

**SHELTON PLANNING & ZONING COMMISSION**

**MAY 23, 2012**

The Shelton Planning and Zoning Commission held a special meeting on May 23, 2012 at 7:00 p.m., Shelton City Hall, Room 104, 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/departed 7:45 p.m.)  
Commissioner Joan 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

Tapes (2), correspondence and attachments on file in the City/Town Clerk's Office and the Shelton 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 7:00 p.m. in Room 104 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 #12-08 JOE ROCCO FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #57 (OUTDOOR PATIO), 350 BRIDGEPORT AVENUE, (MAP 77, LOT 33).**

Comm. Harger, P&Z Secretary, read the Call of the Hearing for Application #12-08 and three pieces of correspondence.

**\*See attached letter dated 5/17/12 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

**\*See attached letter dated 5/23/12 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

**\*See attached letter received 5/23/12 to Richard Schultz, P&Z Administrator from Richard Foehrenbach, CEO Curtiss Ryan Honda, Shelton, CT.**

**Anthony Tadduni Jr., owner of TNC Properties, LLC and the Draft House, 350 Bridgeport Avenue, Shelton, CT addressed the Commission.**

Mr. Tadduni indicated that they are looking to building a patio on the south side of the building. They are going to have two exits. An emergency exit and the exit from the building.

He indicated that the idea for this patio is specifically for the months of June, July and August because in this area they slow down a lot during that time. They thought it would be nice; it isn't really designed for night time business. They are looking for a nice lunch and dinner atmosphere outside. He indicated that he doesn't imagine that their night time business would increase that much with this patio.

Chair Parkins asked if he was proposing this as a seasonal patio.

Mr. Tadduni responded that he wouldn't mind keeping it open all year but he just wanted to tell them what their intentions are. He'd like to keep it open all year and not have any restrictions on that.

Mr. Tadduni added that presently, people are outside, in the front of the building, smoking. It makes it nasty-smelling to just walk in and out of their door. If the patio was open all year, obviously, they would use it for a smoking area.

Comm. Pogoda asked if he would be having any chairs out there.

Mr. Tadduni responded that there will be seating – tables and chairs.

Comm. Pogoda commented OK, he thought those were just tables. He asked if there would be chairs.

Mr. Tadduni indicated that he thinks the area can take up to twelve. Their intention is to have a nice luncheon and dinner area outside (inaudible).

Chair Parkins commented that maybe she was a little confused but it almost seems contradictory to her that he's suggesting that this be an outdoor area where people can dine and yet he's also mentioned using it as a smoking area. She asked if people going out there to dine would be clouded in smoke.

Mr. Tadduni responded yes, correct, that's true. He clarified that the business that they have – they are open for lunch and dinner. They aren't very busy times for them. Those would be the times that it is used for dining. At night, when they get busier, people aren't going to be eating – from 10 p.m. to close – people could go out there and smoke because it can get kind of overwhelming. There can be a lot of smokers.

Comm. Pogoda asked if he was looking to increase his capacity.

Mr. Tadduni responded no, absolutely not.

Comm. Pogoda stated that this was approved at 175 – 200 people. He knows that was the recommendation and it is what he approved for this facility. He knows that the Fire Marshal has stated something in his comments about 300 but...again...

Mr. Tadduni commented that he wanted them to know that the actual number on the plaque that the Fire Marshal gave to them is for 265. He went through that process at the beginning with everyone on the Commission. He went to Rick Schultz for the recommendations and the Fire Marshal came. It was a while afterward, because he didn't get that plaque until 6 or 8 months after he opened. The Fire Marshal came in and put up the plaque up and it said 265.

Chair Parkins stated that he was approved for 200 so he's against the zoning regulations if that is exceeded, regardless of what he says. She asked Rick for clarification.

Comm. McGorty indicated that it would be what the approval states, not what a plaque says.

Chair Parkins commented that they will get clarification on that but she believes it would be what they approved it for.

Comm. Pogoda asked Rick Schultz if there have been any complaints from anybody since he's been open – including Curtiss Ryan.

Mr. Schultz responded that the answer to that would be no. He addressed the Chair and indicated that he had prepared a report that provides all the data which would be important for the Commissioners to hear and then he has prepared some recommendations. He added that if he could read that it might be beneficial and put everything into perspective.

Mr. Schultz read that as stated, the Applicant is seeking major modification of Detailed Development Plans. This is in a PDD and a public hearing is required. He stated that this is for the construction of an outdoor patio area using masonry and wood materials with a 7' wall brick veneer with wood lattice on the top for the existing Draft House Restaurant/Sports Bar located at 350 Bridgeport Avenue within Kings Point Center. The new patio is situated within the existing curbed landscaped area on the side of the building. It contains an area of 625 square feet and consists of 12 tables capable of serving 42 customers with access controlled through the main restaurant/bar. The existing restaurant/bar area contains a customer area of 2700 square feet and requires 24 parking spaces for onsite parking (8 spaces per 1000 square feet of patron area).

Chair Parkins asked for a clarification on the total parking.

Mr. Schultz responded 24 based on that ratio. The proposed 42" masonry wall contains a brick veneer with 30" wood lattice mounted to the top of the wall for a total height of 6 feet. He indicated that Staff really guided the Applicant to provide a sufficient screen for the other occupants of the shopping center as well as to provide security. Sound absorbing panels will be added to the Bridgeport Avenue side of the wall to control noise. He added that obviously, Staff and the Commission were concerned about the noise. This shopping center does rise up and that side will face Bridgeport Avenue. They have Curtiss Ryan there and Country Place Condominiums directly in back of that.

Mr. Schultz stated that Staff points out the following restrictions that the Commission should consider. No TVs, music, including live bands, speakers or amplifiers outdoors. Obviously, this is a sports bar. He indicated that he has spoken to the Applicant and they would have liked to have had the ability to bring out remote TV's but he thinks that this is something that the Commission should restrict - at least for the first trial year.

Secondly, the total number of tables shall be limited to a number that is considered reasonable by the Commission. He reiterated that they have proposed a total of 12 tables serving up to 42 customers. Obviously, there are going to be smokers that will be walking around. Dining tables shall be of a high quality using solid matching umbrellas void of any advertisements or lettering. He added that they've have had issues in the past with that.

Mr. Schultz indicated that additional sound absorbing materials should be installed in appropriate locations if the noise level from the patio results in complaints. Obviously, that is something that can be added. The occupancy level at the restaurant/bar, including the bar area shall be restricted to a total of \_\_\_\_\_ customers. He added that this is something that they have already discussed; they know what their condition of approval is and now it has evolved up to 300. The Applicant has indicated that it is posted for 265.

Mr. Schultz stated that there should be no future awnings installed or enclosures of any kind allowed in this area. This is an open air patio area and it shall be free of any garbage at all times. Any flying paper or plastic products shall be picked up immediately from immediate and adjacent areas. Outdoor lighting shall be restricted to appropriately installed low wattage fixtures. No signage shall be permitted on any area of the patio area. No parking of motor vehicles with advertising of the restaurant/bar shall be permitted. Mr. Schultz commented that they had a situation right up the road where a legitimate van used for business had advertising on it.

He added that the final design of the wall/fence enclosure shall not interfere with the sight line of motorists traveling to and from the rear of the building. He indicated that they heard from the City Engineer, the P&Z Planner – they are all aware of the circumstances. There is parking in the immediate area where the rental cars are located. It is a two-way traffic situation, so they do not want to obstruct that sight line - that has to be given a lot of attention.

Mr. Schultz commented that there are a lot of little things that have to be considered. The Applicant is present and he hopes the Commission asks questions of the applicant. Hopefully, the applicant can say yes or no or come to some type of agreement.

Chair Parkins asked a question about the emergency exit in the back. She asked if it could be opened by patrons that are inside. She asked if an alarm would go off or how is it configured.

Mr. Tadduni responded that it would have to be opened, obviously, by patrons or other people on the inside. There is no way around that.

Chair Parkins asked if the State Labor Commission inspect these types of facilities to insure that underage kids cannot get in because she assumes that he cards people at the front door. She asked if that was correct.

Mr. Tadduni responded yes, he does.

Chair Parkins asked if it is possible for someone inside that patio to open up that door and let them in.

Mr. Tadduni responded that it is absolutely possible. They also have a back door in which is possible to get into too, and it happens. He stated that they are very strict with carding and on busy nights they use stamps. Once people come in through the front door, they are carded. They ask for two forms of ID and run them through a scanner for authenticity. A stamp is put on the customer's hand and anyone serving the person knows that they need to have a stamp on their hand in order to be inside. They put an alarm on there so if somebody opens it, there is an alarm that goes off.

Mr. Tadduni stated that they've been there for 3 ½ years and they've gotten the hang of knowing how many people are coming in and going out. People try to get by them but then they get stronger with it. They have enough people working there to make sure it doesn't happen. He doesn't want a reputation of being a jerk. He takes their ID, it is hard to get in so it prevents a lot of them from trying – not that they don't try.

Chair Parkins commented that there is a double issue. It is matter of if they can be served but also a matter of increasing the capacity beyond what has been approved. She indicated that she can appreciate his wanting to get the smokers away from the front entrance and providing a place for them to smoke. She just doesn't want this to be able to increase the capacity. She stated that, honestly she has driven by the Draft House at night and seen people parked on Bridgeport Avenue because he's been over crowded. She added that she knows that condition exists there.

Mr. Tadduni responded that it is not that common but it does happen. They do have big nights (inaudible)...

Chair Parkins commented that she's witnessed it herself so she is not looking to have him increase his capacity as a result of this patio. She stated that if he thinks he can get that many tables out into that small area – she added that it may work at lunch time but it certainly not going to work on crowded nights.

Mr. Tadduni responded that the tables (inaudible) ...He stated that he can show it on the plan but until he really puts the tables and chairs out on the patio, he won't be able to tell if it is too crowded or how it should be situated. He's fine with eight or ten.

Comm. Matto asked Rick if there was a problem with the scale on the drawing. She asked if it was stated to be bigger than it actually is on the plan.

Chair Parkins responded that was about the emergency driveway (inaudible)...

Comm. Matto stated OK, then it is not about the patio itself - because she can't imagine he could get that many chairs and tables out there.

Mr. Tadduni responded that it was a small concern for him. He stated that he wants to see how it will set up once they have it out there. It will probably be less tables and chairs.

Comm. McGorty indicated that his greatest concern is the noise. Tables in that configuration are probably better because there will be less people. If they decide to get rid of the tables, they could put a lot of people out there and at midnight, that type of noise really carries. He stated that the homeowners behind Curtiss Ryan are not that far away in proximity so that would be his greatest concern.

Mr. Tadduni responded that the he hopes extended wall will eliminate that (inaudible)... He showed the location of the extended wall (inaudible) and added that hopefully, that will work (inaudible)...

Mr. Panico commented that the area (inaudible)..., well maybe that ought to be carried up another couple of feet.

Chair Parkins asked if he meant the brick itself.

Mr. Panico responded no, the screening. If they have another row of screen panels on top of there (inaudible)...

Comm. Pogoda asked if there was any way to put any landscaping there.

Mr. Tadduni responded no, it is all parking spaces there.

Comm. Pogoda commented that he thinks the wall should go higher then because that is a concern. Noise is their concern with the condos being back there. They don't want any noise going across the street, especially in the summertime. Sound does carry.

Mr. Tadduni responded that he agrees that it would at night and asked if he could try with the 6 foot wall because if they go any higher, it is going to look kind of silly there. It is fairly far away and he hasn't had any complaints from the condos. The only time he had a complaint from them was when he first opened, he opened his front doors when the music from the band was going. He didn't realize that they could actually hear the band. He never opened the front doors again because he doesn't want to have any trouble.

Chair Parkins asked if the door to the patio to the outside will be closed.

Mr. Tadduni responded yes, the doors will be closed at all times so that the noise doesn't escape the building. Obviously, he knows that the bands can get pretty loud.

Comm. McGorty commented that they have 42 spots and he could potentially have 60 or 70 people outside standing or sitting – that is the big problem. He asked how he'd control that and making sure it is not overcrowded out there because the more people have, the louder the noise level because everybody is talking and yelling over each other and then it starts to get out of control. He stated that he thinks it is important that there is a limit to the capacity and to what he has out on that patio. He just has to control that.

Chair Parkins asked how do you monitor that.

Comm. McGorty responded that he has personnel that have to keep an eye on that.

Mr. Tadduni added yes, that it is part of their job.

Chair Parkins indicated that there's also the noise ordinance – she commented that she would imagine that the Noise Ordinance in the City of Shelton would come into play if it that loud.

Comm. McGorty commented yes, that's what will happen if the complaints come in.

Mr. Schultz stated that, unfortunately, that is too late because (inaudible)

Comm. Harger asked a question about the top center of the drawing. She pointed out the elevation showing the ghosted image of the car. The car is hidden by the wall. It is a one

way to the back and around... She commented that somebody could be going the wrong way, you never know...

Mr. Tadduni responded that he understands what she is worried about - people backing out and a car coming in the wrong direction.

Mr. Panico stated there's a lack of visibility – you won't see that car until it is in your way.

Mr. Schultz stated that Staff talked about that. It is going right to the curb line – that's close coming in.

Mr. Panico commented that he thinks maybe this wall ought to be pulled back so that you get a little – you can see the back end of the car (inaudible)...

Mr. Schultz stated that it is compounded by the aisles being a little bit short.

Mr. Tadduni commented that in the three years he's been there, he's never seen anybody going back the wrong way out of there. It is marked off pretty good. The only people who go around the back of the building are delivery trucks and anyone going to the bank. Everybody seems to have the direction down on that. He added that he understands their concern but he's never seen anybody going the wrong way.

Mr. Panico stated that it is also the aesthetics of this wall and fence rising directly up out of the pavement with nothing to soften it at all – all along the sides and back. It is just a wall thing growing up out of the pavement.

Comm. Flannery indicated that she was concerned about the fire lane being a foot short at 23 feet. She asked if there was any way that they could add that extra foot to make it 24 feet.

Mr. Schultz commented that they would have to shorten the restriping of the parking lot.

Comm. McGorty indicated that it was a non-issue according to Tortora.

Mr. Schultz stated that the Fire Marshals (inaudible)... They can shorten the parking stalls closer to the AT&T side because they aren't intended to be (inaudible)...

Mr. Panico stated that if there is overhang on those parking stalls is not taken care of then that may be the remedy or the other remedy is that it will take care itself, if the wall is brought back a little bit.

Comm. Matto asked Rick about the sound barrier because she doesn't understand what it would look like since it is open air.

Mr. Schultz responded that they are going to use special absorbing material on that side of the wall (inaudible)...

Mr. Panico pointed out the lattice panels that (inaudible) ... on the wall that faces the street, he was going to put the sound absorbing barrier on the inside. You would still see the lattice from the outside but inside there is a lining of sound-absorbing material.

Comm. Matto asked if that works.

Mr. Panico responded that he doesn't know.

Mr. Schultz responded that it works in a home but this is in open air.

Comm. Harger asked if they were suitable for outdoor facilities.

Mr. Schultz responded yes, these types of products have come a long way. It is just a question of how high they need to go to make it work.

Comm. Matto commented that they don't want it too high because of the aesthetics.

Mr. Panico stated that he personally thinks that aesthetically adding another 2 or 2 ½ feet is not going to be a killer – just on that one wall - not the other ones.

Comm. Matto asked if that is the one facing Bridgeport Avenue.

Mr. Panico responded yes, facing Bridgeport Avenue. Nobody will see that wall on Bridgeport Avenue because it is too far in. There are too many distractions to the eye to really see the wall.

Chair Parkins asked the Applicant if he was the owner of the building itself.

Mr. Tadduni responded no.

Mr. Panico asked if the brick masonry is going to be a brick veneer that is going to match the brick on the building.

Mr. Tadduni responded yes, correct.

Chair Parkins indicated that her concern was what recourse they would have if this turns out to be a nuisance.

Mr. Schultz responded a Cease & Desist Order to get an Injunction to close it down. That is why it is important, if the Commission is to approve this, to just spell everything out in detail, and have the Applicant acknowledge it, which he is doing right now. It is important before the public hearing closes that the applicant acknowledges every concern and that he'll work with the Commission. Mr. Schultz indicated that if an injunction is sought, that is what the judge will ask – “Did you spell it out clearly?” “Was the Applicant aware of it?” and “Did he file it on the land records?” He added that Mr. Tadduni will be doing all of that.

Mr. Panico asked if it would be easier if that required emergency exit were more visible in the back wall. He asked if the back wall, instead of being curved, would just be brought straight into the building so that (inaudible) the gate would be mounted in a way that it is visible.

Mr. Tadduni pointed out the back wall and asked if that was what he was talking about.

Mr. Panico responded yes, the way it is now it's kind of tucked around the back.

Mr. Tadduni commented yes, without even moving the wall, he could move the door over so that it's visible and then make it go right out.

Mr. Panico stated that when you do go out, you're stepping right on to the middle of the pavement; whereas, if it were brought in here, you could fill that in with a platform because there is room there.

Mr. Tadduni responded that if he wants it, it's a small issue for him. If it's big deal to bring the wall in then (inaudible)...

Mr. Panico commented that they could also leave some plantings there...

Chair Parkins indicated that landscaping so that people wouldn't be trying to follow (inaudible)...

Mr. Panico commented on the site drawings and asked about the kitchen area.

Mr. Tadduni responded yes and showed that the area on the plan directly on the side of the patio is the kitchen.

Mr. Panico asked if there was any chance those windows would ever get opened up; thereby, releasing any sound from the inside to outside.

Mr. Tadduni responded that those windows don't open at all. They just bring light into the room.

Mr. Schultz asked about the kitchen area that is open, there is no screening or curtains.

Mr. Tadduni responded that it is wide open. They were thinking about putting a third door and tinting the windows.

Mr. Panico commented that they would probably want to do something to make those opaque in some way.

Mr. Tadduni stated that they were thinking about tinting the windows so at least they could see out from the kitchen.

Comm. Pogoda commented about the door going inside the building and asked if it is going to be closed so patrons can't just go in and out at any time. He asked if they'll have to open the door and close the door.

Mr. Tadduni responded correct.

Mr. Panico stated that at the present time the bank has a little sign indicating that they have a drive-up window. It sounded like, in your aisle...he stated that he doesn't think he wants to see that sign end up being on your wall. He asked who had jurisdiction over that sign.

Mr. Tadduni indicated that the bank is no longer there. They moved out. He added that he's sure another bank is going to go in there but right now there is no bank.

Mr. Panico indicated that if the Commission should decide to pull that back a little bit then there will still be room for the bank.

Chair Parkins stated that she would agree with that - pulling that wall back to make room for some shrubbery and then (inaudible)...

Mr. Panico commented that it would only be a little bit - not a lot - but at least there's a chance to break it up a little bit.

Chair Parkins added yes, and put the sign in. She commented that she thought both of the suggestions were worthy of a note. The back wall and some shrubs (inaudible)...

Mr. Panico commented that (inaudible)...

Comm. McGorty asked Tony what he had so far - the front, cutting that corner for a sight line ....

Mr. Panico stated that his concern would be to attempt that bring that back a little bit and bring this back so that it's (inaudible)...

Comm. McGorty stated that then they relocate the emergency exit.

Mr. Panico responded yes, just relocate that to over here somewhere...and put a little pad out there and landscape the rest of it. He stated that by pulling this back, it gives a little added width, if there is concern over the width of the fire lane because that will take care of it. It also gives a little bit of visibility so that at least you can see the trunk of the car before it backs up into your travel lane. It allows for a little bit of reaction time. It isn't great.

Chair Parkins commented that making those cuts may lose a couple of tables but he's already indicated that isn't a problem.

Mr. Panico stated that it is unlikely that it would work anyhow. He stated that he didn't think it was materially going to change the potential occupancy out there.

Comm. McGorty readdressed the noise the problem and added that he likes the outside patios for dining himself. They just need to control the amount of people out there. They need at least some kind of a commitment that they are going to have the tables there and it's not going to be 42 people at the tables and then another 42 people standing and smoking. He knows that people are going to hang out on the patio (inaudible)...

Mr. Tadduni responded yes, he'll (inaudible)...

Chair Parkins stated that his clientele it is all standing (inaudible)...

Mr. Tadduni stated that his clientele changes throughout the day. He's open from 11:30 a.m. to night time with a different crowd... (inaudible)

Comm. McGorty commented that was his biggest concern – how are you going to control that. There's going to be 42 people at the tables and then there is going to be another 42 people standing...(inaudible) That is noisy. He commented that he has to control it somehow and that is his point.

Mr. Tadduni responded that he will leave those tables there and... (inaudible) and he'll control it somehow...

Comm. McGorty indicated that he has to control it somehow - that was his point that if he has 60 or 70 or maybe even 42 people – it is a lot of people talking, parties and stuff and at night– the people across the street are going to hear it. He reiterated that was his concern.

Mr. Tadduni responded that the only thing he can do is have more sound absorbing material here...

Mr. Panico stated that he could control everything except people's voices. He can control the music, audio systems and TV, etc... but you can't control the level of people's voices.

Comm. McGorty commented that the more people out there the louder it is. His point is that (inaudible)...He's going to have to control it somehow. It isn't a problem for them – it is a problem for him as to how he controls it. If there are 80 people out there it isn't going to work...

Chair Parkins commented that his day and night business is totally different. During the daytime, people are having lunch and it isn't an issue. But at night, it is a different crowd, loud music, drinking and they are noisy. She doesn't see anybody going out there to enjoy a burger and a beer at 11 p.m. at night.

Comm. McGorty indicated that he agrees.

Chair Parkins stated that at 11 o'clock at night they want to have a smoke and (inaudible)...

Comm. McGorty stated that in a lot of places you can sit outside specifically to have a cocktail because he enjoys being outside but he wouldn't want to see all the tables full and then see another 40 or 50 people out there because it isn't going to work.

Comm. Flannery asked if he wanted to close the patio at 8 o'clock.

Comm. McGorty responded no...

Mr. Tadduni responded no, he does not.

Comm. McGorty stated that there is nothing wrong with an outdoor patio but the proximity and the amount of people that could potentially be out there – he knows that patios are popular and at night there will be a lot of people out there.

Comm. Matto asked if he could restrict the number of seats and then restrict the number people to the number of seats.

Comm. McGorty stated that was kind of his point that there are 42 people that can sit out there but they need somebody policing it. It's hard for him to have to hire somebody just to control the patio – that doesn't work for him.

Comm. Matto indicated that she didn't think it was going to fit 42 by any means.

Mr. Tadduni stated that this issue must have come up with someone. He asked if there was some bar in town or outside of town. There is a solution to the problem – there has to be. Plenty of patios exist in this town that are close to residences. He stated that he would talk to them, he can find out their issues and their solutions because it has to have come up before.

Chair Parkins indicated that there was Danny O's on Howe Avenue and Caliente's.

Comm. McGorty stated that Vazzi's has an outdoor patio with a similar configuration on the side.

Chair Parkins noted that there are no residences there though.

Mr. Panico stated that the problem is that at night, this becomes a very quiet area.

Comm. McGorty agreed and stated that was his concern. Downtown is an ambient noise level downtown but here it settles down.

Mr. Panico added that they don't have that traffic noise on Bridgeport Avenue anymore.

Comm. McGorty stated that is what he was stuck at - How do they control that so it doesn't become an issue because once it is approved and then the phone starts ringing – well, that's a problem.

Chair Parkins asked if any of the Commissions had any other comments because there was someone from the public who wanted to speak.

**Anthony Tadduni Sr. addressed the Commission.** Mr. Tadduni indicated that he wanted to address their concern. He stated that if they don't put the patio in, the same amount of people will be standing outside talking and smoking. They would actually be closer to the residences. In all this time, they haven't had any complaints except for the first day when they opened their doors and they know they weren't smart about that...

Comm. McGorty asked if they stand on the side of the building.

Mr. Tadduni Jr. responded that they go right out the front door over here to have a cigarette...70 or 80 people outside...it can definitely get up there on those busy nights...There will be at least 30 or 40 people easily out there.

Chair Parkins commented that there are no chairs to make them congregate – they kind of have to smoke and stand around.

Mr. Tadduni Jr. responded that there is also no wall absorbing (inaudible)...

Comm. McGorty commented that the noise reverberating out of the front of the building that is going to carry over there but he doesn't know if that's (inaudible)...

Comm. Pogoda asked if there were people out there drinking.

Mr. Tadduni responded no.

Comm. Pogoda commented OK, so basically they just smoke and go back in.

Mr. Tadduni responded that they congregate and they do go outside...He added that he wished he had some video to show them. He added that it does happen when people go out to smoke then they just hang around outside.

Chair Parkins commented that he just said about 80 people – so if there were 80 people on the –

Mr. Tadduni responded no, it's not 80 people...

Chair Parkins commented OK, maybe he was exaggerating but about 50 people... She commented that she was struggling with this noise issue. She doesn't know what they could do as a solution if it becomes an issue. She stated that she would hate to have the Applicant go to the expense of building this and then shut him down because it is a nuisance.

Comm. Harger indicated that it was a chance that they have to take.

Mr. Tadduni stated yes, it's a chance he has to take. If complaints come about then (inaudible)...

Mr. Panico suggested that they could discuss it more after the hearing is closed.

Chair Parkins commented unless he was willing to give them some sort of method he is going to use to control it.

Mr. Panico asked if it would be unreasonable to limit the number of people to those patrons seated at the tables and not more than "X" number of standing persons.

Mr. Tadduni responded that was feasible and he could do that.

Chair Parkins added that he can try and (inaudible).

Mr. Panico indicated that it would prevent him from having wall to wall people out there standing around.

Mr. Tadduni stated that he likes to have a good relationship with everybody – his neighbors, his customers...it doesn't always work out that way but it isn't from a lack of his trying.

Chair Parkins asked if there would be bar service outside.

Mr. Tadduni responded that there would be a waitress that goes out there.

Chair Parkins commented that the waitress could kind of go back and forth and let them know if it getting a little crowded out there.

Mr. Tadduni responded yes, they can move them.

Comm. McGorty stated yes, well that's all it really is.

Mr. Tadduni commented that if it is getting loud, he'll move them (inaudible)...He especially doesn't want to upset the condo residents that late at night. He can appreciate that issue of the noise at 11 o'clock at night.

Comm. Harger stated that she thought it was reasonable to have a time frame like Monday through Thursday, it closes at 11 p.m. and 12 a.m. on Friday and Saturday.

Mr. Tadduni responded that they are open to 1 a.m.

Chair Parkins asked if that was every night.

Mr. Tadduni responded every night except Friday and Saturday they are open to 2 a.m. They have the last call ½ hour before that and everybody is out by ten minutes of 2 a.m.

Comm. Harger indicated that if he is really concerned about the best interests of the people in the condos, because he said himself that the noise carries, then she thinks that he has to revise that somewhere (inaudible)...

Mr. Tadduni stated that his point is that he would like to at least try. He thinks that the way it is set up with the wall – he personally does not think it is going to be an issue. If it does become an issue, he is willing to revisit and consider closing the patio at 11 p.m. or midnight just to keep the peace. However, he would at least like to try this.

Chair Parkins commented that they'll give him a couple of options to rectify it before any Cease & Desist (inaudible)...

Comm. McGorty indicated that if he happens again then (inaudible)...

Mr. Panico commented that maybe, if they decide to approve it, they could impose operational restrictions. Maybe the operational restrictions could be revisited after a period of time, either with respect to loosening them or tightening them depending upon what the experience is.

Chair Parkins asked if there were any other questions or comments from the Commissioners or members of the audience regarding this proposal.

With no other comments, she asked for a motion to close the public hearing.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #12-08.**

Chair Parkins asked for a 5 minute recess at 7:45 p.m. **A motion was taken (motion inaudible) and it was unanimously voted to reconvene at 7:50 p.m. in Room 104.**

## **OLD BUSINESS**

**APPLICATION #12-01, PETITION OF STEVEN BELLIS ON BEHALF OF SHELPET, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND BASIC DEVELOPMENT PLANS FOR PDD #2, (SHELTON SQUARE SHOPPING CENTER: FREE-STANDING AUTOMOBILE FUELING FACILITY WITH CANOPY), 900 BRIDGEPORT AVENUE, (MAP 9, LOT 15). (PUBLIC HEARING CLOSED ON 3/28/12).**

Chair Parkins reconvened the meeting at 9:50 p.m. with Old Business Application #12-01. She added that the public hearing for this application was closed on 3/28/12. There was a consensus for a favorable resolution which Staff has prepared.

Mr. Panico read the Draft P&Z Report Resolution for Application #12-01 and showed the proposed site drawings.

**\*See attached P&Z Report for Application #12-01 dated May 23, 2012.**

Upon completion of reading the report, Chair Parkins asked for a motion to discuss the resolution.

Comm. McGorty put a motion on the table and it was seconded by Comm. Harger.

Comm. McGorty asked about the pricing on the fascia. He commented that he wasn't sure he had ever seen that and asked if it was at the top.

Mr. Panico responded yes, that lately, all of the Stop & Shop's have them.

Comm. Harger mentioned that the Derby Stop & Shop has it.

Comm. McGorty asked if it was an electronic pricing on the top.

Comm. Harger responded yes (inaudible)...

Comm. McGorty indicated that a small ground sign with the LED in there is nice.

Chair Parkins stated that the canopies are just white (inaudible)...

Comm. McGorty asked if they would control that when they see the final design.

Mr. Panico responded yes, they'll have some input on that. They have (inaudible) something with colonial flavor but he has to see how it relates to the Burger King right next door and Stop & Shop over here. He added that he doesn't know if that design makes much sense but they'll get into that with the revised development plans.

Chair Parkins asked if they should stipulate it (inaudible)...

Mr. Panico stated that the question would be if they want to limit it to that or does the Commission wants to encourage them to provide for a ground sign. He added that he didn't want to rely on signs that move around.

Chair Parkins stated that she didn't want (inaudible)...

Comm. McGorty commented that a fixed ground sign (inaudible) or something that is nice.

Comm. Harger stated that they have to be careful and referenced what they do in Derby with the sandwich board sign out by road.

Comm. McGorty indicated that they could specify it. They could do a (inaudible)...

Comm. Harger commented that she only brought that up since this is set back (inaudible)...

Mr. Panico stated that the station built in Ansonia and Amity has it on there.

Chair Parkins commented that she didn't want them to limit themselves to saying this and find out that they really don't like it. She indicated that was her only concern.

Comm. McGorty agreed that would back them into a corner with that and he isn't sure that is the best look.

Comm. Harger stated that the gas station down at the bottom of the hill here has the low signs.

Mr. Panico stated that they could say "unless otherwise approved by the Commission" or "unless otherwise required by the Commission.

Comm. Matto commented that the point of it to her would be that you could see it from a distance so that you can decide if you want to go there because of the price.

Comm. McGorty asked which direction it would be facing – toward Stop & Shop.

Mr. Panico indicated that more than likely it would be over here as you pull into the station.

Comm. McGorty asked where you would see that.

Inaudible comments...

Chair Parkins commented that they are going to have to determine first what the final detailed design is going to be and how the traffic (inaudible)...

Mr. Panico stated that the reason he was thinking about it this way because if somebody is leaving the Center and decides that he may want gas, they will be able to look up and see the price to decide whether they want it or not.

Chair Parkins stated that if they are coming in from Bridgeport Avenue (inaudible)...

Mr. Panico asked if they would like to leave that a little more flexible.

Comm. McGorty responded that he thinks that they need to think that one through a little.

Mr. Panico stated that what he was going to do is say “required price signage shall be limited to the canopy fascia unless otherwise required/approved by the Commission and/or mandated by the Department of Motor Vehicles.” He added that is about as flexible as they are going to get.

Comm. McGorty stated that was fine. It gives them an out in case it doesn't (inaudible)...

Comm. Harger stated that her big concern was that the traffic flow (inaudible)...

Mr. Panico stated that by law they are mandated to provide (inaudible)...

Chair Parkins asked if there were any other questions or comments. She asked for a roll call vote.

Comm. Matto asked if there was a fix for this traffic issue that can be envisioned.

Mr. Panico responded yes, he thinks that there are ways of accessing the site from up here that will create the minimum amount of destruction and still provide for the tankers either with a cut-out from the main road – but it can be done. He added that he was up on the Burger King side and he parked over there and looked at. He stated that he thinks that the thing to do is to come in, come up here somewhere, see the site, pull in, go to the pumps and then exit. He stated that he thinks it can be done but he isn't going to tell them how to do their site plan. However, he'll be happy to sit with their engineers and go over it.

Comm. Matto asked if what they are voting on is that they will follow through on everything here and then that it will be approved again.

Mr. Panico responded yes.

Chair Parkins stated that what they are voting on is the approval of the amendment to the Statement of Uses and Standards to allow an automobile fueling facility to be there.

Mr. Panico stated that what this action does is say that the Commission agrees that an automobile fuel facility tied in and associated with a major tenant should be allowed here. It is just a zoning component.

Comm. Matto responded OK.

Chair Parkins continued with the roll call vote.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was roll call voted (5-1) to approve Application #12-01. Comm. Flannery voted in opposition.**

**APPLICATION #12-04 PITNEY BOWES SHELTON REALTY INC. FOR CONCEPTUAL APPROVAL OF MINOR MODIFICATON OF DETAILED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION), 27 WATERVIEW DRIVE (MAP 79, LOT 15) (PUBLIC HEARING CLOSED ON 4/25/12).**

Mr. Panico read the draft report resolution for Application #12-04. He added that this is a minor modification and not a formal change so it won't require a roll call vote. He showed the proposed site plan drawings.

**\*See attached Shelton P&Z Commission Report for Application #12-04 dated May 22, 2012.**

With no questions or comments from the Commission, Chair Parkins asked for a motion.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #12-04.**

**APPLICATION #12-05 PITNEY BOWES SHELTON REALTY INC. FOR CONCEPTUAL SITE PLAN APPROVAL (PARKING EXPANSION), WATERVIEW DRIVE (OVERFLOW PARKING AREA), (MAP 79, LOT 13) (PUBLIC HEARING CLOSED ON 4/25/12).**

Mr. Panico stated that this application had a need for more suggestion or recommendation. He indicated that he went back and looked at some of the comments from the Commission because he felt that they had validity. He added that he thinks that the applicant should go back and re-examine it.

Mr. Panico read the draft report resolution for Application #12-05.

**\*See attached Shelton P&Z Commission Report for Application #12-05 dated May 22, 2012.**

Comm. Flannery asked if there would be enough lighting for people in the back getting out of work when it is dark in the wintertime for safety.

Mr. Panico commented that they do have lighting on site. As to its adequacy, he doesn't know, because he hasn't been out there after dark to see it. He added that they can certainly bring that up to them again. Their suggestion to them about lighting had been that if they are going to expand the lot, then they have to expand the lighting.

With no other questions or comments on the report resolution, Chair Parkins asked for a vote.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #12-05 with the noted conditions.**

**APPLICATION #12-06 PITNEY BOWES SHELTON REALTY, INC. FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION) 35 WATERVIEW DRIVE (MAP 79, LOT 11) (PUBLIC HEARING CLOSED ON 4/25/12).**

**\*See attached P&Z Commission Report for Application #12-06 dated May 23, 2012.**

Mr. Panico read the final resolution report for Pitney Bowes Application #12-06 on 35 Waterview Drive. He explained details on the proposed site plan.

Comm. Flannery commented that again she wanted to inquire if the lighting would be adequate.

Mr. Panico responded yes, they will ask them to look at it again because he's sure that there are some areas where they'll have to expand some lighting. He noted an area in the back where there is presently no lighting, so they'll have to put lighting back there. He added that the edge of the parking area will also need some lights.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #12-06 with noted conditions.**

**APPLICATION #12-07, MCP 6 ARMSTRONG, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (PARKING EXPANSION), 6 ARMSTRONG ROAD, (MAP 18, LOT 22), IA-2 DISTRICT.**

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant.** Atty. Thomas offered to distribute hand-outs with photographs from the last meeting. He indicated that the Applicant was present and they would answer any questions that the Commission had.

Mr. Panico showed the site plans for review and showed the areas where modifications would be made. He read the draft report resolution for Application 12-07.

**\*See attached Planning and Zoning Commission Report dated May 23, 2012.**

With no questions or comments from the Commission, Chair Parkins asked for a motion and vote on the resolution.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #12-07.**

**APPLICATION #12-08 JOE ROCCO FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #57 (OUTDOOR PATIO), 350 BRIDGEPORT AVENUE (MAP 77, LOT 33) (PUBLIC HEARING CLOSED 5/23/12).**

Mr. Schultz stated that he had prepared a report and now they need to dissect the information presented and go into the details of what they want to see if it is a favorable vote.

Comm. Flannery stated that she wants to see all the tables shown outside to stay there. She counted and there are 40 seats. She commented that having the 12 tables will eliminate a lot of the standing room and added that she liked the idea of people sitting down.

Mr. Schultz stated that was in Condition #2. The first one was that there be no TV, music or live music on the patio.

Comm. McGorty asked if he was saying no entertainment of any type.

Comm. Pogoda responded yes, no entertainment.

Chair Parkins indicated that they don't want any amplified music because if there is a band then they could speakers outside.

Mr. Panico stated that they don't want any transmission of the music inside to the outside.

Mr. Schultz read that the condition for the total number of dining tables should be limited to 12 tables. Dining tables should be of high quality using solid, matching umbrellas devoid of any advertising or lettering.

He continued that additional sound absorbing material shall be installed in appropriate locations, if the noise level from the patio results in complaints. The occupancy level at the restaurant/bar was approved for 175 patrons. The area is currently posted for 265. This matter needs to be resolved by the Applicant and Commission. He added that if they want to maintain it, they have to come back and revise the Certificate of Zoning Compliance that was approved because it stated right on it that it was for 175.

Chair Parkins asked about the parking there and how many spaces are in that PDD.

Mr. Schultz responded that he didn't have that information with him.

Chair Parkins commented that she can't imagine that there are 300 spaces (inaudible)...

Mr. Schultz indicated that was a side issue but it has to be revisited.

Chair Parkins responded yes, absolutely.

Mr. Schultz stated that was a condition of approval. Obviously, it evolved to what it is because of the outdoor patio and that is why they are going to revisit it. He indicated that he would take that matter up with the Applicant and the Fire Marshal. He added that obviously, that 300 is an invalid number because it is only posted for 265.

Mr. Schultz continued reading the conditions including that no future awning will be installed or enclosures of any kind allowed in this area. He stated that once again, the Commission wants to keep this open and not have it become permanent enclosure or a structure which would clearly increase the patron area.

Mr. Schultz stated that the patio shall be free of any garbage at all times. Any flying paper or plastic products shall be picked up immediately from the immediate and adjacent areas. Doors to the patio and restaurant shall be closed at all times. He added that he was talking about the Main Entrance door and the Patio Door.

Mr. Schultz indicated that if he receives complaints from the Condominium Association than it will have to stop immediately. Outdoor lighting shall be restricted to appropriately installed low wattage fixtures. He added that he didn't think the Commission wanted to see the Christmas tree lights wrapped around the exterior because there are a lot of places that have them.

Mr. Schultz continued reading that no signage shall be permitted in, near or on the patio area and no parking of motor vehicles that have advertising of the restaurant/bar shall be permitted.

Mr. Schultz stated that the final design of the wall/fence enclosure shall not interfere with the sight line of motorists traveling to and from the rear of the building. Revised site plans incorporating all Staff and Commission comments including limits of the wall, secondary exit locations, addition of landscaping and more sound-absorbing measures.

Mr. Panico asked if he wanted to be more definitive and state what those limits ought to be. He asked if he was suggesting that this wall was going to be moved back.

Mr. Schultz responded that he is saying that Staff has got to take a look at it with them.

Mr. Panico stated that he is anxious to hear what the Commission would like to see happen.

Chair Parkins commented that she would like to see that cut closer.

Mr. Schultz stated that obviously, Staff is going to sit with the Applicant and modify these plans so that they can be signed off by the Chairman.

Comm. Harger commented (inaudible) landscaping...

Chair Parkins stated that the two points that Tony brought up to shorten that a little bit to add a few plants there and to make it safer for anybody backing out, if someone is coming. The back part is leveled out a little bit so that if people need to access out at least there is a grassy area there. She added that there is not much space there to begin with.

Mr. Panico stated that from an aesthetics point of view, an enclosure that has a wall (inaudible) would really be the best so they don't have multifaceted wall. Also, they don't want to totally mess up the enclosed area either.

Mr. Schultz stated that the Commission has the right to revisit the overall operational restrictions noted above. He stated that he was going to add that in the event that the Commission deems that necessary, the Applicant shall immediately respond to the concerns of the Commission and appropriate action by the Commission will take place.

He added that could mean the modification of plans or a Cease & Desist Order. So if there are any problems, he indicated that he would bring it to the Commission's attention and the Applicant will come to the meeting and address it and find a resolution.

Chair Parkins commented that she wanted to stipulate that such measures would include limiting the hours.

Mr. Panico stated that there was a discussion about whether the occupancy needed to be limited to only those people. He added that he doesn't think that is a good idea but on the other hand he doesn't think it should be wide open either.

Comm. Matto asked Tony Panico why he didn't think it should be limited to the seating.

Mr. Panico responded because they are going to have those occasional people that want to have a cigarette. He doesn't want to encourage them to go by the front door.

Comm. Matto commented that if you were out on the patio relaxing, dining and having a drink would you want somebody hanging around smoking over your shoulder.

Mr. Panico stated that if that is the smoking area then...

Comm. Pogoda added that a lot of the smokers don't care (inaudible)...

Chair Parkins indicated that this is not about sitting down – this is not fine dining, no offense to the Draft House...

Comm. Flannery commented that they have a place like this at Yankee Stadium with a smoking area and a dining area and all the smokers just go there.

Chair Parkins stated that at night time, people are not going to be sitting down to eat a meal and be bothered by someone smoking. They are outside there strictly to smoke.

Mr. Panico stated that it would be difficult to enforce a prohibition on anybody standing out there smoking.

Comm. McGorty commented that it is really out of their purview. If it effects his business, then he'll take appropriate measures to get rid of it or not allow smoking.

Chair Parkins indicated that it was a very similar situation to what they have Downtown at Danny O's. He has the rooftop out in the back so if you're upstairs and you want to go out and have a cigarette, you go to the roof. If you're downstairs you can go out to the enclosed front patio to smoke. If people are standing really close together then they are not really going to be enjoying themselves and they'll go back inside or leave. Hopefully, it will monitor itself with the crowd control but they do have the residents to consider so if it gets to be an issue, they need to have measures to reign it back.

Mr. Panico stated that they won't say anything about it but address it if there is an issue. He asked if that is what she was saying.

Chair Parkins stated that the Applicant needs to realize that if it becomes an issue, he'll have to do something about it. Hopefully, he is going to make sure it won't become an issue in the first place.

Comm. McGorty commented that it could be costly (inaudible)...

Chair Parkins indicated that he needs to know that the Commission will take measures to rectify it if it becomes an issue for the neighbors. Those measures can include...

Mr. Panico asked about the effectiveness of the sound barrier.

Chair Parkins commented that personally, she didn't think that was going to do anything.

Mr. Panico asked if they wanted to raise that wall (inaudible)...

Mr. Schultz commented that he thinks that they should investigate that and make a determination. He added that they aren't experts in that but there is good quality stuff out there now.

Chair Parkins stated that she believes the condos are actually above the grade so they are at a higher elevation. If they've got noise coming from there, that sound wall is not going to work. The sound is still going to go up.

Mr. Panico indicated that it tends to deflect the noise upward. They are never going to totally eliminate it but it can be deflected.

Chair Parkins commented that all she knows is that when people are drinking tend to talk a lot louder than people who aren't.

Mr. Schultz indicated that Staff would have to monitor this like they did at Pinecrest. They'll have a meter and all that; they'll be proactive.

Comm. Harger asked about the parking aisles (inaudible)...

Mr. Schultz indicated that he could handle that administratively.

Comm. Harger commented about the City Engineer's report about a tree there (inaudible)...

Mr. Panico stated that he didn't know how they could save it though...(inaudible)...

Comm. McGorty commented that if they pour concrete on it then (inaudible)...

Mr. Panico asked Rick Schultz if he wanted to mention anything about the interior floor with adequate provisions for storm water (inaudible)...there's a solid wall closing this (inaudible)...

Mr. Schultz responded that he has that (inaudible)...

Comm. Harger asked if the solid wall was the best thing. She asked if they should (inaudible)...

Mr. Schultz stated that they used it for Bertucci's before they enclosed it. It looked nice with the brick wall (inaudible)...

Chair Parkins indicated that they've talked about cutting it back a little bit from the side, switching the exit, and possibly having the applicant look into an emergency sound and sign on the emergency exit door.

Mr. Panico stated that somehow or another they'll have to pull in this wall to some degree and pull the other one too.

Chair Parkins commented yes, and that is more for a safety aspect on both sides.

With no further questions or comments, Chair Parkins asked for a motion to approve the patio for Application #12-08.

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously roll call voted (6-0) to approve Application #12-08 with the noted conditions.**

**APPLICATION #12-09, JOHN PAM, LLC FOR COASTAL AREA MANAGEMENT SITE PLAN APPROVAL (BOAT STORAGE FACILITY, PLATFORM AND DOCK), 500 RIVER ROAD (MAP 54, LOT 33), IA-3 DISTRICT.**

Mr. Schultz stated that the Commission really needed to wait to hear from the DEP because it is a CAM, which they have. He indicated that he had correspondence to read.  
**\*See attached correspondence to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal dated May 17, 2012.**

**\*See attached correspondence to Richard Schultz, P&Z Administrator from Kristal Kallenberg-Dorismond, DEP, Long Island Sound Office, dated May 17, 2012.**

**Sal Matto, representing John Pam, LLC addressed the Commission.** Mr. Matto indicated that the application has been accepted by the DEP for the docks. It is his understanding... There were many changes made on it and they don't officially accept it until it is the way that they are going to approve it. The DEP has requested the application fee and they don't do that until they are ready to approve it, so very soon he expects approval on it.

Mr. Matto stated that the application refers to boat storage. These are rowing shells; the only motorized boats would be perhaps the chase boats that the coaches will use. In reference to the Fire Marshal's comments, there will be no building changes at all. There are no additions to the building.

Mr. Panico asked how they get from the building to the dock. He asked if the area near it was lawn area and if they would just walk across the lawn – no walkways.

Mr. Matto responded yes, its lawn and they just walk across it.

Mr. Panico asked if there was a regulated spot for them to walk.

Mr. Matto responded no, and it is just the kids that are rowing. They will come out of the building and go right across the lawn.

Comm. Harger asked how many kids there were.

Mr. Matto responded that there are 8 to each boat and perhaps 2 boats at a time so there will be 16 kids a day walking across the lawn.

Comm. Pogoda asked if there was an overhead door.

Mr. Matto responded yes, a couple of them.

Chair Parkins asked if they had proposed any type of lunch room or anything.

Mr. Matto responded not at this point. He added that there is a kitchen in there that was a break room when it was a factory. They'll probably use it.

Mr. Panico asked if they would have any meets out of here.

Mr. Matto responded no, he thinks it is just for practice. Their practice is usually around 6:30 a.m. for an hour or so and then sometimes in the afternoon. They are Sacred Heart University and Fairfield University is talking to them now about talking to him about getting a couple of boats in there too. It is strictly for practice. They are down river at the other marina now. Once a year, they have a meet.

Comm. McGorty asked about the amount of people and if there would be adequate parking for that.

Mr. Matto responded that they could fit 50 cars without Police parking them. For an event they would use that procedure.

Chair Parkins asked if the lease would put any restriction on parties or events or anything like that. She asked if they have a certain amount of people, they have to have ...

Mr. Matto responded no.

Chair Parkins commented OK, they have nothing so it is going to be pretty open. She asked if they were going to do anything they wanted down there at any hour.

Mr. Matto responded that he was not one bit concerned about that.

Chair Parkins stated that it is just a question that they are asking for consideration of everyone else who is around there.

Mr. Matto stated that he understands that and he lives next door. The kids don't have a free run of it at all.

Mr. Panico asked if his lease would be with Sacred Heart University.

Mr. Matto responded yes.

Mr. Panico asked if this made it an educational use under this zone.

Mr. Schultz responded no, it's a commercial – that's another – this use is permitted as of right.

Mr. Panico asked what the use was.

Mr. Schultz responded that it is Permitted Use #49 – Marina Dock and Platform. He read the draft report that he prepared for the application.

**\*See attached P&Z Application #12-09 Coastal Area Management Site Plan dated May 23, 2012.**

Mr. Schultz discussed the peak demands for special events. This is a long driveway with a cut-off that could accommodate 10 vehicles but the main parking lot can accommodate 50+ vehicles if they are parked correctly because this is an informal parking area. He indicated that there were 60 spaces between the overflow and the main parking lot. A portion is paved and the rest is gravel.

Mr. Matto indicated that it is once a year they have this meet. When they have practice, he has watched and the kids come in three little vans – that's it. The other schools go overboard with a whole school bus. So it's one school bus and a couple of coaches in their cars.

Mr. Panico asked if the kids came in their own vehicles.

Mr. Matto responded no, they do not.

Comm. McGorty stated that normally there is not an issue. It is just when they have big event. He commented that some of these regattas have people coming from different states.

Mr. Schultz commented that if you go to Yale, there is no parking there – just 20 spaces.

Comm. McGorty stated that his only concern would be a special event with a big draw and potentially parking along the River.

Mr. Matto stated that his previous tenant, a landscaper, had an auction to sell everything off during his last week there. They had police parking cars and they spoke to Latex Foam who has an immense parking lot to use. They are very good to work with. He expects that if there was a parking problem, they would work with Latex Foam. Latex Foam has moved out all of their storage trailers so there is tremendous parking there now.

Comm. McGorty commented that would be something that he could do – check with Latex Foam to make sure it is option.

Mr. Matto stated certainly, and added that it is just one event a year.

Chair Parkins added that is something that the University would have to coordinate for insurance anyway (inaudible)...

Mr. Schultz stated that he has incorporated that into the resolution to coordinate with the adjacent industrial property owner for special events.

Mr. Schultz asked if all rowing shells would be stored in the building or neatly stored on the southerly side.

Mr. Matto responded yes, the southerly side would be the River. The storage will be in the building. The dock is on the southerly side.

Mr. Schultz asked if he anticipated that all the shells would be stored in the building.

Mr. Matto responded yes, he expects them to be in the building – nothing will be outside.

Comm. McGorty added that they are expensive so unless there is security – they should be stored inside.

Mr. Matto commented that with this land being so much lower than the land around it, none of the neighbors can even see them in the yard anyway. He's sure they'll be times when they are loading all the boats up on the trailer.

Comm. McGorty commented that they expect to see stuff like that on the River.

Mr. Schultz indicated that Mr. Matto is not requesting any signage. Obviously, if there are special events signs the Zoning Department can handle that. He asked Mr. Matto if that was correct, that he wanted no signage on the building.

Mr. Matto responded that he has no objection to signage on the building but this application is not for signs. He added that he made it clear to them that if want signs, they have to come in and see you people.

Comm. McGorty stated that it is not that big of an issue but when there is a special event, they'll want to have signs on the road so that people can find them.

Mr. Schultz told Mr. Matto about the A-frame type of signs for events that can be removed.

Mr. Matto commented about their special events and stated that their home base isn't where everybody goes. For whatever reason, when they have races, the signs are usually way down the River.

Mr. Schultz asked if he would be going maintenance free aluminum for materials or are there other products out for the loading dock.

Mr. Matto responded that it hasn't been decided yet. There are three ways that they could go – there's a polyethylene type of composite material that floats low and they want something that is six inches off of the water.

Mr. Panico asked if all of those docks would come in at the end of the season.

Mr. Matto responded yes.

Mr. Schultz commented that this is a very nice fit as they have seen.

Chair Parkins asked for a motion if there were no further questions.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Application #12-09 with the noted conditions.**

Chair Parkins commented that she would like to have only one meeting a month for June, July and August. She will not be available to attend for the regular scheduled meeting on 6/12; however, she can Skype into the meeting. However, if there is something that comes up for the agenda that she doesn't feel comfortable doing via Skype, then they will have to have a 2<sup>nd</sup> meeting or change the regular meeting to 6/13, Wednesday when she returns. She asked the other commissioners for their availability.

After a discussion, Mr. Schultz stated that he would cancel the regular 6/12 meeting and schedule it for 6/13 Wednesday in Room 303 at 7 p.m.

**ADJOURNMENT**

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to adjourn at 9:25 p.m.**

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary