

**SHELTON PLANNING & ZONING COMMISSION**

**APRIL 25, 2012**

The Shelton Planning and Zoning Commission held a special meeting on April 25, 2012 at 7:00 p.m., Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present:        Chairperson Ruth Parkins  
   Commissioner Nancy Dickal  
   (alternate for Comm. Flannery)  
   Commissioner Virginia Harger  
   Commissioner Elaine Matto  
   Commissioner Thomas McGorty  
   Commissioner Anthony Pogoda

Staff Present:                    Richard Schultz, P&Z Administrator  
   Anthony Panico, P&Z Consultant  
   Patricia Garguilo, Court Stenographer  
   Karin Tuke, Recording Secretary

Tape (1), correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

Chair Parkins called the special meeting to order at 7:02 p.m. with the Pledge of Allegiance and a roll call of the members present. She reviewed the procedures to be followed for a public hearing and asked the P&Z Secretary to read the Call of the Hearing.

**PUBLIC HEARING**

**APPLICATION #12-04 PITNEY BOWES SHELTON REALTY, INC. FOR CONCEPTUAL APPROVAL OF MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION), 27 WATERVIEW DRIVE (MAP 79, LOT 15)**

**APPLICATION #12-05, PITNEY BOWES SHELTON REALTY, INC. FOR CONCEPTUAL SITE PLAN APPROVAL (PARKING EXPANSION), WATERVIEW DRIVE (OVERFLOW PARKING AREA), (MAP 79, LOT 13)**

**APPLICATION #12-06 PITNEY BOWES SHELTON REALTY, INC. FOR MAJOR MODIFICATION OF DETACHED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION), 35 WATERVIEW DRIVE (MAP 79, LOT 11)**

P&Z Secretary, Comm. Harger read the Call of the Hearing and three pieces of correspondence.

**\*See attached correspondence dated April 24, 2012 to the Shelton Planning & Zoning Commission from Robert D. Scinto, Chairman, R.Scinto Inc.**

**\*See attached correspondence dated April 19, 2012 to P&Z Administrator, Richard Schultz from Robert Kulacz, City Engineer.**

**\*See attached correspondence dated April 20, 2012 to P&Z Administrator, Richard Schultz from James Tortora, Fire Marshal.**

**Raymond Mayner, Chief Engineer, Wescott & Mapes Consulting Engineering, 142 Temple Street, New Haven, CT addressed the Commission.**

Mr. Mayner indicated that he was the engineer and the agent for the property owners, Pitney Bowes Shelton Realty Inc. He stated that several members of Pitney Bowes were present as well to answer any questions that the Commission may have regarding Facilities and Programming.

Mr. Mayner stated that he would give a brief presentation of the plans submitted before the Commission. He indicated that he electronically submitted to Staff the photos of the

Public Hearing Posting for the three properties as well as the mail receipts. He indicated that the neighbors were notified and he submitted the materials for the record.

Mr. Mayner indicated that they were seeking conceptual approval for expansion of parking on the three Pitney Bowes parcels. They are addressed #27 Waterview Drive, #35 Waterview Drive and the overflow parking lot. He displayed the proposed plans and indicated that they were colored renditions of the parking expansion plans that are on the record as a submission.

Mr. Mayner indicated that the orientation is such that the plans are north upward; Waterview Drive is shown in the middle of the presentation boards and the property to his left represents the west #27 Waterview Drive. The property along the east side is #35 Waterview Drive and the property furthest to the north is the overflow parking lot north of Waterview Drive. He stated that if one were to cut these plans and paste them together, they would fit together like a nice jigsaw puzzle but they have prepared them as three separate plans because they are three separate addresses.

He noted that the buildings on the plans are depicted in the shaded earth tone color that exists. He added that they are not proposing any new structures with this application. This is merely an expansion of onsite parking on all three parcels. The zone for the overflow parking lot is LIP and the zone districts for the #27 and #35 Waterview are PDD #12 with the underlying LIP zone.

Mr. Mayner stated that they had meetings with Staff and had multiple discussions and the plans before the Commission are the final result of some modifications and revisions to what they feel accommodates discussions and is in line with zoning regulations. They are seeking approval for conceptual, from a zoning standpoint. As read into the record, there was favorable response from the City Engineer, the Fire Marshal and neighboring properties.

Mr. Mayner indicated that in accordance with the Zoning Regulations Section 24.84 there is an allowance to expand parking within the building setback. Notably not more than fifty percent of that setback zone could be used for parking and/or driveways. In discussions with Staff as to what they have proposed here in a proposed expansion into that zone but certainly well below the threshold of allowable. He added that on the overflow parking lot they have expanded to show spaces parallel with the street line into that buffer zone yet keeping a nice, ample landscaped area between the street and the parking.

Mr. Mayner stated that similarly on #27 even more so toward the back of the property. He pointed out the front entrance of the building and the main entrance drive. He stated that on #27 they have represented some added parking in the buffer, yet toward the back rear of the property, as denoted in the gray area displayed.

Mr. Mayner indicated that on #35 they have reconfigured the existing parking to be more optimal, efficient, and they are able to get parking along the front, the side and then the satellite parking to the rear as well.

Mr. Mayner stated that the goal is to maintain a corporate campus feel which they have done with ample green space. He pointed out the surrounding green space areas on all of the properties. They have maintained the continuity of the style of landscape islands that exist. They plan to just extend them with the islands at the end of the parking on all parcels and maintain the green space on all parcels.

Mr. Mayner stated that this expansion on #27 allows for total future parking spaces of 508 as compared to the 459 that currently exists. The expansion on the overflow parking lot allows for a nice increase of 183 parking spaces while maintaining all of the existing spaces and keeping in harmony with what currently exists. On Lot #35, there is a gain of 165 parking spaces. He pointed out the area of the reconfiguration with added parking on the side and in the rear.

Mr. Mayner stated that what they have done is stayed within the regulations, maintained ample green spaces as they feel that they've maintained nice landscaping buffers. They have upheld the campus-like setting of the properties, maintained proper emergency vehicle access, proper parking space dimensions and turning vehicle movements. They have done all of this within the guidelines of the zoning criteria including the impervious lot coverage and the light. Mr. Mayner indicated that based upon these plans, they respectfully request their consideration, review and approval for these conceptual parking expansion plans. He offered to answer any questions that the Commissioners had.

Comm. Harger asked about the rendering shown at the top right side where the green area was depicted. She asked why a parking expansion had not been put in that location and if it was because of the topography or was it because (inaudible)...

Mr. Mayner responded that a number of iterations were looked at and considerations made in that regard. In working with Pitney Bowes, they felt best that they contain the parking expansion for their program in the area that is depicted. At this time, based on needs and evaluation, there was really no necessity or request on their behalf to further expansion in any directions beyond that which is shown.

Comm. Harger commented that she can see that it would just be a lot easier to just expand the street (inaudible)...

Mr. Panico indicated that in actuality Staff gave them a hard time. They came in with an initial proposal, as you can see from their early concept plan which was to take the parking and push it back and up to the area that Comm. Harger is talking about.

Comm. Harger commented yes, this area here – this lower triangular area.

Mr. Panico stated that historically, the City has had a lot of difficulty with the under-utilization of that lot in favor of employees parking on Waterview Drive. It has been a constant enforcement issue. The City enforces it, they take care of the problem, it gets remedied, but over time it comes back again. He commented that adding more space out where it isn't going to do any good doesn't make any sense. It is possible that a few more spaces could be created and that's something that they'll have to look at.

Comm. Harger commented that she was just wondering if the reason why this hadn't been utilized was because of the topography because this is getting closer to the rear of the homes on Plaskon.

Comm. McGorty asked what the distance was to the homes on Plaskon.

Comm. Harger stated that it was a 160 feet.

Mr. Mayner indicated that was correct. The distance from the edge of the proposed parking lot limit to the property line is 160 feet and then Plaskon Drive is another 120 feet from the road itself.

Comm. McGorty asked if he was saying it was about 300 feet.

Mr. Mayner responded to the road, yes, to the paved road.

Comm. Harger commented (inaudible)...

Comm. Dickal asked if there was going to be fencing between the residents and that property line.

Mr. Mayner responded that currently, his understanding is that there is thick vegetation buffer. The intent is not to disturb or impact the buffer that exists there.

Comm. Pogoda asked what the total number of parking spaces would be, including the new ones on Lot #35 Waterview.

Mr. Mayner responded that the total parking on #35 Waterview is currently 419 and the total future parking, denoted in the gray area would be 584.

Comm. Pogoda asked if the total spaces on the overflow were 183 – including the new ones.

Mr. Mayner responded that the total existing on the overflow lot is 448 and they would add another 183 to total 631 spaces.

Comm. Pogoda asked for the total on #27 Waterview.

Mr. Mayner responded that #27 currently has 459 and the future would yield 508. As a note of explanation, he stated that there are spaces that exist here and what they have done is improved the separation, in working with Staff, from the separation between the parking and the truck turning movement. So they have actually incorporated a little landscaped island, guard rail and things of that nature. He showed the location that the cars would be in and the location of truck deliveries and how they would be separated. Mr. Mayner stated that right now, they co-exist. There is a net gain. In essence, they maintain the parking here but they move it further away from the trucks.

Comm. McGorty asked a question about the buffer and pointed to the top map in between showing the end of the parking and Plaskon Drive. He asked if it was wooded up in that area.

Mr. Mayner responded yes, his recollection is that it is a bit vegetated, wooded, brush and plant growth.

Comm. McGorty asked if it was dense.

Mr. Mayner responded yes, it is thick.

Comm. McGorty indicated that his concern would be in the wintertime because car lights would shine through there.

Comm. Dickal commented that she agreed and that is why she had asked about the fencing.

Comm. McGorty asked what type of lights would be in the parking lot.

Mr. Mayner responded that they would follow suit with what they already have up there currently. It is all down lighting, parking lot lighting that is shielded. It just illuminates the parking area and there is no spillage.

Comm. McGorty asked if the lighting was cut off and (inaudible)...

Mr. Mayner responded yes, certainly when they get to that level they'd just (inaudible)...

Comm. Harger asked about the same area and if there was drop off from those parking lanes to the ends of those houses. She asked if the parking lot was higher than the houses below it.

Mr. Mayner responded that to the north, in general, the grades are parallel to the parking so there is not a true drop-off per se, it is fairly level. He commented that in the direction toward Coram Road it goes downhill. Although the hill goes downward, each parking aisle is roughly the same elevation as the neighboring land.

Chair Parkins asked if the overflow was going to be a shared parking situation.

Mr. Mayner responded that he would defer that to the Pitney Bowes staff as to the function and use.

Chair Parkins responded OK and asked about the walking paths to be used after the cars are parked. She asked if the center aisles that they've indicated in green would be landscaped or if they were walking paths.

Mr. Mayner responded that they are landscaped. It was the intent to have them with that vegetative landscaping so they would just continue that same treatment on the extended aisles and the foot traffic would be along the pavement.

Chair Parkins asked if he meant just in the parking lot.

Mr. Mayner responded yes, correct.

Chair Parkins commented that right now there is no issue because it isn't heavily utilized but you have a lot of people parking up there...She asked if they have given any thought to putting a covered walk way, similar to what Mr. Scinto has at the Corporate Towers to encourage people to park in that overflow lot because they'll be covered from the elements. It would also provide a safety buffer for them away from traffic. She asked if they had thought of doing anything like that.

Mr. Mayner responded that there are thoughts of that but again, he'll defer to Pitney Bowes to how much at this time they are thinking of exploring or pursuing that. He added that this is a conceptual site plan level to discuss the coverage, setbacks, and number of spaces. The level of detail in terms of walkways or surface treatment or even the covered walkway was not intended to be represented at this point in time but it is something that could have further discussion.

Comm. McGorty asked if they could go back to the buffer at the top by Plaskon Drive. He asked if that area would be preserved as is and untouched in terms of the growth and foliage.

Mr. Mayner responded yes, that's correct. There was no intention with this plan to disturb that.

Chair Parkins asked if they were proposing to do this as part of the plan rather than proposing it if needed.

Mr. Mayner responded that the intent was to review the zoning aspects, then as far as full construction design plans, as they've done in the past with other Pitney Bowes expansions, they would provide all the detailed information – the pavement sections, the walkway sections, etc. He added that if this is approved and viewed favorably then they will work with Staff to get the proper lighting details and all the proper planning details all represented. It would be in full compliance with that which exists and in harmony with what is currently out there.

Chair Parkins asked if they were right at what they would require with the total numbers that are proposed.

Mr. Mayner responded that the number was basically generated from a programming direction from Pitney Bowes. It is a certainly a much greater increase from the ratios that currently exist. They have given thought as to placement and use for parking relative to buildings. Based upon their thoughts and their input that is how they arrived at those numbers. As well as (inaudible) and review to scale it back to the (inaudible).

Mr. Panico commented that the current parking has been enough in the past to support the previous occupancies; however, as you know, the one building had been vacated and the intent is to dispose of it so they have to treat them as separate activities. They need to know that they can put enough parking to handle whatever person may be interested in acquiring the building. Otherwise, it is a negative impact on their ability to market. From their point of view, they want to make sure that there is enough parking left over after they take that site away to continue to operate in the remaining building and also to accommodate their future expansion thoughts in that building. There is thought that they

may bring more employees to that location. They need to know whether they are going to have the ability to provide the parking to support those new employees as well.

Comm. McGorty asked Mr. Panico if that was a ratio on the square footage.

Mr. Panico responded that actually it was based on numbers of employees.

Comm. McGorty asked if that tells them how many they can accommodate.

Mr. Panico responded that they have some guideline, some bottom end guidelines because don't know if it is a spec building. They are usually looking for somewhere around 3 ½ to a 1000. With these numbers they will get above those thresholds.

Comm. Harger asked if they could point out the main entrances of those two buildings.

Mr. Mayner pointed out the property line between the two parcels and commented that certainly they are going to see duplication. On the map of #27 Waterview Drive, he showed the main entrance off of Waterview Drive.

Comm. Harger asked where the entrance was to the building itself.

Mr. Mayner responded by pointing out the front door main entrance for #27 and the front door main entrance for #35.

Comm. Harger asked if there was any need to increase their handicapped parking.

Mr. Mayner responded that what they have shown here complies with the handicapped parking ratios. He added that no, there was no need to increase it.

Comm. Harger commented that she did see that it was noted on #27 at two sides of the building and only one side of the building for #35. That is why she thought that little corner on #27 might be a (inaudible).

Mr. Mayner responded that lower interest to the rear just accommodates it is at grade entrance so it allows disabled to enter the building at two locations depending upon where they would need to go to work. It is a matter of convenience.

Comm. Harger commented that her concern was if they needed more handicapped set aside.

Mr. Panico stated that when they get into the review of the detailed engineering it will most certainly be looked at. If it appears that more are needed than they (inaudible).

Mr. Mayner agreed.

Chair Parkins asked if someone from Pitney Bowes could address the question that she asked before.

**Steve Brindisi, Pitney Bowes Corporate Real Estate, 80 Canterbury Lane, Trumbull, CT addressed the Commission.** Mr. Brindisi stated that the intent was to sell #35 Waterview. They experienced last year, and subsequently, have taken it off of the market due to lack of parking. Right now, the ratio is 2.41 per 1000 square feet. The perspective buyers all wanted a 3 ½ + ratio which they could not provide them. They did consider as part of selling #35 Waterview either leasing space on the upper lot that they weren't currently using. They also did a number of iterations of maybe subdividing it somehow but as they looked at the bigger picture for Pitney Bowes and some of the strategic initiatives that they had planned for the Shelton market, they concluded that they really, in an ideal scenario, they need to maintain #27 and they are definitely going to need that other lot for their own future use.

Mr. Brindisi stated that if they (inaudible), if they get this approved, and the potential buyer needs additional spaces, then they will consider the upper lot again provided that they don't need it for their own requirements.

Mr. Brindisi stated that right now there is a lot occurring at Pitney Bowes – a lot of activity and the program include this expanded parking because as he said there are a number of initiatives where they may need everything that is shown there.

Mr. Brindisi stated that first and foremost, what is critical for them is getting #35 Waterview so that for prospective buyers, they can sell the concept of this plan which is relatively cost effect as compared to other alternatives. He stated that it gets them to a place where they can lure prospective tenants. They lost one specific tenant last year because they wanted a 5 to 1 ratio. With the 2.41 ratio that they have here and the limited parking up top based on their future plans, they are really at a disposition. There are some other prospective tenants in the market that he knows of and he wants to make sure that they have a plan in hand that they can use to hopefully pitch their building.

Mr. Brindisi stated that in terms of utilizing that space up top, they would consider it. They would prefer not to; they'd rather have it for their own use.

Chair Parkins stated that from what she thinks he just heard him say, they are going to split that off, and the increase in parking and what is shown there right now, is all they are going to get with that building. All of the parking expansion that they proposed in the upper lot is going to be for their own future growth.

Mr. Brindisi responded yes, correct.

Mr. Panico added that it is also to replace what they currently take advantage of on #35.

Chair Parkins asked if the expansion of #35 would be adequate for what the market is looking for.

Mr. Brindisi responded that the market minimum is 3.5 per 1000. This will get them close enough to 3.4 something. They have a greater chance of luring investors and owner occupants with the plan in hand approved.

Comm. Pogoda asked if right now they had no tenant for #35.

Mr. Brindisi responded no, they do not. Ideally, they want to sell the building but if they can pick a tenant to backfill it, they would do that as well. It makes the building a lot more marketable. Without the parking, the building could sit for a prolonged period of time because there is competition in Trumbull and in different markets around here there are buildings that have a greater ratio and that really drive the decision making process today.

Mr. Panico stated that as of right now, it is not Pitney Bowes intention to create any additional parking on the parcel for #35.

Mr. Brindisi responded yes, that's correct.

Mr. Panico stated that they just want to have a plan so that if they sell the building, they can say "OK, here's a plan that has zoning approval that you can go out and build tomorrow."

Mr. Brindisi responded right.

Mr. Panico stated that they won't be building it unless a contractual arrangement results in that. Otherwise, it isn't their intent.

Mr. Brindisi responded correct.

Mr. Panico commented that they do intend to proceed relatively quickly to make changes on the building next door and on the front part of the lot across the street. He asked if that was basically what they talked about for the first phase improvements.

Mr. Brindisi responded yes but a lot of it is going to be dependent upon what is going to happen internally at Pitney Bowes. He indicated that, as he mentioned, there are a lot of initiatives. They certainly have every intention of maintaining, if not growing their presence in this market. He added that he couldn't really tell them when exactly that was going to happen. Their intention is to maintain these two lots for their own purposes and that was all he could really share with the Commission at this time.

Chair Parkins responded that they certainly encourage them to grow here. She asked if there had been any thoughts about a covered walkway. She added that the reason she was asking was because, if they sell that parcel off – well it wouldn't matter because they wouldn't be parking up there anyway – but the Commission will be adamant and they will continue to ticket and tow for street parking up there without a doubt. She added that the tenant who takes that building needs to know that. "Ticket and Tow" has to be the motto up there.

Mr. Brindisi commented that Mark Stevens, Director of Facilities for this park is here. He has aggressively dealt with that issue in the past. They have no problem with working with them and coordinating.

Chair Parkins stated that he would be with Pitney Bowes though.

Mr. Brindisi responded that they would continue to monitor it.

Mr. Panico added that the concern is parcel #35 and it needs to be clear that if they do come up with a deal and sell the property as is but with the knowledge that this plan can be implemented. The prospective buyer of that building will not be able to get a CO until there is adequate parking in place.

Mr. Brindisi responded yes, that is understood.

Chair Parkins commented, in getting back to the Pitney Bowes folks, have they thought about, for safety reasons...

Mr. Brindisi responded that he would have to speak to the Director of Real Estate to determine if she has explored that. They haven't had an issue from a safety perspective.

Chair Parkins commented that it is a long walk. She added that she has visited Pitney Bowes and she noted how far away she had to park. It is a long walk.

Mr. Brindisi responded yes, it is far, he parks back there. That is something they will consider.

Chair Parkins added that she thinks it would be a nice amenity and commented that they may be familiar with what Bob Scinto has up in his Corporate Tower. It keeps people out of harm's way and it keeps them out of the elements.

Mr. Brindisi responded that they will certainly explore and consider that. It may have been explored in the past but he doesn't have that background knowledge.

Chair Parkins commented that they could have a more expensive option and provide a shuttle service – she thinks that the walkway would be a cheaper way to go.

Mr. Brindisi responded yes, that's true. He added that they would consider it. Pitney Bowes has always been conscientious about their employees, they always have been. It is a high priority and they've been recognized for that. If there are ways to make things safer and more convenient for their employees, they will do it. Even with tight funding and expenditures, it is rare that they miss an opportunity for safety. Their Environmental Health and Safety group is all over everything that they do.

Chair Parkins asked how they would plan to monitor that upper parking lot with a tenant.

Mr. Brindisi responded yes, it is a good point and he and Mark Stevens have gotten into a number of iterations of how they would secure their premises so parking wouldn't flow into #27 and vice versa, as well as with the upper lot. They will have to come up with a security plan and it will probably be card access or something of that magnitude. They will really start to lie that out in terms of where the wiring would have to go and the placement of some rails. Right now though, first and foremost, he is trying to get someone to purchase #35. Once that happens, they are absolutely going to have to address security from a parking perspective. They will start preliminary layout and discussion on that.

Chair Parkins asked if it would be a shared driveway entrance.

Mr. Brindisi responded yes.

Mr. Panico added that they would be complete flow back and forth of traffic as well as (inaudible)

Comm. McGorty commented that is the problem with gating or anything like that where they might get stacking.

Mr. Brindisi stated that is why they are trying to find a good partner to buy the building. It is very important for them because they are going to be there. Whoever purchases #35, it is more than a tight relationship with them. There are other common areas that they are going to have to work together at. Pitney Bowes has very high standards and they need to make sure that they have the same standards. That is a whole other aspect of this sale for them.

Chair Parkins commented that it could be a parking permit as well.

Comm. Harger asked if they had the ability to restrict the entrance where the little turnaround to the building they are going to keep and build a new entrance just for #35.

Mr. Brindisi responded that they were not considering that. They want to keep the same flow that is there today.

Mr. Panico stated that he thinks that they want to maintain the physical campus setting that is back there.

Chair Parkins asked if there were any other questions or comments from the Commissioners. With no other questions, she asked if there was anyone in the audience that would like to speak regarding this proposal.

**Joseph Coci, Mountain Development Corp., Shelton addressed the Commission.**

Mr. Coci indicated that Mountain Development Corp. were owners of two adjacent properties to #27 and #35 buildings owned by Pitney Bowes. They have #1 Waterview Drive and the adjacent 10 ½ acre development site. He stated that he wanted to speak this evening in support of Pitney Bowes' application for the additional parking at #27 and #35 Waterview. They understand that Pitney Bowes plans to sell #35 Waterview and they believe that it is critical for a perspective purchaser or tenant for that building to have adequate parking in order to market the space for lease. For the economic development of Constitution Boulevard the corridor there they are in full support of the application of Pitney Bowes for the parcel in questions. This will help to insure a successful repositioning of #35 Waterview Drive. Mr. Coci thanked the Commission.

With no further questions or comments from the audience or the Commission, Chair Parkins asked for motions to close these three, separate public hearings.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #12-04.**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #12-05.**

**On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to close the public hearing for Application #12-06.**

**OTHER MATTERS**

**SILVER OAK ESTATES SUBDIVISION: REQUEST FOR REDUCTION OF PERFORMANCE BOND**

Mr. Schultz indicated that Staff has received a request for a reduction of the \$11,000 site bond currently being held for the three lot subdivision on lower Long Hill Avenue going toward River Road to be reduced to \$1,000. The \$1,000 will cover the curbing that needs to be installed because that whole area was kind of leveled and the curbing needs to go in.

Chair Parkins stated that they haven't even finished building the houses.

Comm. Pogoda added that they still have one more house to put up. The other two are up already.

Mr. Schultz responded that they installed all of their monuments – that was a heavy bond. They have separate bonds for the driveway aprons. Staff thinks that it is a reasonable request – not to release it but to reduce it to \$1,000. The \$1,000 will cover the curbing.

Comm. Harger asked if he was sure that there was no damage that could take place.

Mr. Schultz responded that the timing of the curb installation will be that they are installed at the appropriate time – when all the heavy equipment – they won't release it until...

Mr. Panico asked if there was a performance bond on this – a maintenance bond on it.

Mr. Schultz responded that no more maintenance bonds are permitted by State Law. They have a separate \$1500 bond in the Engineering Department for the three aprons – they have to pay the first 10 feet. This one is for monuments and for the curbing. The City Engineer went heavy on it because he did not know what was going to happen on that side of the hill because of some inland wetlands and drainage issues but that was not the case.

Mr. Panico asked if he was comfortable with the \$1000.

Mr. Schultz responded yes.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the request for reduction of the performance bond for the Silver Oak Estates Subdivision.**

**ADJOURNMENT**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn at 7:52 p.m.**

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary