Mr. Jarosek responded that he is sort of impartial but he'd like to know how it would impact the property values. He needs to know that information to determine if he is for or against it.

One of the public attendees asked if there was a way that could get an email address in order to get notification from the Board for the next meeting.

Chair Parkins responded that the agenda is posted on the City of Shelton website.

Mr. Schultz added that he could contact his department Tuesday – Friday 8:30 a.m. – 5:30 p.m. He indicated that as he had mentioned, referrals will be made tomorrow and they encourage people to communicate with them because their input is important. He can come and speak to Staff at those times.

Chair Parkins indicated that all this documentation is part of a proposal and that information is available for anyone to review. She reiterated that this is an as-of-right – as long as they meet the regulations of this City, they have a right to build. They do still need to hear from the City Engineer, Traffic Authority and other agencies as well. She mentioned that if there was any concrete evidence of beavers, then that is a question for the Conservation Commission.

Robert Hinman, 247 Grove Street indicated that he had another comment regarding Grove Street. He asked if anyone had driven up it lately because it is

one of the worst streets in the City. He thinks that if they put that much traffic on Grove Street, then it will force the City to go down and repair the rest of the road and straighten it all out because it is a very dangerous road. Right now, people live with it because there is very little traffic on the road. Essentially, only one car at a time can get through there. He asked the Commission to take a look at that.

Lenore Hinman, 244 Grove Street added that the school buses have to go down and turn around on Jennifer Court and come back up Grove. They can't get onto Rt. 110 from Grove Street. No buses, trucks or big vehicles can get down that hill.

Chair Parkins responded that they are going to have to take a look at that.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #10-22.

End of Tape 1B 8:46 p.m.

8:45 p.m. - 5 minute break to move to Room 303

8:50 p.m. – meeting reconvenes in Room 303

Chair Parkins reconvened the meeting with New Business and Other Business Items taken out of sequence.

NEW BUSINESS

APPLICATION #10-20, SALVATORE BARONE FOR SITE PLAN APPROVAL (USED CAR SALES), 61 CENTER STREET (MAP 129D, LOT 53), CA-2 DISTRICT: ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Joe Sedlock seconded by Virginia Harger, it was unanimously voted to accept Application #10-20 and table discussion until November 30, 2010.

APPLICATION #10-21, R.D. SCINTO, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (LIGHT INDUSTRIAL BLDG.), LOT D-3-1, WATERVIEW DRIVE (MAP 80, LOT 1), LIP DISTRICT – ACCEPT AND SCHEDULE A PUBLIC HEARING

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #10-21 and schedule a public hearing for November 30, 2010.

APPLICATION #10-23, PIONEER GAS AND APPLIANCE CO., INC. FOR SITE PLAN APPROVAL (PROPANE STORAGE TANK FACILITY), 65 RIVERDALE AVENUE (MAP 118, LOT 48), IB-2 DISTRICT – ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to accept Application #10-23 table discussion until November 30, 2010.

OTHER BUSINESS

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table the following Other Business Items:

- APPROVAL OF THE MINUTES: 9/14/10, 9/22/10 AND 10/12/10

- **8-24 REFERRAL: EXTENSION OF PUBLIC WATER TO 599-615 BOOTH HILL ROAD AND 10 OXFORD DRIVE**
- **TURKEY ESTATES SUBDIVISION: RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAGGIE LANE**
- **PAYMENT OF BILLS**
- **STAFF REPORT**
- **REPORT FROM CHAIRMAN/SUBCOMMITTEE CHAIRS**

2011 MEETING SCHEDULE

Mr. Schultz indicated the meeting schedule would be for the 2nd Tuesday of every month with the statement that it is held in Room 303 unless otherwise noted. Additionally, they can go with the fourth Wednesday for any public hearings but that it the Commission's call.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the 2011 Meeting Schedule.

PUBLIC PORTION

Comm. Harger requested that they Chair move the Public Portion of this meeting before further Old Business.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to move the Public Portion of the meeting.

Mr. Schultz reviewed an issue with the Commission regarding the 12 Cots Street matter which has been in the Staff Report regarding an appeal from the Zoning Enforcement Officer. He explained that this had to do with an accessory structure built without the benefit of a building permit and a zoning permit. A complaint was filed in his department. ZEO Thomas Dingle took in the complaint. His official position is that the structure existed for three years and there is nothing he can do.

Mr. Schultz indicated that Jacqueline Cable contacted him to ask what recourse she had because she found this unacceptable. He suggested to her the Zoning Board of Appeals because that is a public hearing. She can present them with all the facts and they can ultimately determine if the ZEO erred in his determination. The ZBA did determine that Mr. Dingle erred; however, they still determined that the three years has expired. So, even though the ZBA's judgment, Mr. Dingle erred, the three year window expired so the structure lawfully exists. It is grandfathered.

Chair Parkins asked if when he made his determination, was it prior to the three years.

Mr. Schultz responded yes, in the Board's decision. He'd only be guessing but there is a real possibility that it was under three years when he made his determination. There is probably better than a 50/50 possibility that it was under three years. Mr. Schultz indicated that he did not get into the details of it, except when Ms. Cable was frustrated with the position that Mr. Dingle took. She has the recourse of going to the ZBA. That is the checks and balances of his department.

Chair Parkins asked, other than not having a building permit, what about the structure is out of compliance.

Mr. Schultz responded that the setback was in non-compliance. He called Mr. Glover, the Chairman of the ZBA because it is important for him to know the

actions that his Board took. He spoke to him today and the position was that in their opinion, Mr. Dingle erred; he should have taken appropriate action to correct that violation.

Comm. Flannery asked what that would be.

Mr. Schultz responded to issue an order to either remove the structure in its entirety or to get a variance in its location where it was placed. However, in talking with the Chairman of the ZBA and Corporation Counsel, it is the position of the ZBA that the three year window has, in fact, expired. So it is a moot point for the City to take any type of action.

Mr. Schultz added that if he was here at 2 years and 10 months time, he would be recommending to this Commission that they take appropriate action or the Commission would direct Staff to take appropriate action.

Chair Parkins asked if appropriate action had taken place at the time that it was first brought to Mr. Dingle's attention, would it have been within that three year window.

Mr. Schultz responded yes and an order would have had to been issued.

Ms. Jacqueline Cable, 8 Cots Street, addressed the Commission. Ms. Cable stated that Mr. Dingle ignored it and didn't even let her know that there was a setback. She had to go down and find it in the bylaws that the setback existed. Mr. Dingle knew it from the get-go.

Ms. Cable indicated that she lives at 8 Cots Street and has lived there for 41 years. He (Phil Plantson) moved in about 2006 and the building started going up in about May 2007. She went in to complain when the fence was going up in 2007. She went down and filed again in 2009. Mr. Dingle told her that she had to get a land survey to establish that it was her property. There was a fence already established from the prior residents that owned the property before he bought it. So the existing fence was bordering where the property line was. He (Mr. Plantson) tore that down and determined his own line and everything else and never did a land survey.

Ms. Cable indicated that Mr. Dingle came down and told her that she had to get a survey. It took her a 1 ½ years to get the survey done. When she came back with the survey information, she made another complaint when she realized the setback was there. All this time, Mr. Dingle didn't do anything about anything. Everything was her responsibility and everything was put upon her to prove.

Chair Parkins commented that there has to be some documentation somewhere in this department. She asked Rick Schultz if there was a file on this.

Mr. Schultz responded absolutely.

Mr. Panico added that he didn't think that they could come to any conclusions on this tonight because it sounds to him like they need to have a discussion with Corporation Counsel.

Ms. Cable commented that Tom Taylor has been working with her and the BOA has been working with her and she thought that when it went to the ZBA – she went there in June, July and August and they didn't make a stand until September.

Chair Parkins recommended that she continue and have her meeting with the Mayor. They will take this up with Corporation Counsel.

Mr. Schultz indicated that they have the date – May of 2007 – that is the issue – three years.

Mr. Panico asked if 2007 was determined to be the start of the three year expiration.

Ms. Cable added that in 2009 the complaint went in to have him move the structure – that is documented – the 9th of November.

Mr. Schultz indicated that the ZBA concurs with that.

Chair Parkins thanked Ms. Cable for bringing this issue to their attention.

Ms. Cable commented that it has been coded since 2003 that this was a restricted residential and commercial land. It was zoned that no structures be built unless it was 25 feet from the perimeter of the border of the property. And Mr. Dingle knew that when he saw the structure being built. He did not bring it to her attention. She had to learn that after going down there with her land surveyor, which she provided. He moved in and never even did a land survey but still put a fence up and closed it in like it is his property - and it is hers.

Chair Parkins indicated that they understand the issue. They are aware of her situation and will certainly take it up with their Counsel.

OLD BUSINESS

APPLICATION #10-16, DOMINICK THOMAS ON BEHALF OF 714, LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL SHOPPING CENTER), 405-407 BPT. AVENUE, 12 NELLS ROCK ROAD AND 20, 28, AND 36 BUDDINGTON ROAD AND A PORTION OF 409 BRIDGEPORT AVENUE AND ACCESS ROAD (MAP 77, LOTS 26, 27, 28, 29 AND 30 AND MAP 63, LOTS 10 AND 20) – PUBLIC HEARING CLOSED ON 10/26/10.

Mr. Panico indicated that he went back through public hearing minutes – the first part he was not present at, but he was present at the last one. He was trying to consolidate in his mind what he thought were the main issues that they need to discuss and come to some agreement on. He stated that he got it down to about 4 or 5 items.

Mr. Panico indicated that they need to talk about overall site plan organizational matters such as one building versus three buildings, satellite buildings and what they are, how they are being used, their sizes, etc.

They have to talk about the rear area and whether one way circulation is appropriate. Is there enough width back there? What is the impact of that ledge cut? How is that affected if they were to turn around and compromise the Nells Rock Road intersection? Is that this going to change matters? They have to talk about those things.

Mr. Panico indicated that, in turn, they have to really talk about the Buddington Road buffer strip area because that is impacted as well. They heard a lot of testimony by three or four neighbors that live across the street and their concern about things being too close to them. They have concerns about blasting impacts and things of that nature. They should talk a little about the blasting as well.

Mr. Panico stated that they will want to talk about the dead end condition of Access Road that the DOT would like to see implemented. He personally has very strong feelings that, while they can compromise on that right turn exit, that is a little bit redundant and there's another function at the lower end of Access Road that does the same thing and that would probably get very little use. But the approach into the dead end from Bridgeport Avenue, while it is not so important today, he can see that potentially coming into play sometime down the road when they put some proposals on the table for land use beyond what is out there now on Viking Tool and Blanchette's. Those are a couple valuable pieces of property and right now they are probably under-utilized. He added that to properly serve those both now and in the future, he thinks that an entry condition into that dead end from Bridgeport Ave. is something that they should look strongly at. And they were led to believe from the traffic reports given to us at the hearing that, while DOT would like to see a total dead end, they weren't totally averse to perhaps allowing ingress at that point.

Mr. Panico stated that they also want to talk about that Nells Rock Road entry/exit condition, how that should be treated and what impact that will have on circulation if they decide to either eliminate it all together or reduce it simply to an entrance only and eliminate the egress from it. How is that impacted by the bank traffic across the street? There was a lot of discussion on that and he thinks that they should continue that discussion.

He thinks that those are the high points that he thinks they should discuss. Also, he is going to introduce his concern that if it is a total elimination there or an elimination of the egress. Should everything rely on the main entrance or is there potential somewhere in that 800 foot stretch between this intersection and that intersection to do another half entrance/exit condition? He doesn't know whether that would even be well received by DOT. But he gets a little bit concerned when he has a major complex like this and a single access/egress point even though it is signalized and there are two ways in and two ways out and it is median divided so that it should function adequately virtually at all times, barring a significant accident on the outbound side. If they have that significant accident that blocked up both of those outbound lanes – how are they going to get people out of the center? The only thing that came to mind was at least if they had half an intersection here. They could then send a patrolman there and you could have a controlled egress through the inbound side. There are some answers. He added that he is jumping ahead.

Mr. Panico commented that he really wanted to hear from the Commission about the overall organization and how they feel about the 126,942 square foot main building which is really two major tenants plus a bunch of little satellite smaller stores. And then they have the two out buildings – the 4,000 square foot footprint that seems to be set up for a bank and an even smaller 1,800 square foot building in the rear corner that seems to be conducive to a coffee/donut shop operation.

Comm. Flannery commented that she is going to go back to about 8 years ago when that Car Wash was going up. She was sitting in the audience listening to what the developer wanted to put in that corner. One thing that they wanted to do was put a restaurant, a Vazzy's, on that corner. And back then, Joe Pagliaro and everyone on the P&Z Commission at that time said no because of the traffic. They said it was not zoned for that and that it was going to create too much traffic. So, they said no and stuck to their guns. Comm. Flannery stated that she does not know why they are even considering this when it entails a zone change. They are not going to stick to the zone the way it is and she doesn't know why they are even considering this. It is creating too much traffic on the corner where the Vazzy's would have been – and on that corner there were 31 accidents in that Traffic Report. She was counting that when she was looking at

that Traffic Report – that is how many accidents that they've had on the corner already without anything added to the traffic. She just doesn't think that they should be considering this with a zone change. She would like to see some kind of a plan without a zone change.

Chair Parkins responded that unfortunately, the zone change for the PDD gives them a lot more control over that property than any other zone.

Comm. Flannery reiterated that she doesn't think that there should be any zone change at all. They should keep the zone the way that it is – it is there for a purpose.

Mr. Panico responded that obviously, Joan, is entitled to her opinion, and she is entitled to express her opinions. But by law they are obligated to receive an application and to take it through due process, and if everyone agrees with her then they know what the result will be, and if they don't, they know what the result will be. She is one of six members of this Commission and by due process they are obligated. They don't have any choice if an applicant puts a proposal on the table before them that complies with all the statutory requirements and the zoning requirements - they are obligated to process it. Then, after processing it, if everyone comes to the same conclusion that Joan has already appeared to come to, so be it – then that is how the application will be disposed.

Mr. Panico added that Staff has taken the approach of an open mind and putting forth the facts and figures and trying to help the six members collectively arrive at an intelligent and proper decision.

Mr. Panico commented that he thinks that the 31 accidents that she is referring to occurred over a 3 year period of time.

Comm. Flannery responded that it is still 31 more than she would like to see there. There shouldn't be that many accidents, it is way too much.

Mr. Panico responded that he didn't remember reading that paragraph.

Comm. Harger asked if they had some consensus that at some point in time there is going to be some development of this property – it is not going to remain as it is.

Chair Parkins responded that there has to be some development on it.

Comm. Harger commented that when the application was previously presented, there were a lot of people concerned about it. People expected the person who owned this property to turn it over to the City for open space. That is a great suggestion but it is not going to happen and she thinks that they have to be realistic. She indicated that she was driving by there the other day and saw a sign that she thought said "1/2 acre of land for sale."

Comm. Sedlock responded that was Blanchette's property.

Chair Parkins commented that they may be realizing that something (inaudible)

Comm. Sedlock added that it may be useful to help the flow of traffic there.

Mr. Panico responded that he thinks that what people have forgotten is before the current zone that is on the property, there was a plain old CB-2 zone and, but for the grace of God, they had it committed to the automobile agencies. They could have had a McDonalds, a Wendy's and a gas station – all of that could have gone in there. He said that McDonald's was looking at it more than

once, but fortunately it was tied up. Staff couldn't wait to get a hold of that property and get it out of that CB zone. They knew that vulnerability that they had and they had lengthy discussions with prior Commissioners over the years.

Finally when they updated the Route 8 corridor study and they identified certain problem areas, they said that they had to get rid of that CB-2 zoning. For anyone around back then, they may recall that the proposal was not very well met and, in fact, they were being sued by the automobile agencies. They said that it was taking their future away from them and they knew that they were a transitional use and someday they were going to be going and they wanted to be able to develop the property for their heirs, etc. As a compromise, and to stay out of court, they agreed on a Restricted Business Development that they felt would give them some ability to carry on without being classified as non-conforming uses and it would give them some commercial window. Apparently, they were satisfied enough to stay out of court. At least Staff at that time knew that it was a matter of time before they turned around with the proper mechanism of a PDD and began to consider other uses here. And they didn't know if they were going to be something of a commercial or business nature or corporate offices.

Mr. Panico added that they do know, however, that the recent history up and down Route 8 has not been corporate offices. The corporate offices have been going off of Bridgeport Avenue and not on Bridgeport Avenue. They are fortunate that they got Tetley Tea but they got very little after that by way of offices per se. They got Armstrong Park way at the other end but they really saw nothing else. The property owners began to realize that, in some respects, their property was more valuable for other things.

Comm. Harger commented that it is difficult for her to envision the proportion of the buildings that are being proposed to the overall acreage.

Mr. Panico responded that all the standards and criteria of the prior zone as far as that have been complied with. Setbacks are the same, ground coverage is the same, impervious area limitations are the same.

Comm. Sedlock commented that is provided you get the zone change.

Mr. Panico stated that, theoretically, if you have the right tenant that needed a building like that for an RBD use – that could be the intensity of development. Whether in reality you would, is something else, but theoretically you could. It meets the RBD zone with a maximum of 85% coverage and they are up at 83%.

Mr. Panico referenced the plan and indicated that it was the same plan that was brought in before and then withdrawn because of all the confusion over the status of the road. It has not been expanded despite the fact that they were able to create more parking. The original proposal had come in advocating a 4 space per 1000 ratio. This plan comes in much more comfortably at a 5 spaces per 1000 ratio. It was alluded to at the public hearing that there may be too much parking for everything except that once or twice a year when you need to have it. So, maybe they could do something with softer parking in here because those spaces are only going to get used at Christmastime.

Comm. Harger asked if she was correct in her recollection that the previous plan had specific tenants in mind.

Mr. Panico responded that at the very first submission they had a tenant, and it was his understanding and he doesn't know if it was made public, for Retail A. It was not Big Y but some other grocery chain.

Comm. Sedlock commented that they'll know what goes in there after they approve this thing, right?

Mr. Panico responded yes, that's absolutely right. When retail plans come in, then they will have tenants. They can't nail down a tenant today – they have an idea and that's all they've got.

Chair Parkins added that they aren't going to sign a lease or any kind of contract without even knowing whether or not they are going to approve this development.

Mr. Panico commented that maybe they'll get lucky and get a soft goods operation in there instead of a supermarket. From a traffic standpoint, they've selected their worst case scenario that would give them the highest numbers working with a 60,000 square foot food operation.

Comm. Harger stated that what they have to keep in mind is that what they are discussing is the initial development concept.

Mr. Panico asked if they were going to allow a retail type of development here in a nice design capacity without the specifics of it but they are certainly setting the flavor with these architectural. Are they receptive to this degree of development to this circulation plan etc.?

Comm. Sedlock commented that they won't have the opportunity to make a determination on that until after they change the zone.

Mr. Panico responded that when you change the zone it will be predicated on a certain level of development and certain restrictions and covenants that you are going to place on the plan.

Comm. Sedlock asked if they vote to change the zone, then they are basically accepting this as is.

Chair Parkins responded that it's a concept.

Mr. Panico added that they are accepting this under the original concept under that (inaudible).

Comm. Sedlock asked if when he says the concept, does he mean how they want to use Access Road, and the exit on Nells Rock Road?

Mr. Panico responded yes, unless you change it. They could stipulate that they don't want "a, b, c or d".

Comm. Sedlock asked if this would happen prior to the change.

Mr. Panico said yes, as part of the decision.

Comm. Sedlock commented that he firmly believes that something needs to go in there. He is on that property often, as they know and it is deteriorating by leaps and bounds. It is hazardous and dangerous and it can be used for something beneficial for the City. However, for one thing, those people behind there need to be protected – that is an absolute must before he will go for this.

Mr. Panico commented that this is what they have to iron out because – basically, they are going to do two things. They are going to act on the initial concept plan and say "well that initial concept plan is OK, provided... or subject to...doing this, shifting that, moving that, etc..." And with those changes they

now have an acceptable concept plan. With that acceptable concept plan with the changes incorporated, then they've done the zone change.

Mr. Panico continued that when they come back with detailed plans to implement their concept and they know their tenants, they may make changes due to new conditions and change the façade or break one building into two or change other things for truck traffic. It may not be one continuous façade. It could be an intermediate sized building and a smaller sized building or they may want to come in and do something dramatically different.

He gave the example of them wanting to make it into a different shape – like an “L” shaped center. The Commission may say that it isn't the concept that they first had – maybe it is OK, maybe it is not OK – it's a dramatic deviation and they are going to take those changes back to a public hearing.

Comm. Flannery commented that she thinks it is important who the tenants are – like Center Stage is great. It isn't like retail where there a people constantly going in there for lunch or anything like that.

Mr. Panico responded that the problem is that it's only there because it was a giveaway, so to speak.

Comm. Sedlock stated that was a very generous thing that happened, more than generous and it's whole different story.

Mr. Panico commented that it would be nice if they could work something out with the developer and take that chunk – the traffic counts would go way down.

Chair Parkins commented (inaudible) Multiple conversations (inaudible)

Comm. Sedlock commented that it wasn't part of the discussion. He indicated that his main concern is that he thinks Buddington Road is a terrible road to put more cars on. He added that he thinks the entrance and the exit on Nells Rock Road are going to lend cars to come to Buddington Road. It is going to impact those people that live behind there. It is going to be a dangerous situation in the wintertime. There is not enough room there to (inaudible)...If there is a snowstorm or something (inaudible...) there are going to be people backed up there. He thinks that the situation is dangerous.

Mr. Panico stated that the enlarged map that he requested was just given to him a half an hour ago.

Comm. McGorty indicated that he thinks the entrance off of that works well. He doesn't like the exit because of trucks coming out and taking up (inaudible)... but if they can relieve the pressure from the intersection and let people that want to get in, get in.

Chair Parkins commented that she thinks that eliminating that entrance and the right turn in is not going to make a difference, one way or the other on Buddington. If people are going to come down Buddington, they are going to come down regardless if that entrance is there or not.

Mr. Panico commented that this is the one that (inaudible)

Comm. Sedlock stated that they are more apt to go on Mill Street which he lives on. He doesn't want more traffic on his scenic road but in theory, they should be using Commerce, but they won't.

Mr. Panico stated that the traffic is going to predominantly come down Nells Rock Road.

Chair Parkins added that she agrees.

Mr. Panico stated that Buddington Road is not going to see much additional traffic because of this development.

Comm. McGorty agreed that it would be Nells Rock, Commerce or Mill Street.

Mr. Panico commented that it is Nells Rock Road that is going to create the additional draw and that is dependent upon the nature of the tenants. The worst case scenario with a food related tenant is when they will see the highest increase. If it turns out not to be a food tenant, then they won't see as much. The advantage is, by taking that additional component off, now they have unloaded this intersection even more.

On the drawing, he showed that they've unloaded the exiting truck traffic and they've unloaded the component that otherwise has to come through here, and go down here to get on it. It also eliminates the concerns that were voiced by some of the Commissioners and the public about conflicts between this action and this action.

Comm. Sedlock asked if he was trying to alleviate his fears that an entranceway is not as dangerous as he is thinking that it is.

Mr. Panico responded yes and (inaudible)

Chair Parkins commented that it would be a benefit rather than a (inaudible)

Mr. Panico stated that from his point he thinks it would be highly desirable to keep the entrance and consider eliminating the exit.

Comm. Sedlock commented that the exit has to go.

Mr. Panico responded that is up to the Commission but, again, they heard testimony at the hearing by the engineer that the site was designed so that their trucks could circulate internally and that all the turning radii were adequate for the trucks to come down and leave over here.

Chair Parkins commented about that resident's point about Shop Rite in Derby, she never really realized that you can enter in where that bank is next to Kentucky Fried Chicken, but you can't exit out that way. There doesn't seem to be much of a problem up there.

Mr. Panico indicated that the other traffic element that he personally does not support is the dead end.

Chair Parkins commented that she was confused about the right turn (inaudible).

Mr. Panico used a site map to explain that if someone wanted to go to Blanchette's – and if the State makes that a dead end – then they would have to go down to the end of Access Road and then come back to go to Blanchette's. Or if you're going to Viking Tool, you'd have to do the same thing. He stated that he thought that was an inconvenience to the property owner and the customer.

Chair Parkins asked for clarification about the right turn in. Mr. Panico showed her on the site drawing. He added that - if they leave that in, you can come

down Bridgeport Avenue, go by the traffic light, bear to the right and then be on Access Road. So it would be just one way in.

He explained the exiting side – if someone comes out of Blanchette's and they are heading south, it is not inconvenient for them, instead of making this right turn, to go down Access Road. And if they want to go north, the Applicant has apparently made arrangements for Blanchette's to cross over. They would provide them with the necessary rights-of-way to get through there and out. It would be the same way for Viking Tool. They made arrangements for Viking Tool that would give them the ability to traverse through their property and go out through the signalized intersection.

Comm. Harger asked why the reverse can't also take place – people that want to go to Blanchette's can't (inaudible).

Mr. Panico said that the customer is not going to want to go up and then try to figure out how to get over to Blanchette's.

Chair Parkins added that if they do that right turn, there is no way that they can do the right turn and then speed up to whatever is going to be in there.

Mr. Panico responded no, not really, they wouldn't want to do that – go through a parking lot and then the next parking lot to come back to where they were anyhow.

Comm. Harger commented that at some point, if this whole property gets developed at some point, in sections or whatever, this can all be straightened out.

Mr. Panico responded yes, exactly. It would nice, and maybe this could be moved further down, he thinks he would ask them to look at the geometry of this. Coming out, the grade wasn't going to allow it, but it could be that without the exiting one, the inbound one can be moved down a little bit further – so they could open up that distance a little bit. He doesn't see a lot of usage of it but he thinks it has to be preserved.

Chair Parkins asked if that island stays there or would they remove the island.

Mr. Panico responded that it won't be necessary anymore. That was only put in to prevent someone from coming out there and making an illegal turn. If they aren't allowed to come out at all then it is not necessary anymore. That was another thing that the DOT didn't want.

Mr. Panico showed the site plan to explain the existing paved travel way of Buddington Road (highlighted in yellow). He explained that the black line was the existing right-of-way line of Buddington Road, which is also the property line on this property. As they can see, Buddington Road is practically on top of the right-of-way line in a couple of locations. The Applicant has proposed to establish –where he highlighted in red line – that's the Applicant's proposal to correct the right-of-way on Buddington Road. And what they establish this by is coming 25 feet off the center line of the existing travel way.

Mr. Panico showed that at one end, they have a 50 foot right-of-way to the existing Buddington Road and that right-of-way gets narrow to the point where the pavement farther down is 20 feet and the right-of-way is at best 30 feet. The average right-of-way seems to be in that 30-32 foot range. With the addition of this right-of-way, it will become 50 feet in some areas but still will not come up to a 50 foot layout. The City Engineer expressed a desire for a 50 foot layout. That is not consistent with past practice. Past practice when they

development of an older road with a substandard right-of-way, the developer was obligated to give a new right-of-way line that was 25 feet back from the center line of the travel way. The presumption being to let the people on the other side give up a little to make the 25 feet on their side work – and then you have your 50 foot right-of-way.

Mr. Panico commented that he personally had a little concern, it doesn't drastically impact the plan, but he would like to see a 50 foot right-of-way from there carried up past this first curb. The reason being because the intersections are where you need control – that is where you need width and where you need to be able to control vehicles. That would allow the City, if need be, at some time, to make a minor improvement in there, get an adequate right-of-way. They heard some testimony about a school bus being stopped or something.

Comm. Sedlock stated that a man brought in pictures in of a school bus and another car there.

Mr. Panico responded yes, he could see that if a school bus stopped there, no one is going to get by it.

Comm. Sedlock commented that when a school bus is starting up again, a car should be able to pass it if you have to. You cannot do it on certain spots of that road as it exists now.

Mr. Panico stated that the next thing was the discussion about buffer and that is where he was really quite confused. They did not have information about the nature of the soil conditions through there. They are making assumptions that this area which is going to be called a rock face or a wall because they don't have enough room to completely grade it down. But that grading goes right up to the new street line.

Mr. Panico moved over to the landscaping plan, many of the plantings that they show are really going to be in land that is going to be conveyed to the City as open space. The effective buffering, which is the buffering at the top of the slope in that additional right-of-way area. If the City were to turn around and make

End of Tape 2A 9:37 p.m.

improvements in the width of that road, the screening is going to be in conflict with it and it could easily be eliminated. He stated that they need to talk about whether they have enough room up there to do a proper and effective buffer and screening because he thinks it is important right through there.

Mr. Panico stated that he also thought that they need to talk about, with 20-25 foot cuts in through there with the slopes, they need to have some security fencing of some sort. It needs to be protected so no one accidentally wanders over it. That is a relatively minor component but it has to be done and he's sure that they realize that.

Mr. Panico indicated that they have the issue of what do they do back there. Do they have enough room or don't they have enough room? At one time there was some feeling that the building ought to be pulled forward a little bit. And there was also some discussion about whether circulation back there ought to be two-way or one-way. He doesn't have strong feelings about it except that this, if this is not going to be an exit over here, then maybe two-way is good back there. They should understand that he tried to make some estimates but roughly for every 10 feet that you move the building, it is going to cost the site a minimum of 25-30 parking spaces, maybe more. That translates into about 6,000 square

feet. He stated that he wanted to check his notes because this is based on the 5 per 1000.

Mr. Panico confirmed that a 10 foot shift would eliminate 25 -30 parking spaces at minimum and that is equivalent to a loss of 5,000-6,000 square foot floor area.

Chair Parkins asked if they couldn't do the same thing by eliminating these spaces back here.

Mr. Panico responded yes, you could. They just need to decide what it is that they are trying to achieve and then turn it back to the Applicant to work out the solution. He can help them in what he thinks it might mean to the plan to prevent them from doing something so drastic as to destroy the plan. That is what they have to balance.

Comm. Harger asked if that whole rear wall were to be brought forward, what would they be talking about in regard to the loss of square footage.

Comm. Pogoda stated that he had concerns basically, as Joe alluded to, that there isn't enough buffer on Buddington Road for those homes there. The point was just brought up about bringing the building forward a little bit thus possibly giving them a greater buffer, and with the City or whoever, to possibly widen that road.

Comm. Pogoda indicated that he drives that road every day, he uses that road constantly and he has seen the problems in the wintertime when plows start pushing snow off to the sides. At times it is rough for two cars going slowly to get by each other. This curve, which is not going to be realigned – he knows that there is going to be a curve. Right now with the rock out crop and the trees there, you don't see what is coming and, again, speed is another issue. That is one thing that he thinks has to be looked at. He can't see approving it without a greater buffer onto Buddington.

Comm. Pogoda commented that they have talked about this – he was not for either one – the ingress or the egress. He can see where they are coming from with the ingress but he can't see the egress. He would not feel comfortable approving it with that.

Comm. Pogoda commented about what had been brought up about Access Road and not making that a dead end. He doesn't feel that way because down the road something is going to happen with that end of the property. Viking Tool and the other businesses down there are going to need access to get in there. He doesn't feel comfortable with closing it off the way DOT wants it.

Mr. Panico asked Comm. Pogoda if he did not want to see anything there.

Comm. Pogoda responded that he didn't initially. He thought it was going to be a problem. He'll listen to some more of the discussion. Ingress, taking the traffic off – he knows what this looks like in the morning right now. He knows what it looks like with just the snow the other day. He doesn't know if that will help that intersection over there.

Mr. Panico commented to everyone, not just picking on Comm. Pogoda, that they can't frame their thoughts and actions based upon what that looks like today. He asked them to think back to when they were looking at Split Rock. They could never visualize that on that intersection the way that it existed back then. Today it is 7 or 8 lanes wide - not that this is going to be 7 lanes wide though.

Comm. Pogoda responded that it is not going to be anywhere nears it and it's not that type of road.

Mr. Panico commented that it is going to be 3, or 4, maybe 4 ½ lanes wide.

Comm. Pogoda responded that it is going to be 3 lanes on one side and then one lane – they aren't going to get another lane out of there.

Mr. Panico commented that it is going to be three lanes exiting and they've still got one lane coming in plus the blend.

Comm. Pogoda responded that it's just one lane. They just aren't going to get another lane out of there. They just aren't going to get it.

Mr. Panico commented that there is no reason, they aren't going to want it.. (inaudible).

Comm. Pogoda responded that he's correct about that – they aren't going to need another lane coming off of there. You just take that right turn or that left turn. As long as this is made with the additional lanes made wide enough for making turns– that is going to be critical. That isn't up to him anyway.

Mr. Panico added that the DOT won't approve any ten foot lanes.

Comm. Pogoda commented, that in regard to whether this is too intensive for this site, he personally does not envision that building in the back there –get rid of that coffee/donut shop. He's not going to say that they have too many coffee/donut shops but he doesn't envision that building being there. As to the other building, he isn't certain either. He isn't going to say that they just don't need another bank, but... He really just can't envision that building being in the back there.

Mr. Panico indicated that he was going to try to give them what he thinks goes through the developer's minds. It is very difficult to accommodate any kind of drive-up on a main building like that. If they are going to try to have a tenant that requires some kind of a drive-up window, they usually have to set it aside where it can be handled. It can't be handled on the big building but he isn't saying that he agrees or disagrees. He just thinks that is the rationale and that is a dead corner where they can work that out without interfering with the traffic flow of the shopping center.

Comm. Pogoda responded that if that was going to be a coffee shop and if, they don't really know, but if this was going to be a supermarket – there is going to be coffee inside there. He doesn't know a supermarkets that doesn't have a coffee shop inside of it. How many coffee shops do you need?

Mr. Panico asked how many coffee shops really survive in supermarkets though. Stop & Shop has closed up their Dunkin Donuts. There are fewer and fewer of them in Stop & Shop. It is really for the convenience of the shopper.

Comm. Pogoda responded again, that his opinion, they should get rid of that building. He's not comfortable with that one.

MR. Panico commented that what it does – the positive that it does, is to promote the marketability of the smaller outlet stores that face that parking area by bringing traffic by their front doors. It could be a dead corner without the coffee shop activity back there.

Comm. McGorty suggested taking the proposed bank building, shifting it up a little because the buffer is going to be the key. He suggested moving other structures and eliminating the proposed donut shop to shift everything up a little bit because once they get in there, they're going to lose a lot of trees and that will be an issue.

Mr. Panico noted that he didn't think that they were talking about a big shift. If they had 10 feet of buffer on their real estate, where the City can't come in and cut the trees down, he would feel a lot better about it.

Comm. Pogoda commented that the City did a pretty good job of cutting down the trees that were there already. That was due to the Fire Department but there were some big trees, nice trees that could have been left there – and now they are gone.

Comm. Flannery responded that they really don't know if the Fire Department did that or not.

Comm. Pogoda stated that yes, they did. They were there one weekend and they are going to burn this weekend, this Saturday and Sunday.

Chair Parkins commented that the property was conveyed to them. It was their property when they cut them down.

Comm. McGorty commented that they had to take them away because it was a dangerous situation.

Comm. Pogoda asked if they proposed or thought about putting an entrance in here...

Comm. Harger asked if he meant one that was more central.

Comm. Pogoda responded no, but another entrance/egress versus the one on Nells Rock. It wouldn't have to be signalized.

Comm. Harger commented that the Department of Transportation wouldn't (inaudible)...

Comm. McGorty commented (inaudible)... the more that they can relieve that intersection the better... (inaudible)...

Comm. Pogoda asked where the traffic from upper Huntington, coming down Huntington Road would have the easiest ingress to this shopping center. Is it going to go all the way up Huntington Street to Commerce and down to Bridgeport Avenue versus going down Buddington Road? He asked why anyone would go all the way to Commerce.

Mr. Panico said if you're coming from upper Huntington (inaudible)...

Comm. Pogoda responded no, if you're coming down Ripton Road...

Mr. Panico responded that if you're coming down Ripton Road then you're better off coming down here.

Chair Parkins indicated that she would - if she were in Huntington Center, she would come down 108 to Nells Rock Road. She would not (inaudible)...

Comm. Pogoda stated that if coming down Ripton Road, you don't get involved on the green (inaudible)

Mr. Panico commented that he's talking about one little loop (inaudible)...then let's revamp the green.

Comm. Pogoda indicated that you've got to make the loop – go around Huntington Center and what does that do?

Mr. Panico responded that it's only one short block around the loop.

Comm. Pogoda commented that one short block there – on a Saturday – is like a zoo.

Comm. McGorty brought up the egress – having just a right turn in and not having any left turn here...

Comm. Pogoda commented – definitely no left turn.

Comm. Harger agreed no left turn. Just a right turn in coming down.

Chair Parkins stated that she thinks that has been pretty much the consensus that they've heard. Not only from the Commission, but from the residents.

Mr. Panico commented that it has to be designed so that you can't do that.

Comm. Pogoda agreed that they have to make it so you can't come in – put a real big (inaudible)...

Chair Parkins indicated that they were all pretty well decided on that one.

Comm. Harger asked about the idea of taking out that free-standing building in the front, positioning it somewhere else and shifting everything down.

Comm. McGorty commented that it's the space, like Tony said, they need like 10 or 15 feet.

Mr. Panico responded that he thinks they could do it with 10. If he kept the grading just the way it is now and slid everything 10 feet this way – now they'd have 10 feet of level area above the existing grade.

Comm. McGorty asked if it would be one-way traffic behind there.

Mr. Panico responded that he didn't know – he didn't talk about that because (inaudible).

Comm. McGorty asked if you would lose parking (inaudible). He understands that (inaudible)...

Mr. Panico indicated that in order to move this down- and the way he came to his count was that you'd have to take one car space coming right across and then this can come down, it would have to be shifted and moved around a little. That's why he said it was in the 25 -30 range.

Comm. Pogoda asked if he said that they were over abundant in the parking.

Mr. Panico responded no, they have 25% more parking than the original proposal that they saw.

Comm. Pogoda pointed out a knob on the site map with a good buffer with a home near it.

Mr. Panico responded that he didn't think that they could save that whole knob.

Comm. Pogoda stated that if they could save some of that knob, and some of the trees over there – if they took something out here and picked up some parking spaces in a couple of other locations – they could try to leave some of the natural features that exist here already. He doesn't know if that is a possibility.

Mr. Panico responded that when they had this proposal before them the first time, he was looking at that because there was a lot expressed about that back then, however, he not did hear much expression about it this time.

Comm. McGorty asked if the spaces shown were after they make the cut but (inaudible).

Mr. Panico took out a different grading plan.

Comm. McGorty suggested losing some spaces where it is most critical near some of the houses and preserving that shoulder.

Mr. Panico commented that they'd be losing a lot of spaces.

Comm. McGorty asked if they were really servicing anything there though. Is there access (inaudible)

Mr. Panico responded that there are a lot more spaces there than 25 or 30.

Comm. Pogoda commented that nobody is going to park back there (inaudible)...

The Commissioners continued to discuss moving and losing parking but it was inaudible.

Mr. Panico used a different plan to show the grading and where the constraints were. He showed where grading goes all the way down to the new property line, the new right-of-way. That means that they have got to rely on plantings that are going to be planted on that 2:1 slope to be big enough so that in a reasonable amount of time they will create a good buffer.

Mr. Panico indicated that in the meantime they are going to have to plant in the new right-of-way and hope that the ones behind it get mature enough before the City knocks out the other ones. It is a lot of ifs.

Comm. Harger stated that the priority is to create more of a space back there. Then obviously the back wall of that building has got to be moved up.

Mr. Panico responded that is the only way that he can see creating a more reasonable buffer strip up at the Buddington Road level. Understand that Buddington Road, up in there – based on a 30 foot building height that they told us, on that floor elevation, puts the roof at about 310 and the road through there at about 315. So the roof is about 5 feet below that piece of the road.

Mr. Panico showed that this piece of another building comes up so that it is a little bit less but the building height is shorter so it is about the same relationship. Another building comes up even more but the road is a little bit lower so, depending upon how high the buildings are, it is about the same relationship – about 5 feet below.

Again, he says that they have to understand what the architectural looks like and if the buildings were to be actually developed - he showed the architectural

drawings to explain that some buildings go up 37 feet, another element is at 23-24 feet, the large building is 23 feet with a feature that sticks up 33 feet.

Comm. McGorty asked how far that was from the back ledge.

Mr. Panico responded that is on the front of the building.

Comm. Harger stated that it (inaudible)

Mr. Panico commented that there is a lot of undulation in the roof line, which is good because he thinks it makes the place attractive instead of a big, massive flat roof situation. And a feature like that is fairly significant – it's up around 43 feet to its peak and it's about 33 feet to that ridge line. Again, that is to say that it is not the final design but it is a façade treatment.

Chair Parkins asked about what the back of the façade looks like.

Mr. Panico commented that he thinks that the undulations are good and it's got enough depth that it's not a stage front effect. He suggested that they go down to Orange if they want to see something like it.

Mr. Panico showed the enlarged map that he received from the Applicant. He explained that they have to set the parameters right now. And then the advantage that they'll have is if they get by the first step, then proceed to get tenants and start working on detailed plans.

By that time, they will know what they are dealing with up there – how far they have to go before they hit rock. It could turn out to be that rock is closer to the surface and they don't have the amount of overburden. In which case, that rock cut, the shaded area, what they think is going to be their rock face or a retaining wall- it could be that the rock face goes higher and this grading now stops a lot quicker. They don't know until they have that – they can't rely on it. He thinks that they have to take the safe way out and establish the parameter of what they want. If they want a minimum 10 foot wide graded, level buffer strip along the new right-of-way on Nells Rock Road, on their property, then they have to say it, so that they know what they have to design to.

Mr. Panico stated that they have to establish the parameters now and that would apply whether it was this plan, or a different building or a different tenant – that is still a requirement. So, if they say that Nells Rock Road is egress only, then they have to design to that. They go with the Commission's action. It is not a condition of the zone change because you can't condition a zone change. It is a condition on the initial development plan and if they can't satisfy those and when they bring them back, then they have to go back to square one if it is an entirely different plan. If you don't like it, deny it. It is important that everybody is coming from the same place.

Chair Parkins indicated that it was 10 p.m. and about their limit.

Mr. Schultz indicated that Staff will meet with the Applicant to digest the comments.

He reminded the Commission that on the 30th they'll have 3 public hearings, 2 in-law apartments and then a continued discussion of this application.

ADJOURNMENT

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to adjourn at 10:10 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission