

Ms. Calandro responded yes, they would come inside to get it.

Mr. Schultz asked her to elaborate on the location of the dumpster/refuse use.

Debra Falco, 10 Ticon Court, Shelton addressed the Commission. She indicated that it was located in the back of the property but will most likely be moved further away from the building. It is presently located directly behind the building to the left side in the corner. It will most likely be moved to the right side further away from the building. They will probably need to have a larger one or maybe two for recycling.

Comm. Pogoda indicated that the dumpsters would need to be placed in an enclosure. It has to be fenced in with the gates closed. They have to make sure that they aren't taking away any of the parking.

Ms. Falco indicated that there is a location in the very far back right corner for the dumpsters. It is presently taking up about two parking spaces. So, it will open up two spaces but close up two other spaces.

Mr. Schultz asked them to show the Commissioners the stairwell that goes to the apartments upstairs. They showed the location on the site plan of two different stairwells to the upper level. Ms. Falco showed the location of a new door that they just recently installed that goes down to the lower level and in the lobby there is a stairwell to the upper level.

Mr. Schultz indicated that there are two means of ingress and egress to the apartments from the front and from the rear.

Mr. Panico asked where the primary entrance to the restaurant was located.

Ms. Falco responded that it would be the front on Center Street and they can also go out at the side door.

Comm. McGorty asked if the parking spaces were already laid out and aligned.

Ms. Falco responded yes.

Comm. McGorty asked if the back row angled away at the right side and if there was room enough swing around there.

Ms. Falco responded that there was enough room.

Comm. Pogoda asked if the concrete island was going to be removed.

Ms. Falco responded that is where the former drive through was located and no, they don't (inaudible)

Comm. Pogoda asked if all deliveries would be in the back.

Ms. Falco responded yes.

Mr. Panico asked if the Center Street accessed into the lobby and then into the restaurant.

Ms. Falco responded yes and showed the lobby area going down to the lower level and into the restaurant and a main lobby entering into the restaurant.

Mr. Panico asked if that is shared with the residents as well as the restaurant.

Ms. Falco responded yes.

Mr. Panico asked how the customers would enter if they came in from the parking lot. He asked if the door marked Emergency Exit was actually a service door for the kitchen.

Ms. Falco responded yes.

Comm. Pogoda asked if there was a separate door leading up to those stairs.

Ms. Falco responded that it was open – there is a security door at the top of the stairs.

Mr. Panico asked if it was all one floor and if there was a center hallway.

Ms. Falco responded yes, and there are only five apartments upstairs.

Mr. Schultz indicated that he'd like them to work with the Downtown Subcommittee because they have the sidewalk there and they do allow projected signs. He indicated that he'd contact them about the next meeting.

Mr. Panico asked what the purpose of the lower level was.

Ms. Falco responded that they have a temporary tenant there – a church. Their lease is up at the end of June 2011.

Mr. Panico indicated that they had to be certain that the lower level tenant was leaving in June because it would affect the parking.

Ms. Falco responded that they would definitely be out by June 30th. It doesn't conflict anyway because it is Sunday morning.

Comm. Pogoda asked if they had any intention of expanding into that lower level.

Ms. Falco responded that they weren't really sure. It would just be for an office. They wouldn't use it to make the restaurant bigger or anything.

Mr. Panico asked about the future use of the lower level, where the church is now located, and if they planned on renting it out.

Ms. Falco responded that it would most likely be for the building owner's usage or for restaurant storage, not to utilize it for anything else.

Mr. Panico commented that if they have another tenant then they'll have to come back and discuss it with the Commission.

Ms. Falco indicated that she understood that.

Mr. Schultz asked if they have counted the number of curbside parking spaces in the front.

Ms. Falco responded that directly in front there are about five.

Mr. Schultz commented that they have 30 spaces on site, less 5 for the residents plus 5 curbside – which isn't always guaranteed though.

Mr. Panico asked what the restaurant capacity would be.

Ms. Calandro responded that it would be 70 to 80 seated.

Comm. Harger asked if the packaged foods would be made there.

Ms. Calandro responded yes, although some canned items wouldn't be.

Mr. Panico asked if the take-out was a high volume of the business.

Ms. Calandro responded that they anticipate that it will be about 25% - the sit down would be the majority of their business.

Mr. Panico asked if it would be full meals or pizza type of stuff.

Ms. Calandro responded full service restaurant.

Comm. McGorty asked if there were spaces dedicated for take-out only.

Ms. Calandro responded no.

Mr. Schultz asked if they had a full liquor license.

Ms. Calandro responded beer and wine only.

Mr. Panico asked if there would only be table service of it.

Ms. Calandro responded yes.

Mr. Schultz asked if they had submitted anything for signage yet.

Ms. Calandro responded no.

Mr. Schultz indicated that they could work with the DSC on something unique because they do allow projected signs.

Comm. Pogoda asked if the parking spaces for the tenants properly marked.

Ms. Calandro responded that yes they are assigned with apartment numbers.

Mr. Panico asked if the canopy and the island from the bank were gone.

Comm. McGorty responded no.

Mr. Schultz indicated that a lot of the particulars can be taken up with the DSC. He asked about their lighting.

Ms. Calandro responded that there is lighting in the front and signage in the front that lights up. There are several pole lights and two lights on the building.

Mr. Schultz asked if she thought what they had was adequate for public safety.

Ms. Calandro responded that she thinks yes, it is but she'd like to add some more.

Mr. Schultz responded that they can take that up at the zoning subcommittee level. He asked about lighting in the parking areas.

Ms. Calandro responded that there is lighting but they've been talking about adding more. Right around the immediate building it is well lit but it is a little bit

dark in some areas where there is just pole lighting. They want to add more there.

Mr. Panico asked if they were open 7 days a week.

Ms. Calandro responded that they would be closed on Mondays.

Mr. Panico asked if they would be open for lunch also.

Ms. Calandro responded yes, they would be.

Comm. Pogoda asked if anyone from the audience had any questions or comments regarding this application.

Margaret Miles, 130 Center Street, Shelton addressed the Commission.

Ms. Miles indicated that she just wanted to make sure that there would be no outside patio or bar. Her other concern was the dumpster, because she is concerned that it is going to be moved right outside under her kitchen windows. She certainly doesn't want to smell rotting food from her kitchen. She thinks that where it is presently located is an ideal location because it is up against the old Russell Linen brick building. It is also easier for the trucks to back in there early in the morning.

Mr. Panico responded that more than likely that is the direction that the dumpster will go – towards the Russell Linen building – just from the point of view that the site best functions. They don't want to take away valuable parking spaces from their site.

Mr. Schultz asked for the green cards and noted for the record that notices were sent out and these are the return receipts.

Comm. Pogoda asked if there were any other questions or comments regarding this application.

Ron Pavluvsik, 287 Eagles Landing, Shelton addressed the Commission.

Mr. Pavluvsik indicated that he frequents a lot of the establishments in that area and it always seems like there is a lot of traffic congestion there. It seems like they have enough onsite parking for their customer base, but if that take-out percent of 25% is really 30% or 40%, depending upon the type of food served, it could generate a lot of traffic on top of what is already there. It is a very congested area because some of the local businesses were apparently approved without adequate parking in the past. He suggested that vehicles coming out of their parking lot be required to make a right turn only toward Howe Avenue.

Chairperson Parkins arrived at 7:25 p.m.

Comm. Pogoda responded that it is almost impossible. They could post it but...they aren't going to...

Mr. Pavluvsik asked if that could be a condition of approval that a sign be posted. There are a lot of other shopping centers with signs. They can have concrete placed to force vehicles coming out of that parking lot to take a right turn toward Howe Avenue instead of against the grain of traffic from upper Bridgeport Avenue. He indicated that it was just a recommendation.

Mr. Panico responded that they could certainly discuss it with the Chief of Police.

Dan Simonetti addressed the Commission. He indicated that he had property across the street – comments inaudible.

Comm. Flannery commented that she was glad to see more businesses coming to the Downtown area.

With no further questions or comments, Comm. Pogoda asked for a motion to close this public hearing.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to close the public hearing for Application #10-20.

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

Comm. Harger read the call of the hearing and two pieces of correspondence.

***See attached correspondence dated 11/22/10 to Richard Schultz from Fire Marshal, James Tortora.**

***See attached correspondence dated 11/30/10 to Richard Schultz from City Engineer, Robert Kulacz**

James Swift, P.E. and Landscape Architect representing the Applicant addressed the Commission.

Mr. Swift submitted the certificates of mailing. Mr. Swift stated that this parcel was last seen by this Commission with another possible user sometime last year. He explained that the site is located on Waterview Drive with Pitney Bowes across the street, a multi-family residential development to one side of the site, the Hubbell parcel and Coram Road along the back of the parcel. The parcel is 9.5 acres. It is in a light industrial park zone. He showed the location on the plan of a 100 foot buffer area that was designed in this subdivision under its original submission that runs along Coram Road. There are effects of that on the Hubbell parcel and their parcel.

He showed a rendering of the proposed building and explained that the proposal was for a two-story building. The building is one story as viewed from Waterview Drive and two-story toward the back. He showed some additional drawings. The footprint itself is 45,684 square feet for each floor with a total on both floors of approx. 91,300 plus. There is absolutely no access up Coram Road and that buffer is intact. There is no provision for any kind of access out in that direction.

Mr. Swift indicated that they are proposing 256 parking spaces at this point in time with one lot to the front of the building and one lot to the back. It will give them almost three spaces per 1,000. They are going to plan a little bit for the future because they have an area to the side of building that could hold another 98 parking spaces. They are going to complete the preparation and grading work for that area but not build the spaces; so they will have the possibility for that in the future. The reason that they are doing it now is because they want to make sure that when they construct their buffer adjacent to the Rivendell condominium project, they can install that buffer, get it in and get it growing and, if and then, they do anything with that area, there won't be any requirement to survey along that buffer line. The 100 foot buffer is respective in all respects along Coram Road.

Mr. Swift indicated that this was an old development and there is a lot of pavement and not a lot of trees everywhere. There are some locations where there may be requirements to plant. He showed where some trees would be strategically placed, if and when, they find the spot where they need it. He

indicated that there are notes on the drawing required by Staff that more plantings may be required if necessary.

Mr. Swift showed the corner of the site where the storm water detention basin is located. He said it happens to take both the Hubbell parcel and this parcel.

He showed a location that he referred to as the most sensitive area along Coram Road where they are going to try to leave as much of the existing vegetation that they can along that line. A lot of the vegetation is on the Rivendell Condo side and there is a good dense double row of evergreens along that line.

He showed the high point and low point of the grading on the site and indicated that the building was about in the middle. He showed that the Rivendell Condos are lower than most locations on the site so that blocks a direct look into the site. He explained that is why they want to prepare the site first, get all the grading and landscaping and evergreens and have it completed.

Mr. Swift showed the flow of the storm water drainage on the site. He explained that this was recognized when the overall subdivision was constructed and there are easements through Rivendell parcel that were part of that. The pond is designed to take all storms – 2 through 100 year storms for the increasing run-off in that direction.

The Coram Road area is naturally protected from any kind of erosion or any kind of storm water, large storms. There is a ridge line that meanders in through there so that they don't have any concerns there. He showed the location and direction of other drainage swales in the area.

All utilities exist at the site – sanitary sewer, water, electrical and are available on Waterview Drive. He explained the sanitary sewer connection mentioned by the City Engineer. There is an existing sanitary sewer line that extends onto their site and they have verified that they have rights under the original subdivision plan. There were easements filed at that time for their drainage discharge and their sanitary sewer discharge. They have a full erosion control plan. He explained that the erosion control was very straightforward on this site because of the flow of everything to the very substantial detention pond.

Mr. Swift indicated that he did want to address some of the points from the City Engineer's letter. As the Commissioners may be aware, as of September 9th there is a new ordinance for storm water management and that is what the City Engineer is referring to. There is a layer of forms to report on how things are done, what to take into account, and it is a lot more descriptive as to how to proceed. That ordinance is probably going to require them to do a few more things on this site. They have covered most of those things including catch basins and things of that nature. There are a few more things that they have to go over with the City Engineer to make sure that they comply.

Mr. Swift stated that this is an ordinance with stated goals that they need to do and they will do them. They do not effect, for any intents or purposes, what this Commission is looking at because they are all by default underground things. Anything that has to be done to modify the plans at the request of that ordinance is likely going to be in regard to catch basins, modifying the detention pond in some fashion and things of that nature.

Mr. Swift indicated that as far as he knows this is the first application that the City Engineer has thought to require that ordinance to apply. They do have a little bit of a learning curve with the City Engineer but he is confident that they will do that. It is an ordinance and they will comply with it.

Chair Parkins asked when the ordinance went into effect.

Mr. Swift responded September 9th – actually 30 days after that – about the time that they were (inaudible). He stated again that there is nothing in that ordinance that is in any way, shape, or form going to interfere with this. They just need to figure out a few more details for the City Engineer.

Comm. Flannery asked what the use of this building would be – an office building, a factory or storage – what is going to be there?

Bob Scinto, Offices in Shelton addressed the Commission. Mr. Scinto indicated that it is going to be a two-story building. Basically, the first story is going to be a little bit higher than office stories. Normally, he goes about 13 ½ feet for an office spaces; this one is going to be about 15 feet. These windows are going to be about 10 feet high. The whole top floor is going to be devoted to offices. They actually have – the reason he is here – the other tenant that he was trying to get in there – Farrell, was owned by a German company and they decided that they didn't want to make an investment in the United States so they pulled the plug on the project. The three tenants that he has looking at it are all German companies too. The top floor is a paint company that makes and designs chemicals to put into paint to prevent rusting. They sell to all the paint manufacturers. That company has been with him for almost 12 years and he is moving them in from Trumbull.

The first floor of the building is going to be 20 feet with 18 feet underneath of steel. It was designed so that he could get that manufacturer-type of tenant who wants to get some warehousing, sales force. He has two tenants that are looking at it that want to have a showroom, import products and distribute them. They wanted to have a nice looking building that also has loading docks. So the first floor is totally different with 20 foot ceiling heights. Basically, he started the building because the site is so difficult. He couldn't wait to find someone to fill the building. There is no one – they need a particular buyer for this site. It is a difficult climate out there and he wanted to keep people busy. This building will keep people busy because he has a space on the ground floor which is totally different than all the other spaces – it is not an office space. It is an R&D space. He feels comfortable.

Mr. Scinto indicated that he moved Martin Plastics into Shelton at 88 Long Hill Crossroads. He had to do a lot of improvements to that building and through that experience he learned that there are a lot of tenants looking for that type of space with high ceilings but nice-looking. He has tried to give them a terrific looking building. This precast is going to be the same limestone color as Hubbell and the glass is going to be the same quality as Hubbell. It is going to be a quality design building. Mr. Scinto noted that they kept it as far away as they could from the condos. Also, the floors are very big; it is a 40,000 foot floor. He indicated that he chopped it up in four ways and put in two elevator banks. He is hoping to find tenants that need warehousing, manufacturing but still want a nice office – those are going to be his tenants.

Comm. Pogoda asked about the paint company tenant and if they are going to be manufacturing the paint there.

Mr. Scinto responded no, they'll have some chemical labs there for R&D.

Comm. Pogoda asked if he intended to have a generator station as he did at Hubbell.

Mr. Scinto responded that they are not going to put a generator there because it is next to the condos and he doesn't want to put anything there which may affect the noise level.

Chair Parkins asked if that R&D would require any type of equipment on the roof.

Mr. Scinto responded that the labs would just have boxes to circulate the air.

Mr. Swift indicated that for clarification, they were not sure about the generator at the time that they made the application. But they confirm that the electrical is coming in from the other corner, so if there were a generator at some future date, it would be completely away from the condos.

Mr. Scinto indicated that he had a problem because he wanted to put a generator here – because a generator is a great selling point. But when they put a generator in a building they can only have one electrical meter. He wants these tenants to be on their own meters.

Comm. Pogoda asked if the main entrance was going to be at the side of the building.

Mr. Scinto responded that there would be two entrances – one in the back and one in the front. He indicated that one of the entrances would be similar to Hubbell.

Mr. Scinto commented about the traffic comments in the City Engineer's letter. They did all the improvements that they had to do for the first STC permit that they have. The thing that he is speaking about is – in 2000, he wrote a letter to the Condominiums saying that they planted too close to the intersection of Waterview and Commerce Drive and Bob wanted some of it pulled back. He stated that was not a part of his STC work. He had to do some improvements out on Route 8 which he did. Mr. Scinto stated that he received Bob's letter and they have a meeting scheduled with the condominiums because they have to go out and figure out how to pull that back and get it done.

Comm. Pogoda asked for clarification about the loading dock area location.

Mr. Swift responded that is the area that Mr. Scinto referred to as being divided into quarters.

Mr. Scinto explained how he would divide the building so that there could be one 20,000 foot tenant with a loading dock and then he has the option of putting two 10,000 foot tenants on the other side.

Comm. Pogoda asked if at this point, he only had one signed tenant.

Mr. Scinto responded that right now, yes, he only has one signed tenant for upstairs.

Comm. Pogoda asked if he could then have just one tenant in the entire downstairs or he could split it.

Mr. Scinto responded yes and he feels confident that he rented that building at 8 Long Hill Cross Roads so he thinks he'll find tenants.

Chair Parkins asked Mr. Swift how he would be prepping the area that he indicated he would be grading for future use.

Mr. Swift responded that it would be grass and the buffer there would be evergreens.

Mr. Panico asked if he would be planning to put drainage in that area yet.

Mr. Swift responded that there is drainage in that area and they have drainage up at the top. If necessary, he might run another basin up there.

Mr. Panico commented that it looks like a large area to have just one basin.

Mr. Scinto responded that if they pave it, then they will put more drainage.

Mr. Swift added that generally a basin will take about an acre but he may run a pipe up through there.

Comm. Pogoda asked if the lighting would be similar to what he has at Hubbell.

Mr. Scinto responded yes.

Comm. Harger asked about the trash removal.

Mr. Scinto responded that the dumpsters that they would have would be around the back of the building to get them out of the way.

Mr. Panico asked if this has to go back to STC again.

Mr. Scinto responded that the reason that he is asking for them to vote on it this evening is because he has to go back and get another STC permit even though he had one for Farrell.

Mr. Panico asked if, as part of that STC permit, he will have a traffic report going with it.

Mr. Scinto responded that was correct.

Mr. Panico commented that would then address the City Engineer's comments about that.

Mr. Swift added that they can't make that application to the STC until this Commission takes action.

Chair Parkins asked what the outcome was of the traffic report done for Farrell.

Mr. Scinto responded that he didn't have to do anything on that application – there was no work required and he expects the same thing on this one.

Chair Parkins asked about the City Engineer's comments about the right turn and left turn lanes on Constitution Boulevard South – aren't they already there?

Mr. Scinto responded that yes, there wasn't a lot of work so he just widened it and restriped it – so that was done.

Chair Parkins stated that they would open the discussion for public comments or questions.

Ann Walsh, 189 Coram Road, Shelton addressed the Commission. Ms. Walsh indicated that she was a neighbor of this building and she was here last time when the Hubbell building was going up. The buffer is there although it has been thinned quite a bit. At the last meeting they were promised white pines

that were not put in and she was wondering if they would be put in because the buffer is very thin. She commented that Mr. Scinto's building is very beautiful but she sees it too clearly when the leaves fall off of the trees. She wasn't sure if the Hubbell building was completely done, but now they are onto the next building and they still have no white pines.

Mr. Scinto responded that she can just call him and he'll meet her out there with his landscaper and see what she needs.

Mr. Schultz indicated that he could coordinate that. He asked about some remaining items on the Laurel Heights property that still need to be cleaned up – shingles, brick, etc.

Mr. Scinto responded that whatever is there will be cleaned up. He just built a road down there so now he can get down there and do some work.

Chair Parkins asked if there were any further questions from the public or the Commission. Since there were not, she asked for a motion to close this public hearing.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #10-21.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #083, RIMMON BUILDERS, LLC, 71 SPOKE DRIVE, IN-LAW

Mr. Schultz indicated that this was tabled from the November 9th meeting. The Commission requested that the Applicant be present and to show some more renderings. He showed photographs of the foundation and the end of the house where the in-law is going. This is a 900 square foot, the maximum, in-law apartment. The dimension of the addition is 30 x 34. He showed the elevation rendering and recalled that the Commission had concerns about the two front doors.

Tom Laliots, 71 Spoke Drive, Shelton addressed the Commission. He indicated that he had the option of putting the front door along side of the existing chimney. He showed where he could position the door.

Chair Parkins asked if the chimney was located at the center of the house.

Mr. Laliots responded yes, roughly.

Mr. Schultz asked if the siding would match the existing house.

Mr. Laliots responded yes.

Mr. Panico asked if they could introduce some trellis work on the side of that stoop.

Mr. Laliots responded that it would have to be at a very sharp angle.

Comm. Flannery asked if the in-law was one or two stories.

Mr. Panico responded that it was one story.

Comm. Flannery asked how, if it is one story, how do you get in.

Chair Parkins responded that there was a stairway – an internal connection.

Mr. Panico added that the addition is in effect, two stories with a basement level portion and then a living portion above it. They are looking at a split entry door that takes you into an entry that steps up to the living area or a few steps down.

Comm. Flannery asked how they get into the main house.

Mr. Panico responded that the floors of the addition will match up with the floors of the main house.

Comm. Flannery asked if the roofs would match up.

Discussion about the roof (comments inaudible).

Mr. Panico asked if the depth of the addition was not the full depth of the main house even though it is offset.

Mr. Laliots responded that it would be set back (inaudible)

Mr. Panico asked why the two ridge lines didn't match up.

Mr. Laliots responded that he was showing the depth because this chimney is pretty much center so that addition doesn't start until 12 feet back.

Mr. Panico asked if it ended at the same back wall.

Chair Parkins (comments inaudible)

Comm. McGorty (comments inaudible)

Comm. Flannery (comments inaudible)

Mr. Laliots responded no, this main house is maybe 24 foot and this is about 30. It extends beyond the back (inaudible),

Mr. Panico commented that it looks better if the ridge lines don't match up.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #083.

SEPARATE #086, MUCCI CONSTRUCTION, 207 DICKINSON DRIVE, IN-LAW

Mr. Schultz indicated that he would pass down the photos to show the existing house. He showed the renderings of the different elevations.

Discussion inaudible (13 mins. cross conversations, hallway conversations)

Mr. Panico indicated that it would be very difficult to argue that corner to corner is sharing a common wall. They would be compromising their standards in the appearance and the sharing of a common wall. He suggested overcoming their adverse reaction to two buildings cut at the corner by bringing it up and losing a garage.

Mr. Schultz asked Mr. Mucci if he wanted to withdraw or approve it with the Commission's conditions.

Mr. Panico asked if he wanted to look for another solution.

Barry Mucci, Mucci Construction addressed the Commission. Mr. Mucci indicated that he went down that road with them and he tried to explain to them about the garage and moving it forward. They don't want to lose the garage. Their daughter and son-in-law are taking over the house with their kids.

Mr. Schultz indicated that the Commission wants to act to approve it with the modifications, accept the withdrawal or deny it, as is.

Mr. Mucci indicated that he would withdraw it.

Mr. Schultz told Mr. Mucci that he would always be available to discuss it.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the withdrawal of Separate #086.

SEPARATE #5622, BRIAN GRIFFITH, 15 COPPER PENNY LANE, HOME OFFICE

Mr. Schultz indicated that Brian is the owner of the building that burned in Monroe. His associate came in at the last meeting. He resides at 15 Copper Penny Lane and will be applying for his federal firearms license and this is for retail sales. He asked Mr. Griffith to be specific about what he will not be bringing in and what will come through his house. He added that notices were sent to the neighbors.

Mr. Brian Griffith, 15 Copper Penny Lane, Shelton addressed the Commission. Mr. Griffith indicated that he was a lifelong resident of Shelton. He was operating an arms and ammunition range at 192 Main Street in Monroe. The facility was lost in an accidental fire. The fire started outside of his facility but they were totally consumed. It had nothing to do with his facility. He is making this application so that he can comply with the requirements of his federal license and close the books. He needs to dispose of damaged firearms and salvageable firearms. He can't do this without a valid license. His license is only good for address specific. He wishes to have his home office listed as the address so that he can complete the business. He has full support of ATF, the federal agency and he has an application in place with the ATF pending Zoning Board approval.

Chair Parkins asked if he had been partners with the man who came to the last meeting.

Mr. Griffith responded that he does gunsmithing and worked as a contractor for him.

Comm. Flannery asked what he would be doing – selling?

Mr. Griffith responded that he would be doing no retail sales. There will be no foot traffic in his home. However, he does need a retail permit to conduct business and obtain a license.

Chair Parkins asked how people purchasing firearms from him are going to get them.

MR. Griffith responded that there are very few firearms that are property of customers at his facility. He is instructed to have (inaudible). Once that is done,

he has many that need to be disposed of dealer to dealer. That is going to be the primary effect of this office. There will be no foot traffic in his house.

Chair Parkins asked if he would be delivering the firearms himself to various people.

Mr. Griffith responded yes, that is correct. They will be shipped out from dealer to dealer in compliance with the federal laws.

Comm. Harger asked if he said that he would have some firearms on his site prior to them being delivered.

Mr. Griffith responded yes.

Mr. Panico asked if this was just an office operation.

Mr. Griffith responded yes.

Comm. Pogoda asked if there would be any munitions storage at the home for these weapons.

Mr. Griffith responded no.

Comm. Pogoda asked if they would just be guns there with no ammunition.

Mr. Griffith responded that is correct; although he has his own personal ammunition. There is no ammunition with this business. He has a locked room with double dead bolt, with digital entry, motion detectors, glass? with 16 zones.

Mr. Panico asked if that room was his office.

Mr. Griffith responded yes, that is his office.

Mr. Panico commented that they need to stipulate that there be absolutely no retail sales at the site.

Comm. Harger asked for some clarification about the retail sales. She asked if he would just be making arrangements, doing that on the computer and the phone with no retail displays or anything.

Mr. Griffith responded that was correct.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5622 with the stipulations regarding retail sales.

SEPARATE #5596, LINDA'S LIQUORS & WINE, 350 BPT. AVE, SIGN

Mr. Schultz indicated that this would be replacing Mega Wine and Spirits. It would be the same colors with channel letters. He added that she is eliminating the graphic (the bottle) from the previous sign. This is for wall and monument sign replacement.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5596.

SEPARATE #5614, WAL-MART, 465 BPT. AVE., EXTENSION OF HOURS

Mr. Schultz indicated that Wal-Mart is a PDD. They submitted for both the Thanksgiving (11/25 & 11/26) and Christmas holidays (12/15 – 12/24) and the hours are extended until 11 p.m.

Comm. Harger asked if there had been any management changes there.

Mr. Schultz responded that yes, there have been. He had to call recently for a noise issue.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve Separate #5614.

SEPARATE #5048, PETER SUROVOV, 113 LONGMEADOW ROAD, RETAINING WALL & BRIDGE

Mr. Schultz indicated that this was a rather unique application insofar as it is in a flood hazard area. The City Engineer and Inland Wetlands have approved it. Essentially, the property owner wants to make some physical improvements to the property to control in part the tributary of the Means Brook that does meander onto his grass area. He also wants to install a foot bridge that goes to an island. And because of the location in the flood havoc area, it does require approval from Inland Wetlands and Planning & Zoning Commissions. All departments have endorsed it and essentially the City Engineer's Office does their computations to insure that the man-made features will not impede the flood carrying capacity of the water. It's like being on the Housatonic, when the new homes are built, they have to be elevated so that the flood waters can flow underneath it if happens. In the same way, these man-made features have to be analyzed and that was done by both the Inland Wetlands Commission and the City Engineer's Office.

Chair Parkins asked if this bridge was up high enough to accommodate the flood water.

Mr. Schultz responded that the water can flow underneath it and it is properly anchored so it doesn't slope down. So they are concerned about flow and it being high enough so that the debris and the water can go underneath it. Collectively, all the structures do not have a negative impact on the flood bearing capacity of the Means Brook.

Comm. Pogoda asked if this is this similar to the bridge that is on Buddington Road as you come out of Mill Street.

Mr. Schultz responded no, this one is going to be a raised arch. This went through the scrutiny of the Inland Wetlands and the City Engineer.

Comm. Pogoda asked if he had anything from them.

Mr. Schultz responded yes, everything is in order; they have letters of approval from both.

Comm. Flannery asked what was there before.

Mr. Schultz responded that this is all natural lawn.

Comm. Flannery asked if he basically just wanted to change his lawn.

Mr. Schultz responded that he wants to put up some retaining walls to prevent the flood waters from interfering with the reasonable use of his lawn area.

Comm. Flannery asked if it affected any of the neighbors.

Mr. Schultz responded no and that is why it had to be analyzed by Inland Wetlands and the City Engineer.

Mr. Panico asked if there was a bridge there presently.

Mr. Schultz responded yes, that bridge was constructed without the benefit of a permit. He added that the stone retaining wall is 3 feet x 2feet, 302 feet long with foundation. It is a built wooden bridge to access land on the other side of the property. He reiterated that there were three things – a 302 foot stone retaining wall, wooden bridge to access land on other side of property and cutting trees close to the water line. He has been held up for over a year by Inland Wetlands.

Comm. Pogoda asked who owns the island.

Mr. Schultz responded that the property owner owns the island.

Comm. Flannery asked why he would want to cut down trees when they absorb the water.

Mr. Schultz responded that was the issue to get this stone retaining wall. There are some trees along the river's edge.

Comm. Flannery asked how many they were talking about.

Mr. Schultz responded that he didn't know the exact number. He doesn't think that it is a lot because clear cutting took place years ago. In that area the lawns have gone right to Means Brook.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5048.

SEPARATE #5626, MARISA'S DELI & BAKERY, 495 RIVER ROAD, BUSINESS & SIGN

Mr. Schultz indicated that this was the deli on the corner of Petremont. The old yellow sign that exists will be coming down and it will be replaced with channel letters that are consistent. Unfortunately, the previous owner did not make it but they have a new occupant with the same line of work and that is why a public hearing was not needed. It would be the same size.

The Applicant (unidentified) showed the signage on the package store next to them. He indicated that their plan is to do the same thing with channel letters – 18 inch letters. They plan to use red with green sides.

Mr. Schultz informed the applicant about the new sign regulations in regard to the large amount of window space that they have. They want to properly regulate seasonal signage.

Chair Parkins asked what the hours of operation would be.

The Applicant (unidentified) responded that they would be open from 8 a.m. to 6 p.m. with Sunday 9 a.m. to 3 p.m.

Comm. Pogoda asked how many tables they would have in there.

The Applicant responded that it would probably be 8 to 10 tables – whatever is there.

Mr. Panico asked if they were going to do baking on the premises.

The Applicant responded no, everything is brought in from a bakery in New Haven.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5626.

SEPARATE #5623, PAT & LAUREL SORRENTINO, 264 SOUNDVIEW AVENUE, FILLING/GRADING

Mr. Schultz indicated that Staff has an ongoing effort for filling and grading projects in town. As they know, there has been a lot of clear cutting with people moving in. Shelton is not a level community. A lot of fill projects are done with and without permits and they are getting a better handle on it and residents are coming in.

He explained that this is a similar situation – 450 cubic yards of fill will be brought into the rear portion of the property. It does drop off to the neighbor in the back. Obviously, they are concerned about sediment erosion control and stabilization. They have two inches of rain coming tomorrow.

Pat Sorrentino, 264 Soundview Avenue indicated that there are no neighbors behind them. It is Town property – he has 22 acres behind him. The number is reduced too by about 100 yards. The first excavator overshot the estimate and they recalculated it to about 250. He doesn't have an accurate number but 450 were way over.

Comm. McGorty asked what the total area was.

Mr. Sorrentino responded about 2 acres.

Mr. Schultz asked what the affected area was.

Mr. Sorrentino responded that it was about 40 x 40, between his barn and the house. He just wants to level it off to put a garden there.

Comm. McGorty asked (inaudible)

Chair Parkins asked (inaudible)

Mr. Schultz told the property owner that he would need to sign a certificate of sediment erosion control when he comes in tomorrow for the permit.

Mr. Sorrentino responded that he already has a silt fence up.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5623.

APPLICATION #10-19, BRIDGEPORT AVENUE FITNESS, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (FITNESS CENTER), 466 BRIDGEPORT AVENUE (MAP 63, LOT 23), 1A-3 DISTRICT – ACCEPT WITHDRAWAL

Mr. Schultz read the letter to withdraw dated November 16, 2010 indicating that the location was no longer available.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the withdrawal of Application #10-19.

APPLICATION #10-23, SALVATORE BARONE FOR SITE PLAN APPROVAL (USED CAR SALES), 61 CENTER STREET (MAP 129D, LOT 53), CA-2 DISTRICT

Mr. Schultz indicated that this is the old Schuster's Garage. He showed the Commission the A2 survey. The applicant is proposing to do pre-owned vehicle sales only and no service. The law is that they don't have to service the vehicles on the subject site but within so many miles. The hours of operation would be 9:30 to 6:30 Monday – Friday, Saturday, 10 -3 p.m., and closed on Sunday. He will utilize the indoor showroom and is looking for 13 vehicles. The previous approvals by this Commission were for 8 vehicles. He indicated that the Applicant was aware of that stipulation but his position is that he is not doing any repairs and can use the inside bays as well. The use is permitted because it is pre-existing, non-conforming; it is a continuation.

Chair Parkins asked when that expired.

Mr. Schultz responded that it doesn't. They went over the expiration issue with Corporation Counsel. The issue is that there has never been any attempt at abandonment.

Comm. Pogoda asked how many vehicles he could fit inside that building.

Sal Barone addressed the Commission. Mr. Barone responded that he could probably fit 6 to 7 vehicles inside.

Chair Parkins asked if he planned to have cars outside.

Mr. Barone responded no, he doesn't do that.

Chair Parkins asked if he would have signs or banners hanging.

Mr. Barone responded no, it won't be like that (inaudible)

Comm. Harger asked (inaudible)

Mr. Barone responded (inaudible)

Chair Parkins asked if they were antique or specialty cars.

Mr. Barone responded that he had some high end, exotic cars and he would like to put some there.

Mr. Schultz indicated that there were 13 designated parking spaces on the subject site. Once again, the Commission has only allowed up to eight but that was for a combination of sales and repairs. The Commission needs to take into consideration how many cars can be allowed inside the building and how many outside at any one time.

Chair Parkins asked if he had to do any major renovations to the inside.

Mr. Barone responded that he basically has to set up the floor and clean up the walls but nothing major with construction or anything.

Discussion inaudible (vacuum cleaner in hall...2 mins 34 sec.)

Comm. Harger asked about customer parking spaces on the site.

Mr. Barone responded about two or three. He doesn't like to have a lot of customers (inaudible)

Mr. Barone indicated that there was a rear bay in the back that won't affect any of the parking and cars can be pulled right in because it is all open.

Mr. Panico asked if when he visualized the 13 cars – was he including the cars inside?

Mr. Barone responded yes, thirteen cars outside.

Comm. Flannery commented that he would be talking about 20 cars then.

Mr. Panico added that he thinks the Commission should not be concerned with how many cars he can store inside. The concern should be with how many cars he can comfortably store outside and still have some space for visitors.

Comm. McGorty asked if he was going to have a sign that says it is a used car lot.

Mr. Barone responded yes, of course.

Comm. McGorty commented that if it says "Used Car Lot" than it is not going to prevent the public from coming in. It is going to be the same situation as they have had with others there. There is going to be traffic coming in and there needs to be a way for cars to turn around in there and get back out. As you know that is a busy road with a light.

Mr. Panico asked how many employees would be associated with this.

Mr. Barone responded just one in the beginning.

Comm. Harger asked what his plans were for office space.

Mr. Barone responded that he would use the upstairs.

Mr. Panico asked if the employee's car could be kept inside the building.

Mr. Barone responded yes, that could be done. Most of his cars won't even hit this property.

Comm. McGorty commented that he would probably want to put his best cars inside the showroom, not parked outside.

Comm. Harger asked if he could (inaudible)

Mr. Barone responded (inaudible)

Mr. Barone stated that there would be no customers coming in for any type of mechanical work or detailing work. There will be none of that done at this facility.

Chair Parkins commented that he would have people driving by though and there will be some sort of signage indicating that you're selling them, so there is going

to be customers. Personally, she would feel comfortable sticking with the original eight to allow five for any people coming in.

Mr. Barone asked how many they allowed before? Was it 8 plus the repair cars?

Mr. Schultz responded that it was eight for the pre-owned vehicles.

Mr. Barone asked how many were allowed for repairs.

Mr. Schultz responded that it was not regulated.

Mr. Barone commented that he thought he heard that it was 7 for auto sales and 5 or 6 for repair – but he doesn't have any repairs.

Mr. Schultz reminded Mr. Barone that this is going to be a judgment by the Commission. He informed him that he can always come back and they have had problems down there.

Chair Parkins commented that parking is such a premium down there as it is.

Mr. Panico suggested three visitor spaces and 9 or 10 cars for sales and if it's (inaudible)

Mr. Barone asked if he meant three visitors at the same time – that is unheard of.

Chair Parkins indicated that the Commission can't police it – or insure that his employees park inside.

Mr. Barone responded that there really wouldn't be any employees.

Chair Parkins recalled that the last time they approved this; they asked that all employees park down at the commuter lot.

Mr. Panico commented that he thinks that should be a given regardless – that the employee parks inside or offsite.

There was further discussion about employees parking at different offsite locations downtown (inaudible).

Chair Parkins asked Mr. Schultz for his recommendations.

Mr. Schultz responded that there would be three conditions other than the Fire Marshal. 1) The operation shall be limited to the display of "X" number of vehicles outside. He asked the Commission if that "X" number was 8, 9 or 10. The Applicant is asking for 13.

2) The garage exterior shall be maintained at all times. He recalled that many years ago, the previous occupant painted it purple. There shall be no outside storage of motor vehicle parks or junk vehicles.

3) Temporary and seasonal signage and display shall be subject to P&Z approval.

Chair Parkins asked if that included the pennant banners.

Mr. Schultz responded yes, absolutely. He asked Mr. Barone if he was doing any signage right now.

Mr. Barone responded no.

Mr. Schultz indicated that when he wants to do anything seasonal or specials, he has to come in with a proposal. They are rewriting their entire signage regulations that will deal with it but this is before the adoption of the new regs.

Comm. McGorty asked if he was going to have any business signage.

Mr. Barone responded that the business sign would be on the roof, right where the outline of the old letters was.

Mr. Schultz reiterated that there were to be no vehicle services on those premises.

The Commission discussed the number of vehicles allowed on the site (inaudible cross conversations).

Mr. Schultz indicated that they would add 2 to the 8 – so, 10. He can always come back in.

Mr. Barone responded that he was in agreement with the 10.

Mr. Schultz stated that they would need a motion for the site plan for Application #10-23 at 61 Center Street with the conditions #5 (standard - no changes without Commission approval); #18 (adherence to the Fire Marshal) and the stipulation that the operation will be limited to the display of no more than 10 vehicles outdoors. The garage exterior shall be maintained at all times with no storage of motor vehicle parts or junk vehicles. Temporary or seasonal signage or displays shall be subject to P&Z review and approval. No vehicle service on the premises.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve Application #10-23 with the noted stipulations.

APPLICATION #10-20, CENTER PROPERTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (FULL SERVICE RESTAURANT), 100 CENTER STREET (MAP 117B, LOT 42), CA-3 DISTRICT

Chair Parkins indicated that she would abstain from the discussion and the vote because she was not here for the presentation of this application.

Vice Chairman Pogoda asked if there was any further discussion regarding the parking and the dumpster. He commented that he thinks that Staff could work with them on that. There were some concerns about losing parking spaces in that corner but they can work with Staff about placement and the enclosure.

Mr. Schultz indicated that he thinks it should be the Downtown Subcommittee/Staff because they want to work on the dumpster, site lighting and signage. There is a golden opportunity to do some nice signage there if the Applicants want to do so.

Comm. Harger mentioned the concerns from the neighbor.

Mr. Schultz responded that there would be no outside service, patio area or drive through. He indicated that the draft motion would be to approve the site plan for application #10-20 for a full service restaurant at 100 Center Street subject to the following conditions: #5, #18, and the condition that the applicant shall

meet with the DSC to finalize the design for dumpster location, lighting and signage.

On a motion made by Joan Flannery seconded by Virginia Harger, it was voted to approve Application #10-20 with the noted stipulations. Chair Parkins abstained from voting.

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

Chair Parkins asked if the Commissioners had any questions, comments or concerns.

Comm. Flannery commented that she just wanted to make sure that the pine trees get put in by Coram Road.

Mr. Schultz responded yes, that is really the other site.

Mr. Panico indicated that they will get together with the Applicant and address the comments of City Engineer, the issues about the buffer strip and any supplemental planting.

Chair Parkins added that he will have to go back to the STC so that issue will be dealt with.

Mr. Panico indicated that they did have any opportunity to sit with the Applicant before he filed his application so Staff is reasonably familiar with the proposal. Staff will pay attention to the proposed buffer strip and the proposed plantings along the side of the condominiums.

Chair Parkins commented that they would come back before us for any additional paving of parking spaces.

Mr. Panico responded just as a site plan review. Actually, this proposal would normally have been just a site plan review except a few years ago they decided that above a certain size with a certain number of parking spaces, it has to go through the Special Exception.

Mr. Schultz read the draft motion to approve Application #10-21 with the following conditions: 1) bonding ; 2) all improvements have to be completed within 5 years of the sign-off date; 5) revisions or modifications are subject to P&Z Commission action; 7) the administrator shall be notified prior to start of construction; 8) three copies of revised site plan incorporating all conditions of approval shall be submitted for signature; 12) & 13) sediment erosion control; 15) all utilities shall be installed underground; 18) adherence to the requirements of the Fire Marshal; 21) adherence to the requirements of the City Engineer.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Application #10-21 with the noted conditions.

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. AVE., 12 NELS ROCK ROAD AND 20, 28, AND 36 BUDDINGTON ROAD AND A PORTION OF 409 BPT. AVE. AND ACCESS ROAD (MAP 77, LOTS 26, 27, 28, 29 AND 30 AND MAP 63, LOT 10)

Comm. Flannery indicated that she would like to open up the discussion by reading a letter that she prepared for the Commissioners because she didn't want to forget any of her points.

Dear Fellow Planning & Zoning Commissioners,

I appreciate your apparent concern for the residents of this town. You are listening to both sides of the parties involved, the developer and the neighboring residents. You are working at finding compromises. You are considering a buffer between this Crabtree property and the neighborhood homes so the noise is absorbed and neighborhood preserved. You are considering limiting the amount and the size of the stores and the elimination of the 2 smaller separate buildings, so there is less traffic, garbage and pollution. But we don't need yet another grocery store and more traffic congestion that comes with it, on a road already rated poorly by a current traffic study. Shelton is becoming more and more like the Post Road in Milford.

I believe that our Founding Fathers of Shelton, who planned this Bridgeport Avenue corridor, zoned this parcel of land correctly. The current Restricted Business zoning allows low traffic tenants, and that should be preserved. What we need on this land is an office building to generate the maximum amount of taxes for the city. Another shopping center is just another give away to the developers, with the least amount of tax revenue, and more traffic headaches for the residents of Shelton, as they cater to the out-of-towners using the stores. I understand that right now the economy is bad and an office building might not be needed. But then we must just wait until the economy improves.

Remember that this proposal is just that – a proposal. It is just a request for a zone change – period! It is a foot in the door, that's all. If approved, the developer can then request any kind of development in the future, like a McDonald's, which is a very high traffic generator.

Sincerely,

Joan Flannery
Planning and Zoning Commissioner

Mr. Panico stated that he wanted to direct something to the last comment because it is not applicable. McDonald's cannot go in there unless this Commission consciously approves it.

Comm. Flannery responded that the door would be opened for them.

Mr. Panico indicated that the door was open for McDonald's to go there for 40 years during which most of the time Mr. Ozack chaired the Commission. He was well aware of the original CB-2 zoning that applied to that property for years and years; it was there and at some point in time, McDonald's or Burger King would make the pot sweet enough and go in there without their control.

Comm. Flannery indicated that when she was talking to Frank Ozack just two weeks ago, he was saying that they needed more businesses that are office buildings on that road to get less traffic congestion. That is why they zoned this property the way they zoned it.

Mr. Panico commented that he wanted to look at this from the traffic angle. The critical traffic times are the commuter hours, right? – With cars getting on and off the expressway. Another office building would just add to that peak as opposed to a shopping center which has a broad level across the board. It doesn't particularly add to the 5 p.m. peak or the 7:30 morning peak.

Comm. Flannery commented that it would add traffic at 10:00 p.m. at night when all the residents are home on Buddington Road.

Chair Parkins indicated that Comm. Flannery has stated her comments, she appreciates her comments and they are on record as to how she feels about this proposal. She indicated that she didn't know if that is the consensus of the other Commissioners.

Mr. Panico stated that what he did for today was to follow up on their last discussion and try to start formulating some of the concerns that they've expressed and how they might or might not be addressed.

He indicated that Rick would get the copies for everyone – they are not final but it is the first stab at putting down on paper some of the things that he had taken from the discussions. He stated that he tried to break it down into categories like traffic and circulation on the one hand and the overall site plan organization on the other hand – that would be what goes on internally on the site.

Mr. Panico stated that in the area of traffic and circulation, it seemed to him that the Commission was pretty well sold on eliminating the exterior connection onto Nells Rock Road. So his first comment was to provide for site entrance only from Nells Road and to eliminate the proposed traffic at a difficult intersection. That seemed to be pretty much across the board. He can't say that everyone was in agreement about the entrance but certainly, no one wanted the exit.

The second point was to show the interconnection to the adjacent Blanchette property as represented and promised at the public hearing. He couldn't find it on the map but took the opportunity to sit down with the applicants subsequent to the last conversation. He was told that it would be a promised connection and he showed the location on the site drawing. Regardless of what happens on Access Road, there is going to be a connection here – an actual, physical entrance into Blanchette's parking lot at that location.

Mr. Panico indicated that the third item was that they wanted to attempt to preserve the southbound access to the Access Road dead end in their negotiations with CT DOT and STC. The indications from the DOT and STC were that they want to make this a full dead end. The traffic engineer indicated that maybe they might be willing to think about a southbound connection only – certainly no southbound exit.

Comm. Harger asked if that would be access only for Blanchette's.

Mr. Panico responded yes and it offers the possibility that if something happens here, they have convenient ingress and egress.

There was discussion about how Blanchette customers would access and exit at that location (inaudible).

Chair Parkins asked how they were involved with the STC on that and if they needed to send a letter of request to be involved in the discussion.

Mr. Panico responded that he would expect the Applicant to carry the ball to some degree and also there will be a point in time when their representatives will work with the STC as well. The Chief of Police is also involved with the STC negotiations. They could ask the Chief to make the strong point that they really don't want to see a full dead end there if they can at all avoid it.

Mr. Panico indicated that Item D was to provide for two-way traffic flow for cars and trucks behind the proposed building. He thinks they all agree that it should not be restricted to one lane.

Mr. Panico indicated that Item E was to establish a minimum 10 foot wide buffer on the land of the Applicant along the entire Buddington Road frontage. He showed on the site map where the applicant is offering to move the right-of-way line and they are saying that they want another 10 feet for the planting strip. He showed another map where it was marked more clearly.

Mr. Panico stated that from the discussion last time, they wanted 10 feet on the Applicant's property that will be kept in its natural condition as it is today supplemented as a landscape buffer should. They agreed amongst themselves that will probably necessitate the movement of some buildings. He is leaving that a little bit up in the air because as that corner gets moved – he is going to leave the solution up to them. But in the worst case scenario, this will all go down ten feet.

Mr. Panico showed a site map and pointed out the existing pavement, the existing right of way line. He showed the applicant's proposed right-of-way line and the strip of land they are conveying to the city. It is essentially 25 feet from the center line of the travel way. And now they are going to be saying that they want to dedicate another 10 feet to the buffer strip.

Chair Parkins asked when it is conveyed to the city, will it be paved.

Mr. Panico responded that these are just conveyances. It provides the ability to widen the road but it doesn't widen the road. According to the traffic report, it would involve a 1% change in the traffic on Buddington Road.

Comm. Pogoda questioned the 1% change in the traffic on Buddington Road.

Mr. Panico responded that it was in the traffic report – he'll go back and review it again. He added that, if you believe the traffic report, that it is very, very minor change in traffic on this road, then how do you rationalize that against this Commission approving a couple of major condominium proposals and a couple of minor ones without ever being concerned about that stretch of the road handling the traffic. They added a lot of traffic.

Comm. Pogoda commented that he just thinks the proliferation of a shopping center there is going to add more than 1% to the traffic there.

The Commissioners discussed the traffic on Nells Rock, Bridgeport Ave and Buddington Road (inaudible).

Mr. Panico stated that Item F was to provide for a minimum 50 foot right of way and an adequate intersection radius for Buddington Road approaching the Nells Rock Road intersection. He felt that even though the Applicant is giving 25 feet from the center line, they want to make sure that as it approaches the intersection, they have a 50 foot right-of-way. He asked if it was reasonable to place the burden on this application to do anything about that.

There was further discussion about the traffic that would result from the worst case scenario of a food store (inaudible).

Comm. Pogoda commented about how difficult it was to come up with something when they don't know what is going in there.

Comm. Pogoda asked about the 50 foot right-of-way and the 1% or whatever traffic change – he is concerned about the possible back up of traffic around this corner especially in the wintertime.

Mr. Panico commented that the original traffic report was calling for a 3 way stop at that corner which would take care of it but everyone decided that it would make things worse.

Chair Parkins asked what it would take to get a No Thru Traffic sign on the road. It is difficult to enforce. She indicated that she thought Buddington Road is too

difficult to navigate for people in a hurry to get to a shopping center. She really thinks that they are going to come down Nells Rock Road and Commerce.

Mr. Panico added to the 50 foot discussion and commented that the Applicant should work with the Commission, Staff and the City Engineer's Office to determine what pavement improvements are reasonable and necessary at the intersection. He doesn't know and needs to get some expert help from somebody else. There may be some limited improvement that they can do there to help the situation that they are talking about.

Mr. Panico indicated that Item G was to provide additional right-of-way on Nells Rock Road at the Bridgeport Avenue intersection to insure that there is a minimum from 10 feet from the new curb line to the site property line. The City Engineer mentioned that in his report – that right now the property line is five feet from the new curb line and that is easily doable.

Mr. Panico indicated that he would get into the overall site plan organization, they talked about shifting the buildings about 10 feet closer to Bridgeport Avenue to provide additional space in the rear to accommodate not only the buffer strip on the land of the Applicant and to provide additional separation from the existing houses on Buddington Road. Except for two houses, the houses are reasonably set back. These two are about 140 feet from the corners of the existing buildings. It wouldn't be unreasonable to get that up to 150 feet.

They discussed some solutions to the circulation concerns and the possibility of a ten foot shift (discussion inaudible)

Mr. Panico indicated that the next item had to do with the Commission having reservations concerning detached building C with its drive up window and potential to accommodate a high activity traffic generator such as a coffee/donut shop or a fast food operation. Mr. Panico stated that if there is a strong enough feeling among the Commission that it ought not to be there, then they can take it out. Down the road they can come back and amend the plan.

Mr. Panico indicated that if they offset any loss of parking spaces, they can either consider the removal of that 2800 square foot building at the left rear corner of the site and/or the reduction of the footprint of Building A by shortening the north end. It is not a humongous change but it is a possibility.

They discussed the right rear of the site in an attempt to increase the buffer in the area of the existing wooded hill.

They discussed creating a significant landscape feature in the corner that might involve stone masonry, plantings, lighting, signage, etc.

The Commission discussed architectural designs and treatments of all buildings on the current initial concept plans and requirements that future modifications and revisions must preserve the character, treatment and materials shown or alternatives acceptable to the Commission. Mr. Panico added that in actuality, until they go out and start marketing they don't know if they are dealing with food, soft goods or retail tenants or the size of them.

Other discussion topics included the total building floor area, building sizes and the possibility of having another public hearing, permitted uses, setback standards and parking ratios and signage.

ADJOURNMENT

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to adjourn at 9:57 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission