

SHELTON PLANNING & ZONING COMMISSION **SEPTEMBER 26, 2012**

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, September 26, 2012 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda
 Commissioner Virginia Harger
 Commissioner Joan Flannery
 Commissioner Elaine Matto
 Commissioner Thomas McGorty

Staff Present: Richard Schultz, Administrator
 Anthony Panico, Consultant
 Karin Tuke, Recording Secretary

Tapes (1), 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

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chairperson Parkins called the Special P&Z Meeting to order at 7:01 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated there had been a change made to the Agenda. Another special meeting had just been held at 6:45 p.m. to reschedule the Public Hearing for Application #12-17 for Country Club of CT, LLC for October 16th at 7:00 p.m. instead of this evening. She advised anyone present for that application that they would need to return on Tuesday, 10/16.

Chair Parkins explained that Application #12-17 was rescheduled because the Connecticut Post newspaper did not post the legal notice regarding the Public Hearing. This was an error on the part of the Newspaper so it could not be held by the Commission. She began the meeting with Old Business Applications #12-15 and #12-16 which will be discussed separately.

OLD BUSINESS

APPLICATION #12-15 SOUNDVIEW CROSSING, LLC FOR SUBDIVISION APPROVAL (SOUNDVIEW CROSSING PARCEL A: 3 LOTS), SOUNDVIEW AVENUE (MAP 126, LOT 8), R-1 DISTRICT

Mr. Schultz indicated that Staff has provided the Commissioners with copies of the P&Z Staff Report and a Draft Motion attached. The motions are very clear because there are a lot of conditions of approval for both of these applications.

Mr. Schultz stated that, as reported earlier, they received a memorandum from the Naugatuck Valley Health organization dated July 2, 2012 recommending approval, the three lots with the requirement of engineering assistance, and the Conservation Commission updated their review and their latest letter of recommendation which is dated September 13th.

He stated that the Conservation Commission's recommendations include the following – (he reiterated that this is for the first application with 3 lots):

1. The stone wall along Soundview Avenue be retained as much as possible except for the proposed driveway cuts;
2. The stone wall that traverses Lot #2 and Lot #3 be preserved as much as possible except to the extent necessary to remove for driveways and septic fields for Lot #2 and driveway for Lot #3;

3. The Developer will utilize the stones removed from that stone wall on Lots #2 and Lot #3 to rebuild the wall along Soundview Avenue and to further utilize larger stones along the easterly boundary of the proposed lengthy driveway off Soundview Avenue into Lot #3 as to delineate the proposed Open Space for the driveway to prevent future problems of the owners of Lot #3 encroaching into the City Open Space.;
4. Before any clear cutting, the Developer shall mark proposed limits of clearing as shown on the map.
5. Before any C.O.'s are issued for any proposed lots, the Developer shall mark any Open Space with appropriate signage as required by the Planning & Zoning Commission.
6. That the Open Space shown over the Iroquois Pipeline Easement and where there is a possible future expansion of Constitution Boulevard be designated as Transitory Open Space on the subdivision maps as recorded in a manner similar to the Old Dairy Estates so as not to mislead any potential future homeowners of the possible uses of that Open Space in the future for Constitutional Boulevard. Iron Pins be surveyed and pinned at the Open Space boundaries before issuance of C.O.'s for the lots; that the proposal for the driveway at Lot #3 be abandoned upon any future construction of Constitution Boulevard so as to allow direct access; from Constitution Boulevard to Lot #3 be incorporated in the Land Records as a deed restriction; that future owners of Lot #3 are aware of that requirement.

Mr. Schultz stated that lastly, that the Developer communicate plans for specimen trees along Soundview Avenue with the Tree Warden.

Mr. Schultz stated that Staff is recommending that these conditions be incorporated which he will give to them on the draft motion.

Mr. Schultz read the City Engineer's Report for Parcel "A" dated September 26, 2012 which discussed the Engineering requirements for Application #12-15. He added that this is for Parcel "A" and Parcel "B" will be read separately when they discuss the next application.

***See attached correspondence to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz dated 9/26/12.**

Mr. Schultz read the P&Z Staff Report dated 9/26/12 including Staff recommendations and conditions.

***See attached Planning & Zoning Staff Report dated September 26, 2012 for Application #15 Soundview Crossing, LLC for Subdivision Approval (Soundview Crossing Parcel A: 3 lots).**

Mr. Schultz stated that in regard to public water, the Aquarian Water Company indicated to the Applicant that public water can be extended to the development and that sufficient water pressure should be present. In the event that inadequate water pressure is not available, individual booster systems will be provided to each dwelling by the Developer.

Mr. Schultz added that as he reported for Red Fern down the road, unbeknownst to the P&Z Commission, there was not sufficient water pressure and the residents called the P&Z Dept. to ask what was going on. It was resolved by the booster systems.

Mr. Panico asked if Aquarian has a number that they consider to be standard water pressure.

Mr. Schultz asked the Applicant's Engineer, Jim Rotondo, P.E. if he knew what that PSI was.

Mr. Rotondo responded that he did not know.

Mr. Panico asked when that determination was going to be made because, obviously, if it is going to be a Developer obligation that determination needs to be made before lots are sold.

Mr. Schultz agreed and stated that, as reported by the Applicant, the Aquarian Water Company has indicated that sufficient water pressure is available. They are not anticipating a problem like Red Fern.

Mr. Panico stated that his only concern is one of logistics, if the Developer should sell a lot – now the Developer is out of the picture and then it is determined that a lot needs a booster. The Developer can't do it anymore because he has sold the lot.

Mr. Schultz stated that it could be made a condition.

Mr. Panico commented that he wondered if they should work out the wording of the note to put on the map.

Mr. Schultz agreed and commented that note is just to advise whoever buys a lot and goes to sell it, that this Commission did its due diligence because public water is a requirement as imposed by the Valley Health Department - that it's the Commission's job to make sure that there is an adequate water supply is provided. He added that as far as it has been conveyed to the Applicant, Aquarian has said that there is.

Comm. Matto asked if there was a specific number that it should be – a number that is considered adequate. She asked who decides it.

Mr. Schultz asked the Applicant what he has used in White Hills as an adequate PSI (pounds per square inch).

Mr. Jim Rotondo, P.E., principal of Rotondo Engineering, LLC addressed the Commission and responded that on a residential home he was not aware of any certain numbers for the level of pressure coming into the system. He added that he knows that for commercial developments there is a certain amount of pressure that is required at the curb line for fire hydrants. He stated that he was not aware of what the minimum number is, or if one is required by the plumbing code, coming into the house.

Comm. Matto asked if that shouldn't be specified somehow, if they are saying that it has to be adequate. There could be a dispute about it ...(inaudible)

Mr. Panico commented that was the same concern that he expressed. He stated that he thinks that they need to nail down what the minimum PSI at the curb should be so that once the main is in, it can be measured at each lot and they can make a determination which lots require it.

Mr. Rotondo responded that all he could suggest is if it meets with plumbing code requirements.

Mr. Schultz added yes, minimal building code.

Mr. Rotondo commented that if a resident had a sprinkler system, it would have a certain requirement for the sprinkler systems that are just used in domestic water. As long as the system meets the plumbing code, that would be...

Mr. Panico asked if the plumbing code would have a number that says the minimum PSI at the curb.

Mr. Rotondo responded that he wasn't sure for a residential dwelling just using domestic water.

Mr. Panico asked Rick Schultz if he could check it out tomorrow with the Building Department.

Mr. Schultz agreed to do that.

Mr. Panico stated that they just have to come up with a number that meets the code and that is the number that they'll use.

Mr. Schultz responded yes, absolutely.

Mr. Rotondo commented that in his experience, the water pressure has to do with fire protection. Many of them are in the NFBA code as far as fire protection, but as he stated, he's not aware of a minimum for domestic use which would be plumbing code.

Mr. Schultz continued and finished reading the remainder the P&Z Staff Report. He commented that the Conservation Commission has echoed the P&Z concerns regarding proper notes on the record map so that new owners know what is expected. The wording on the Warranty Deed has to be precise as it was on the adjacent development. He indicated that Corporation Counsel has dealt with this before at Old Dairy Estates for the future extension.

Mr. Panico stated that the Site Development Plan already carries a note to that effect. They will have to make sure that it shows up on the record map.

Mr. Schultz commented that he was going to provide copies to the Commission because this is a very unique situation. He wants to make sure that they are all comfortable with the conditions and the paperwork.

Mr. Schultz continued reading the Staff Report with the Conservation Commission recommendations. As reported, the Applicant went the Conservation Commission and indicated that all these conditions appeared to be reasonable. Mr. Schultz finished reading the Staff recommendations required before issuance of the Building Permit.

Mr. Panico asked Rick to return to Comment #1 that discusses a total of three conforming lots containing a total area of 5.1 acres. He stated that the 5.1 acres was the gross area of that parcel, so he thinks that they should put in the words "plus open space on a parcel" after the words "three conforming lots."

Mr. Schultz agreed and stated that he would be doing the same on the next report too. He added that this is Parcel "A" on the other side of the road. It has similar features but it is a smaller development overall – septic system and public water.

Comm. Flannery requested to see the site map.

Mr. Schultz summarized the site map by explaining that it was two conventional lots and one interior lot and open space that will accommodate the future road.

Comm. Flannery asked why these three lots were being done separately.

Mr. Schultz responded that the land was across the street. They have the seven lots on this side of the street and the other parcel owned by the same person on the other side of the street. They are two separate applications but the same property owner and the same applicant.

Mr. Schultz stated that he was ready to read the Draft Motion unless anyone had any other questions.

Comm. Flannery asked if this was basically zoned R-1.

Mr. Schultz responded as-of-right conventional subdivision.

Comm. Flannery asked if everyone was going to have R-1.

Mr. Schultz responded (inaudible)...subdivision application. You are Planning and Zoning and this is a planning function.

Comm. Flannery commented that it's as of right because you need so much space that he crossed the road.

Mr. Schultz responded that you have to meet all the subdivision requirements and the zoning which is 1-acre for conventional lots and 1 ½ acres for the interior lots.

Comm. Flannery responded right. She asked if you didn't have to have so much space for frontage on the street.

Mr. Schultz responded yes, 135 feet.

Chair Parkins commented that they've answered all those questions already.

Comm. Flannery asked if the square has to be 150 feet and all of those meets all those standards.

Chair Parkins commented that all subdivisions come before them and when it is As-of-Right they don't need to have a public hearing. This meets all the regulations for a subdivision.

Comm. Flannery asked why they are doing this then.

Chair Parkins responded that they are making sure that it meets all the regulations of the subdivision regulations.

Mr. Schultz added that this is a function of the planning – you know – it's the Planning and Zoning Commission. This is a planning function. He read the Draft Motion for the Application #12-15 Subdivision with the noted conditions. He added that a lot of these conditions have to be fulfilled before Chair Parkins and the City Engineer sign off on this.

***See attached Draft Motion with the noted conditions for Application #12-15 dated September 26, 2012 with the noted conditions.**

Mr. Schultz reiterated that all Open Space and Conservation Easements have to go before the BOA. They will get a notice from him that the BOA has either accepted it or rejected or accepted it and modified it. He added that he does not anticipate it, but if it is an outright rejection, it will come back and the P&Z Commission will discuss it at another meeting.

Chair Parkins asked if the Open Space was Public Open Space.

Mr. Schultz responded yes, it is Public Open Space.

Chair Parkins asked Rick to make sure that they also have a copy of the existing easement that is on the property.

Mr. Schultz responded yes, absolutely. Tomorrow he will send out that letter with attachments to the BOA President, John Anglace, and they will assign that to their October meeting so the Commission will know at their October P&Z meetings.

Mr. Schultz concluded reading the Draft Motion and all of the conditions for Parcel "A."

Comm. Harger commented that the Tree Warden would be going in to do an evaluation as to what is existing and the trees that should be removed because it (inaudible)...

Mr. Schultz stated that the two things would be where the driveways are going to go in and to evaluate the existing trees to see if that fulfills the street tree provision.

Comm. Harger responded right, but asked if he is also going to evaluate the condition of certain trees, she would think, to determine which ones have to come down due to hazardous conditions.

Mr. Schultz responded yes, absolutely, if there are any hazards.

Comm. Harger asked about Condition #29 where he talked about the appropriate language for the future road including the relocation of private driveways on the future road.

Mr. Schultz responded yes and recalled about what Tony had said about...

Comm. Harger commented yes she understands that but asked about the way that the layout looks, the driveways are the shared driveways...

Mr. Panico added that they come right out to the new road.

Comm. Harger pointed to one driveway on the site map and commented that it's the one on Lot #3 – that's all.

Mr. Panico responded yes.

Comm. Harger commented OK, that one -Lot #3 – the others stay then. It is just that one.

Mr. Schultz responded yes, they stay. The seven lots...(inaudible)

Mr. Panico added that they share one common entrance.

Comm. Harger suggested putting “driveway” – not “driveways.”

Chair Parkins asked for a motion to approve the Draft Resolution for Application #12-15.

Comm. Harger made a motion to approve the Draft Resolution for Application #12-15 and Comm. McGorty seconded.

She asked if there was any further discussion before voting.

Comm. Flannery asked if they could say anything about the position of the houses being sideways or anything like that.

Mr. Schultz responded no, house orientation is up to the Developer.

Mr. Panico stated that they already went through all of that at a couple of the earlier meetings. It is quite conceivable that the position of the footprint of the house could change. These are just generic footprints of just rectangles in a location that satisfies Code. If the shape of the house turns out to be an octagon instead and gets pushed back and to the side, that will show up on the Detailed Site Plan that gets submitted before they get their Building Permits. As long it complies with the setback requirements and it does not infringe upon their septic system and reserve, there is no reason why it can't be moved. The house can really move anywhere within that buildable rectangle as long as it doesn't interfere with the septic systems.

Chair Parkins stated that they had a motion and a second and took a vote.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #12-15 with the noted conditions.

APPLICATION #12-16 SOUNDVIEW CROSSING, LLC FOR SUBDIVISION APPROVAL (SOUNDVIEW CROSSING PARCEL B: 7 LOTS), SOUNDVIEW AVENUE (MAP 126, LOT 9), R-1 DISTRICT

Mr. Schultz stated that as he reported for Parcel “A,” the Commission has already gone over the letter from Naugatuck Valley Health, the correspondence Fire Chief regarding the fire hydrants, and the Conservation Commission updated their letter for Parcel “B” as

well. He read the updated letter with recommended conditions from the Conservation Commission dated September 13, 2012 regarding Parcel "B."

***See attached correspondence addressed to Richard Schultz, P&Z Administrator from Thomas Harbinson, Conservation Commission dated September 13, 2012.**

Mr. Schultz read the City Engineer's report regarding Parcel "B" and commented that it was quite detailed. He added that the Applicant's Engineer received this report today.

***See attached correspondence addressed to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz, P.E. dated September 25, 2012.**

Mr. Schultz read the P&Z Staff Report for Parcel "B." He added that these were all conforming lots with no variances requested.

***See attached P&Z Staff Report dated September 26, 2012.**

After completing the Staff Report, Mr. Schultz indicated that Tony Panico wanted to share his analysis.

Mr. Panico indicated that he analyzed the Open Space to be sure that there was sufficient Open Space unencumbered by the gas easement line to fulfill the 10% minimum requirement and there is.

Comm. Matto asked what would happen if that becomes Constitution Boulevard.

Mr. Panico responded that would be a whole different story, but the Applicant is satisfying it. he has given them a piece of land that meets the requirements of the Open Space Set Aside per their regulations. The fact that they choose to earmark it for future Constitution Boulevard is their decision. They can't compel the Developer to give them a right-of-way for future Constitution Boulevard and provide an additional area of Open Space. Mr. Panico added that the effect of this one on this isn't terribly important anyhow because they are getting a lot of Open Space inherent to the natural circumstances of the property. There is a lot of acreage there that is just not developable.

Mr. Schultz stated that it should be noted that the Conservation Commission concurs with this Commission because they would have made a comment to that effect. They know the importance of planning. Several of the members were on the POCD and they were aware of the need for that.

Mr. Schultz indicated that in addition the Applicant has agreed to provide a Conservation Easement over the designated Wetland area on Lot #4, which the Conservation Commission also recommended. It should be noted that the Inland/Wetlands Commission did not require that an application be submitted. In all likelihood they probably would have required it but the Conservation Commission recommended it and the P&Z is requiring it.

Mr. Panico asked if they said that it was only the wetland area.

Mr. Schultz responded yes, only the wetland area and to provide a 20 feet Conservation Easement along the rear yards of Lots #4 and #5 to provide an adequate buffer for the Gardens of Summerfield Condominiums. He recalled that Staff reported to the Commission that they have the multi-family that abuts it and it was the position of Staff that that 20 foot strip be preserved rather than allowing individual property owners to clear cut up to the stone wall.

Mr. Panico stated that was an important Conservation Easement.

Mr. Schultz read that the Applicant shall submit the Warranty Deed to Corporation Counsel for review to incorporate wording for the future road construction and relocation of the private driveways from Soundview Avenue to Constitution Boulevard North. Proper notes indicating these future conditions shall be placed on the record maps. The

Conservation Commission, in a letter dated 9/13/12, recommended approval of the Subdivision with nine conditions to be made part of the subdivision approval.

Mr. Schultz concluded with Condition #12 for Staff recommendations for all standard notes and the requirement of engineering site plans.

Mr. Schultz summarized that basically this was the same thing with the Open Space but they are getting Conservation Easements over the wetlands areas and 20 foot wide along the rear of Lots #4 and #5. He read the Draft Resolution and Conditions of Approval for Application #12-16.

***See attached P&Z Draft Resolution for Application #12-16 for Subdivision Approval for Parcel B (7 lots) at 245 Soundview Avenue (existing house address #245 is on Lot #6).**

He noted that because they have had so meetings on this application, they were able to get a final map. They may be missing some of the final notes, but the Commission is seeing the Final Map - and that is a good thing.

Mr. Panico stated that he wanted to comment about something that has been bothering him since he's been looking at these drawings. With respect to Lot #4 and in talking that the possibility of Constitution Boulevard won't be extended, they have the right to absorb the access way to Lot #4 providing it with a new driveway. He explained that the way that the access line is cut off right now though, it is going to leave a rather inappropriate jog right at that corner. Mr. Panico stated that he thinks that the cut-off line of the delineated access way ought to go from the corner of Lot #3 to the angle point in the property line of the open space.

Mr. Panico used the site map to show the Commission that instead of cutting it and leaving a constraint in the right-of-way, he would like to see it cross the other way. He commented that it would transition better that way, otherwise, it would leave them pinched down at the corner.

Mr. Panico stated that his other concern was that Lot #4, although it just has the access way for its frontage, it has a lot of area in it. And with the advent of Constitution Boulevard, if Constitution Boulevard is made a non-access road, then this road frontage for Lot #4 along the entire thing – the future owner of Lot #4 may get it into his head to do another subdivision into two lots. It is conceivable to draw the lines in such a way to create a house site back in there. It would require a couple of variances but he didn't want to be beholden to the Board of Appeals. He added that it wasn't the intent of this Applicant but he may be long gone and out of the picture.

Mr. Panico added that if ten years from now Constitution Boulevard is there, the owner might say that he owns this entire road frontage and he has a lot of buildable land. He could hire an engineer who makes a line down that satisfies code and leaves him with a buildable corner. It is conceivable that it could work. He may be devious in thinking this but it could be worth a lot of money down the road.

Mr. Schultz stated that he would be adding that as Condition #22.

Mr. Panico suggested putting a note indicating that this Lot is precluded from any future re-subdivision.

Comm. Matto asked if they could do that – and if that would hold.

Mr. Panico responded that he wasn't sure if it would hold but it would at least raise enough red flags so that if Constitution Boulevard is built, whoever is designing and approving it at the time, will make that a non-access line up to the driveway because without access you cannot make a lot.

The Applicant (unidentified) suggested (using the site map) that they could say that this side line can't be used as road frontage.

Mr. Panico responded yes, correct. They can leave enough road frontages for that lot without impinging on him, but nothing beyond that – after 150 feet down there – they don't need any more access. It is everybody's intent that this always be open and he thinks that they should leave it that way. They are influencing their open space set asides because that is really open space – they may not own it or have conservation easements on it but it is open space.

Mr. Schultz read that condition - #22 – “adherence to the requirements of P&Z as reported relative to adjustments to Lot #3 and #4 to accommodate the relocation of the driveways to Constitution Boulevard and to add a note that prohibits the re-subdivision of Lot #4.”

Mr. Panico commented that it least in conveys their concern and if it gets lost in the cracks, it is not because they didn't do their (inaudible)...

Comm. Harger asked if this was the same as the other Parcel across the street.

Mr. Panico responded no, that is small enough that you can't re-subdivide. Comm. Harger commented no, this was something different(inaudible)...

Chair Parkins stated that (inaudible)... leave that as road frontage... They are basically just saying that it can't be subdivided so they are not going to understand what the restriction is.

Mr. Panico stated that the ideal way, when Constitution Boulevard gets established is to create a non-access line across here (he showed the location on the site map).

Chair Parkins asked at that point, at that time.

Mr. Panico indicated the same way even across the street. Quite frankly, this will be physically non-accessible but the ideal way is to leave access for that lot and the rest should be a non-access line. Across the street it should be the same way with a non-access line but with the exception of the frontage of that other interior lot.

Chair Parkins commented that she was just saying, and she thinks that they all agree, that this is probably not going to happen any time soon. People will need to understand what the thinking was – well, they could always go back to the minutes – but she commented that she would like it to be something a little bit more specific than “it cannot be re-subdivided.” She asked whether or not they could say that lot line cannot be considered road frontage.

Mr. Panico stated that he and Rick would figure out some stronger language than what has been indicated.

Chair Parkins responded OK, just so that there is no question as to what their thinking process was.

Mr. Panico stated that those were the only two issues that he has.

Comm. Matto asked about when they say “non- access line” - who would it – Constitution Boulevard – she asked if it was a City or State...

Mr. Schultz responded that it was a City road.

Mr. Panico stated that when the City establishes the right-of-way of a road, it can limit access. They did it on Constitution Boulevard for Route #8 going over to Route #110.

Comm. Matto asked if it would make any point to make a statement to that effect in this restriction, perhaps. She asked if they were just hoping that someone would think of that down the road.

Mr. Panico indicated that he was hoping that, if and when, they ever get to lay out the corridor and the rights-of-way for Constitution Boulevard, that they do look at non-access and they should look at because there are points down below where they should have non-access as well. He thinks that they probably will.

Chair Parkins suggested referencing the minutes of the 9/26/12 P&Z meeting.

Mr. Panico stated that they will put some language - some notes will show up on the record subdivision map that will trigger them to look into that.

Comm. Matto asked if they could take some more of that frontage as open space.

Mr. Panico responded and showed on the site map that they are taking open space all the way down to here. He indicated that this is going to be an open space property line, but at some point in time, a corridor of that open space is hopefully going to become the right-of-way of Constitution Boulevard.

Comm. Matto asked if any part of that could be designated as permanent open space along the highway.

Mr. Panico responded that it would be difficult because then they would be tying the hands of any future engineers that are hopefully going to design that road. They will come up with some language so that they can put a note on that line. Something that states "at such time as this line becomes a roadway right-of-way line it shall become a non-access line..." or something to that effect. They will put something there which will convey the idea and tie their hands a little bit too.

Chair Parkins commented that she would like to get some clarification as to where the City Engineer is proposing this sewer and or swale.

Mr. Panico asked Jim Rotondo if he could show them where the City Engineer wants those catch basins and how he wants them to get rid of the water.

Jim Rotondo responded that he has to meet with the City Engineer. He added that he thought the language in the letter was a little confusing.

Mr. Panico agreed that it was confusing.

Mr. Rotondo stated and showed on the site map - that the way he interpreted it is that he wants the catch basins here - in between the access way to Lot #4 and the open space.

Mr. Panico commented that didn't make any sense to him.

Mr. Rotondo indicated that he also says he wants to discharge them in a southwesterly direction which is this direction (he showed the direction on the site map). So it's two catch basins and discharging down in this open space. Mr. Rotondo stated that the City Engineer is referring to drainage that is draining into Lot #3.

Mr. Panico commented that he thinks he's referring to the fact that if you put a pair of catch basins there, you're protecting that area pretty good.

Mr. Rotondo stated that down in this area here - he added that he really has to sit down with the City Engineer and find out what his intent was and work it out with him.

Mr. Panico commented and showed that it would be his druthers to see a catch basin just up grade of that driveway.

Mr. Rotondo responded that the way that these driveways are designed though is that the ramp is going to go up before it goes down which maintains all the water within the roadway.

Mr. Panico stated that he just doesn't know where he was going to get rid of the water

Mr. Rotondo commented that the way he interpreted it is to bring it down more like north west ...that is southeasterly going the other way. The City Engineer is saying southwesterly...Mr. Rotondo indicated that, in his opinion, this is the better way to go because you're not dealing with the steep slopes on the other side.

Mr. Panico stated that the intent is probably to put some catch basins somewhere up in here and get rid of the water so that it runs that way.

Mr. Rotondo responded correct, and like he said, it is something that he needs to sit down with the City Engineer about to see what his intent was and work out the details.

Chair Parkins stated that again, you can't go within that right-of-way so...

Mr. Rotondo responded yes, right – he thought his intent was to put a catch basin up here and another one down there on the low side of the road...

Mr. Panico commented that his language was a little bit confusing – he mentioned driveways (inaudible)... He asked Rick Schultz to read that condition again.

Mr. Schultz read from the City Engineer's report "...*there is an existing discharge of runoff from Soundview Avenue onto Lot #3...*"

Mr. Panico located Lot #3 on the site plan.

Mr. Schultz continued "...*in lieu of maintaining that discharge of runoff, I recommend that the Developer install two catch basins on Soundview Avenue between the access way of Lot #4 and the Iroquois Gas Pipeline right-of-way*"

Mr. Panico located the area on the site map and commented that he was saying between here and here.

Mr. Schultz continued reading "...*these basins will also intercept the run-off generated by the developments of Lot #1 and Lot #2 of Soundview Crossing Parcel "B" across the street. The run-offs shall be conveyed by the storm sewer pipe buried or riff-raff swale at a distance of 240 feet southwesterly on the Open Space Parcel.*"

Mr. Panico repeated "*south-westerly*" and commented that if he just changed that to "*north-westerly*" on the Open Space Parcel then it would make a little bit of sense. He added that the in selecting the location of the basins, Jim is going to have to sit down with him.

Mr. Rotondo agreed to do that.

Comm. Harger asked about #29 again because they talked about the relocation of the driveways and indicated that it is for only for certain lots.

Mr. Schultz stated that he said plural – private driveways. He is going to provide a copy of (inaudible)...

Comm. Flannery asked if they should table this because there are so many different complications.

Mr. Schultz responded no, this has evolved to...

Mr. Panico agreed that it was all just technical stuff, engineering details...

Mr. Schultz added that they have to have all of these conditions and have to spell it out. Nothing can be left in general terms.

Comm. Flannery commented yes, right, so she is saying maybe they should wait until they have the specific wording.

Mr. Schultz responded no – it's normal. He asked her to remember that the City Engineer and then the Chairperson have to sign off first and before that happens he will provide the Commissioners with all of these final documents.

Mr. Panico agreed that there is nothing there that would influence the planning aspects of the subdivision and he's comfortable with that. He added that it is typical to have all of these conditions on subdivision approvals. It is very strange to have (inaudible)...

Chair Parkins asked for a motion to accept the resolution for the approval of Application #12-16.

Comm. Harger made a motion to accept the resolution and Comm. McGorty seconded.

Chair Parkins asked if there was any further discussion before voting. There was no further discussion.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #12-16 with the noted conditions.

ADJOURNMENT

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary