

SHELTON PLANNING & ZONING COMMISSION **NOVEMBER 13, 2012**

The Shelton Planning & Zoning Commission held a regular meeting on Tuesday, November 13, 2012 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

COMMISSIONERS PRESENT: Chairperson Ruth Parkins
Commissioner Virginia Harger
Commissioner Anthony Pogoda (via conference phone)
Commissioner Thomas McGorty
Commissioner Elaine Matto
Commissioner Joan Flannery
Commissioner Nancy Dickal (alternate/departed 9 p.m.)

STAFF PRESENT: Richard Schultz, P&Z Administrator
Anthony Panico, Consultant
Karin Tuke, P&Z Recording Secretary

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chair Parkins called the P&Z meeting to order at 7:01 p.m. with the Pledge of Allegiance and a roll call of Commission and Staff members present.

AGENDA ADD-ONS

Chair Parkins requested a motion to add two items to the agenda under Old Business.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to add two items to the agenda under Old Business.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

**SEPARATE #6271 – AQUARION WATER COMPANY, 25 VILLAGE DRIVE -
REPLACE PRESSURE REGULATOR FOR WATER DISTRIBUTION**

Mr. Schultz indicated that this is an upgrade to the system. This location is at the corner of Village Drive and Dodge Drive. They have a regulated channel that is below grade and they need to replace it. Utility companies are permitted, as of right, and this is a piece of equipment that the Commission should be aware of.

Chair Parkins asked if it was an above ground structure.

Mr. Schultz responded no this is below ground and over the years they have been upgrading and adding to their infrastructure.

Chair Parkins commented that if it isn't above ground then why do they need to come before Zoning.

Mr. Schultz responded that he thought that when they have something this significant, with the digging in a residential area, he wants the Commission to know what is going on. This is a below gradient regulator chamber. It is tied into their 30-inch and 42-inch water transmission so this is significant and it's a highly visible area. He wanted the Commission to understand in case they receive a phone call about it. It is straightforward but due to the sensitivity and the location, it just made sense that the Commission should be aware of it. Staff recommends approval.

Chair Parkins commented that naturally they will need to go through the Building Dept. and the City Engineer if there are any curb cuts in the road.

Mr. Schultz responded yes, correct.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6271.

SEPARATE # 6242 – ALL-STATE INSURANCE, 5 COMMERCE DRIVE - SIGN

Mr. Schultz indicated that the business was approved back in August. He passed out renderings of the two signs that they are requesting.

Comm. Harger asked if the All-State was the one on Bridgeport Avenue.

Chair Parkins responded that this is a different location on the corner of Huntington Street. She added that Caldwell Banker is in there.

Mr. Schultz commented that they are replacing the existing sign there but they are also adding a directory sign. When you go into the main driveway, the parking is to the left, there will be a directory sign when you come in off of Commerce Drive.

Chair Parkins asked if it was against the building.

Mr. Schultz responded no.

Comm. Harger asked how many tenants there were.

Mr. Schultz responded just one in that free-standing house.

Chair Parkins commented that there will be three together in the building.

Mr. Schultz added that was an old BHC residence – that house and then the Commission allowed the conversion of it when it was changed to a PDD about 15 years ago.

Chair Parkins asked if this is the little house and not the longer building in the back.

Mr. Schultz responded yes, the little house on the corner. There was a mortgage company in there.

Chair Parkins asked if this was in addition to the signage that is already there.

Mr. Schultz responded that it is replacing it.

Chair Parkins commented that there is already a sign there.

Comm. McGorty responded that it wasn't that sign though – it is a mortgage sign.

Mr. Schultz stated – unless they replaced it already.

Chair Parkins commented that there is a sign there with a spotlight on it. She asked if they were taking that out completely and just putting All-State.

Mr. Schultz responded yes.

Chair Parkins asked if that signage would no longer indicate that there were other businesses on that property.

Mr. Schultz responded yes, correct.

Mr. Panico asked if they were the sole tenant.

Mr. Schultz responded yes, it is a small house.

Comm. Harger asked where the directory sign was supposed to be.

Mr. Schultz responded that on the second page, it shows it where you go into the main entrance driveway, they want to show an arrow going to the parking lot for All-State.

Comm. Harger commented that it is actually two signs – the ground sign and the traffic direction sign.

Chair Parkins indicated that she wanted to be perfectly clear. There is currently a monument sign close to the Stop sign. She asked if that was coming down.

Mr. Schultz responded that it was being replaced.

Chair Parkins stated that this signage is showing it very near to the building.

Mr. Schultz indicated that it was his understanding that they are just replacing it because you have the (inaudible)...

Chair Parkins asked if the applicant was present. The applicant was not present.

Mr. Schultz asked if the Commission's preference was to keep it closer to the home.

Chair Parkins responded that she just doesn't want to see two signs there.

Mr. Schultz commented that there can't be two signs there – this is a PDD.

Chair Parkins stated that her point is that there are two separate businesses. Right now there is a monument sign right near the Stop sign with Caldwell Bankers and somebody else.

Mr. Panico commented that he thought Caldwell Bankers was farther down and it just applies to this.

Chair Parkins responded that she didn't know but she just wants to make sure that there aren't two monument signs on the same lawn.

Mr. Schultz stated that they would make that a condition.

Chair Parkins commented that it shows it right near the building by the shrubs.

Mr. Panico stated that on Page 2, it is showing a sign diagonally off the corner of the building and not where Chair Parkins is indicating.

Chair Parkins requested that the condition be that there cannot be an addition to the monument sign that is currently there.

Mr. Schultz responded yes, it is a highly visible corner. That whole site is in a PDD, the Commission wanted extra control instead of doing an LIP which they asked to do.

Chair Parkins commented that the sign that is there now is fine but she just doesn't want it to be in addition to another monument sign.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was voted 5-0 to approve the signage for Separate #6242 with the condition that there cannot be an addition to the monument sign that is currently there. Comm. Pogoda abstained from voting.

Chair Parkins commented that Comm. Pogoda was abstaining because he didn't have a copy of the proposed signage.

SEPARATE #6480 A. PAPPAJOHN COMP., 6 ARMSTRONG ROAD – BUSINESS

Mr. Schultz indicated that this is the first new occupant going into the refurbished building at 6 Armstrong Road where they expanded the parking. The company is Lexicon Publications, it's a real estate investor company leasing 8,328 square feet. They have between 1 and 30 employees with hours of operation 8 a.m. to 6 p.m. Monday through Friday. Obviously, with a multi-tenant building, Staff will have to monitor it each time an applicant comes in because there is no room for shared parking out there. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6480.

SEPARATE #6383 – R. D. SCINTO, 2 CORPORATE DRIVE – BUSINESS

Mr. Schultz stated that they have three applications for Scinto and the first one is for 2 Corporate Drive for Imaging Solutions. They are occupying 1,965 square feet, 5 employees, Monday – Friday, 8:30 a.m. to 5:30 p.m. They are a computer systems sales company. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve Separate #6383.

SEPARATE #6380 – R. D. SCINTO, 4 CORPORATE DRIVE – BUSINESS

Mr. Schultz indicated that this company is called “Can Heal” and it is for acupuncture. They are occupying 438 square feet with 1 employee, hours of operation Monday – Friday, 8 a.m. – 5 p.m. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6380.

SEPARATE #6382 – R.D. SCINTO, 50 WATERVIEW DRIVE – BUSINESS

Mr. Schultz stated that this is a unique business. The company's name is Highland Imports and they will be occupying 4,000 square feet, 4 employees, hours of operation 9 a.m. – 5 p.m. This is a LIP District and this is an office but it also has a warehousing component. They will receive shipments of new alcohol products from distributors. These new types of alcohol products are test marketed at various facilities throughout the area.

Chair Parkins asked if he was referring to alcohol as in liquor.

Mr. Schultz responded yes, liquor. This also requires the State of Connecticut Liquor Commission approval. This is not warehousing for distribution on a regular basis. This is a hybrid bus

Mr. Panico stated that it is storage in conjunction with the office operation.

Mr. Schultz responded yes, and it is the office that distributes it. If people like the product, they can get it from the regular distributor.

Mr. Panico commented that it isn't being distributed to places for consumption. It is being distributed to places for testing.

Chair Parkins added well, it is taste testing – consumption testing.

Comm. McGorty commented – or consumption - because they are new products to the market so they distribute them to people at restaurants, liquor stores or whoever will market them.

Robert Scinto, One Corporate Drive, Shelton addressed the Commission. Mr. Scinto commented that was exactly correct. It is an office component with salespeople – he explained that if a new spirit comes into the marketplace and in order for it to gain popularity, this company goes out to restaurants, bars, etc. and tries to give samples out and sell some of it possibly. Once it gains in popularity, the big distributor will come in to provide the product when it goes off or the product might not succeed at all. Mr. Scinto added that for the most part, there would be a couple of pallets coming in per week. They try to push it in the Valley and Fairfield County area.

Chair Parkins asked if there would be any events at that facility where people come in and test it, taste it or try out samples.

Mr. Scinto responded no, he does not believe so.

Mr. Panico stated that their concern is that the LIP does not allow warehousing as a permitted use. If there is a certain amount of warehousing in conjunction with or associated with the office use, then it can be permitted. He and Rick spoke about it over the phone before concluding that it probably does fit the LIP.

Comm. McGorty stated that it is a model for a temporary use where it needs to get out the market as quickly as possible.

Chair Parkins asked what the square footage of the leased area would be.

Comm. Harger responded it was 4,000.

Mr. Scinto commented that 2,000+ would be office and another 1,800 or so would be for just storage of products.

Comm. Harger stated it is just temporary storage where they get the stuff in and get it out.

Mr. Schultz indicated that this is one of the rare instances that Staff has to sign off on the State Liquor application.

Chair Parkins stated that she would stipulate that it is for temporary storage of a product and not warehousing.

Comm. Matto asked if this was a new model or if other people do this too.

Mr. Schultz responded that it is the first time that Staff has heard of it.

Comm. McGorty commented that he thinks it is common in the industry but (inaudible). Whenever a new product comes out somebody needs to market it before distribution takes it on. Generally, they aren't going to just take a leap of faith. Somebody needs to market it and see if there's (inaudible)...

Mr. Panico stated that they are actually just a middle man then.

Mr. Schultz stated that the principle use is office/sales with the secondary /accessory use of temporary storage. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6382 with the condition that the storage use is for temporary storage only.

SEPARATE #6474 – SIGNS UNLIMITED, 821 BPT. AVE. SIGN

Mr. Schultz stated that they approved the use for Hair Do Salon at 821 Bridgeport Avenue.

Chair Parkins commented that she thought they approved the sign too because it has been up for quite a while.

Mr. Schultz indicated that they just received this.

Chair Parkins asked if they were going to see a picture of it now.

Mr. Schultz stated that the owner of the property is present but they are also going to review the Five Guys and their signs tonight. He told them to keep those pictures out to compare them with the Five Guys signs which will be coming up. Staff recommends approval as submitted.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was voted 5-0 to approve the signage for Separate #6474. Comm. Pogoda abstained from voting.

SEPARATE #6505 – FIVE GUYS, 825 BPT. AVE. - BUSINESS/SIGN

Mr. Schultz stated that they will discuss the business and the wall sign for Five Guys. He stated that they also have a copy of the tables because this will have outdoor tables and umbrellas – all of which is detailed on the drawing.

Chair Parkins commented that they put little planters outside. She commented that they would be having outdoor seating but it is not really enclosed though.

Mr. Schultz stated that Five Guys Burgers & Fries will be leasing an area as noted of 2,364 square feet and the building overall is 3,600 square feet. The hours of operation will be 11 a.m. to 10 p.m. He is assuming that is seven days a week. The number of employees, not broken down, is 35 employees including part-time and full-time. He indicated that outside equipment include tables, chairs, umbrellas – he believes there are five tables that he noted on the plan. The applicant has provided details of the tables, the chairs and the umbrellas.

Mr. Panico commented that they really need some way to protect the area from getting strewn with trash.

Comm. Pogoda asked if the umbrellas would be decorative or are they going to maintain that they just be plain umbrellas without any lettering which normally occurs.

Chair Parkins responded that they are proposing red square umbrellas with Five Guys on two sides and Coca-Cola on the other two sides.

Comm. Harger asked if the outdoor seating area was on the right side.

Mr. Panico responded no, it's on the left side.

Comm. Flannery asked how this affects the cars going around the corner in the parking lot.

Mr. Panico responded that it doesn't. There was always a plaza area like that; nobody knew exactly what would be happening there.

Chair Parkins commented that it is raised up. There are these square boxes (inaudible)...

Comm. McGorty asked if Rick if they went to see where it is.

Mr. Schultz responded yes, it is in accordance with the approved site plan.

Mr. Panico stated that his concern would be that the planter boxes that are going to be used to sort of contain the area – they aren't really going to trap any debris that blows off of the tables. He commented that he thinks that they need to come up with some kind of system that connects the boxes so that they have a solid obstacle to any trash blowing out to the parking lot.

Al DaSilva, 819 Bridgeport Avenue, Shelton addressed the Commission. Mr. DaSilva commented that if they attempt to put anything between the boxes, they will destroy the beauty

because those plants are going to grow. It is the same thing that they have in front of Newtown Savings Bank and Bruegger's Bagels, and as they can see, there is no garbage blowing all over the lot there. They pick up the lots. They are required to pick the lot at (inaudible)...so there won't be any debris. He added that his office is right there too.

Chair Parkins asked if there was any outdoor dining at Bruegger's.

Mr. DaSilva responded yes, there has always been – they have umbrellas (inaudible)...since day one.

Comm. Flannery asked if they had advertising on their umbrellas.

Mr. DaSilva responded yes, they have umbrellas that have the Bruegger's Bagel logo.

Comm. Flannery asked if it also said Coca-Cola.

Mr. DaSilva responded that he didn't know if it had Coca-Cola on it.

Comm. Matto asked if these were seasonal tables that would come in.

Chair Parkins asked if they would be out there all winter.

Mr. DaSilva responded that they will probably take them in during the winter – the umbrellas won't be there but the tables will stay outside. It is no different than what you would see in New York or New Haven.

Mr. Schultz stated that Five Guys has agreed to match the color of Hair Do Salon with channel letters on the sign.

Mr. DaSilva added that he required that they match with the other so that (inaudible)...

Chair Parkins asked if that bar was going to show – the black bar shown behind the white lettering.

Comm. Flannery asked what color the sign would be, basically.

Mr. Schultz responded tan.

Chair Parkins asked where the one that is on the top, top to bottom...

Mr. DaSilva responded that those are channel letters and they are white because of the red background.

Chair Parkins commented that there are two different types proposed.

Mr. Panico added that it shows a box sign also and he asked where that goes.

Mr. DaSilva responded that they are showing one on the side of the building.

Mr. Schultz stated that the box sign was an earlier submission – oh, that one is for the monument out in the front.

Chair Parkins asked if that is what this is – a monument sign.

Mr. Schultz stated yes, they already approved that.

Chair Parkins asked for clarification as to which one was going on the front and which was for the monument. She asked if there was any other signage proposed.

Mr. DaSilva responded not that he knows of.

Comm. Harger stated that on the second page it says location, sign centered left to right, top to bottom on front section of wall. There's an illustration.

Mr. DaSilva responded that he thinks they are doing one on the left side of the building.

Mr. Panico stated that you have to (inaudible)...

Mr. DaSilva indicated that to be honest with you, he doesn't know why they are putting that there.

Chair Parkins commented that no one is going to see it.

Comm. Harger added that it is not like it is by the road and people coming down Bridgeport Avenue are going to see it.

Chair Parkins showed Mr. Panico the sign that they are proposing for the side of the building.

Mr. Panico asked if this was for the left side – the side with the outdoor dining.

Mr. DaSilva responded yes.

Comm. Flannery commented that it is on the side that has all the umbrellas that say Five Guys all over it.

Mr. Panico asked what good a sign on that wall would be. Nobody is going to see it.

Mr. DaSilva responded that he would eliminate that one. They don't realize (inaudible)...

Chair Parkins commented that they may think that as people drive around the building that they'll know it is there but it is going to be pretty obvious that they are right there.

Mr. DaSilva responded that he doesn't want it there either – he added that he wouldn't approve that.

Chair Parkins stated that they were going to approve the one wall sign with Five Guys then.

Mr. Panico commented that they should make sure that mounting etc. is consistent. He doesn't want to see (inaudible)...a line around the wall with black bars through it.

Mr. Schultz added yeah, he's talking about a raceway. They want the mounting to be consistent.

Mr. Panico stated that they don't want that raceway to show. They want these letters to be mounted directly to the building.

Mr. DaSilva stated that they want individual lettering.

Mr. Panico responded yes, individual lettering but not mounted to this raceway because it is not going to look right. They want to do it similar to what the hair salon is doing.

Mr. DaSilva commented that he thinks (inaudible) what that is – is to show the color of the background.

Chair Parkins stated no, because it is even showing it right there with the bar. It is very clear and it's showing it right here with the bar.

Comm. Flannery indicated that she thinks that they should table this until they have color pictures.

Mr. DaSilva stated that he doesn't see what they are talking about at his angle.

Alan Esposito, Signs Unlimited stated that normally the raceway would be painted to match the building.

Mr. Panico asked if it would have a raceway with these letters too.

Mr. Esposito responded that he was the proposed applicant on that sign. They weren't going with a raceway but if Al wants a raceway or if the Commission wants a raceway then...

Mr. Panico asked if he means that this is not going to have a raceway.

Mr. Esposito responded that originally it did not.

Mr. Panico stated that he doesn't think this ought to have a raceway either.

Mr. Schultz added no...

Chair Parkins commented that this is going to have white channel letters.

Mr. Schultz added yes, individual channel letters, surface mounted.

Mr. DaSilva agreed.

Chair Parkins added that there should be no sign on the side of the building either.

Mr. DaSilva agreed.

Comm. McGorty stated that he would approve it that way with that condition.

Mr. DaSilva reminded the Commission that there will be awnings also – underneath those signs there will be awnings.

Chair Parkins asked if there would be anything on the awnings.

Mr. DaSilva responded no.

Comm. McGorty made a motion to approve with conditions discussed. Comm. Harger seconded.

Comm. Flannery stated that should would vote no because she wasn't comfortable with it.

Comm. Pogoda indicated that he would abstain from voting on the signage but would vote yes for the business. He asked, as Tony brought up, what they attend to do with any windy conditions in regard to napkins, plates, etc. that are brought outside. He asked if they have made any provisions to take care of that.

Chair Parkins responded that Mr. DaSilva stated that they will have to pick up daily.

Comm. McGorty added that it would be their responsibility to maintain it and keep it clean.

Mr. Panico stated that he thinks that if the Commission has reservations, they should state the reservations and inform the Applicant that they will bring it up for additional review if there is an issue. If it turns out that a problem is being created, they can put it back on the table and figure out how to solve it.

Chair Parkins agreed that was fair.

Comm. Pogoda indicated that he is concerned about the Applicant or the Owner of the property making some sort of provision for this. By the time they come to clean that up at the end of the

day, that paper or garbage blowing around is going to be in the parking lot and all over the place. Many times when they have things such as Bertucci's, they have a walled in area so whatever falls will stay in that particular area. He added that with having it in an open area with things blowing all over and people waiting until the end of the day to pick it up – he would have a concern with that.

Comm. Harger stated that they will have to make a requirement that they police it during the day. It is just not a once at the end of the day thing.

Mr. Panico suggested that it be on a continual basis check for (inaudible)... They'll have to use their head, if the wind is blowing, they'll have to be out there every 10 minutes. He added that they should recognize that they have that concern and if an issue develops, the Commission will bring it back up for re-evaluation.

Comm. Pogoda stated that would be fine as long as it is noted in the approval.

On an amended motion made by Thomas McGorty seconded by Virginia Harger, it was voted 5-1 to approve the business for Separate #6505 with the condition that the outdoor dining areas be well-maintained and checked on a continual basis throughout the day or be subject to re-evaluation by the Commission. Comm. Flannery voted in opposition.

Comm. Pogoda indicated that since he hasn't seen the sign he would defer to the other Commissioners regarding the signage.

Comm. Flannery asked if they could come to the next meeting with colored sign renderings.

Chair Parkins responded that they would be white channel letters though.

Comm. Flannery stated that she was not happy about this black line and she doesn't understand how big it would be.

Comm. McGorty responded that the black line would be going away and it would be surface mounted letters.

Chair Parkins stated that the black line would be eliminated and it would have white channel letters.

Comm. Flannery indicated that she likes the way that the other business did their sign. She still isn't happy.

Chair Parkins stated that it would look exactly like that.

Mr. Panico commented that the stipulation would be that they be individual wall-mounted letters.

Comm. McGorty added that if they put it up with a raceway behind it - then they'll have to take it down.

On a motion made by Thomas McGorty seconded by Virginia Harger it was voted 4-1 to approve the signage for Separate #6505. Comm. Flannery voted in opposition and Comm. Pogoda abstained from voting on the signage component.

SEPARATE #6479 – CT CHOCOLATE PIE, 435 CORAM AVE. – SIGN

Mr. Schultz showed the revised signage renderings created after the meeting with the Applicant.

Chair Parkins stated that the Applicant came before the Downtown Subcommittee.

Mr. Schultz stated that they have a main entrance sign and a sign on the right side of the building.

Comm. Harger stated that the front and the side are basically the same. They just put in an oval effect but it is still a rectangular sign.

Paul Hahn, Manager of Ct. Chocolate Pie addressed the Commission. He stated that they also removed the small graphic and on the wall sign they reduced the size of the pizza.

Mr. Schultz stated that Staff recommends approval.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was voted 5-0 to approve the signage for Separate #6479. Comm. Pogoda abstained from voting.

SEPARATE #6482 – WAL-MART, 465 BPT. AVE. -EXTENDED HRS.

Chair Parkins indicated that Wal-Mart requests extended hours – they are going to open on Thanksgiving Day.

Mr. Schultz stated that the extended hours were for November 22nd and 23rd and the hours will be extended to 2 a.m. and on December 8th the hours will be extended to 11 p.m. They feel compelled to start Black Friday on Thursday. Everyone has been bombarded with the commercials on TV.

Chair Parkins asked if they would be open all day on Thanksgiving and not even letting their own employees have dinner.

Mr. Schultz responded yes – they really serve a niche to everyone. The bus line goes there.

Chair Parkins asked what time they open on Friday.

Mr. Schultz responded 8 a.m.

Comm. Matto asked if they were normally open on Thanksgiving Day or is this something new.

Mr. Schultz responded that it has varied.

Mr. Panico added that several of the bigger retailers are going to be open on Thanksgiving Day.

Mr. Schultz stated that the Blue Laws have gone away.

Chair Parkins commented that she would appraise the Police Department of this just to let them know.

Mr. Schultz agreed and indicated that he would also let the Fire Marshall know about it.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted 5-1 to approve Separate #6482. Comm. Matto voted in opposition.

SEPARATE #6481 – KIMBERLY MACDOUGALL, 549 HOWE AVE.- BUSINESS

Mr. Schultz stated that this is at the Mill in an interior portion of the building. They are leasing 1,300 square feet. The building is over 14,000 square feet. There will be one employee, the owner, Kimberly MacDougal. It will be primarily weekend hours – Friday evenings, Saturday and Sunday. The sign (“Here’s The Party”) was worked out with the DSC. This will be for occupancy and the ground sign.

Chair Parkins asked if they were going to put direction signs down by the door.

Comm. Matto asked if this was a party supply store.

Chair Parkins responded no, it’s a party place, where children can have parties.

Mr. Schultz stated that Staff has a call into the management to get the 549 posted on the ground sign for 911 purposes.

Chair Parkins commented that they can have up to 30 children at one time at birthday parties – up to 15 children for each party.

On a motion made by Thomas McGorty seconded by Virginia Harger it was voted 6-0 for the business occupancy and voted 5-0 for the signage. Comm. Pogoda abstained from voting on the signage.

SEPARATE #6494 – NATURAL GRAPHICS, 185 CANAL ST. – SIGN

Mr. Schultz stated that this was an entire package for Avalon Bay. He asked the Applicant to go through the packet with the Commissioners.

Todd Nicotra, Avalon Bay Properties addressed the Commission.

Mr. Nicotra commented that the on first page of the packet, they will see that they plan a number of signs. He pointed out the entrance to the community on the site rendering. He showed the location of six parking spaces for visitors interested in leasing apartments. He showed the proposed location for the main monument sign with the name of the property. Mr. Nicotra stated that they will have signs for each of the parking spaces saying “Future Resident Parking” for future residents to park there while they are looking at units.

Mr. Nicotra stated that they have a Directory map showing the area and a “Leasing Information” sign. He pointed out the entrance to the garage where permanent residents will actually enter will have signage above it for parking. He showed a sign for “Do Not Enter” indicating the wrong way in to the garage and “Enter” for the right way.

Mr. Nicotra indicated that they also put a color rendering in the packet showing what the monument sign would look like.

Mr. Panico held up a sign rendering and asked where it would be going.

Mr. Nicotra responded that it was just the details of the monument sign.

Comm. Flannery asked how many signs there would be because it looks like there are 10 signs in this packet.

Mr. Nicotra responded that there were ...

Chair Parkins suggested that Todd take one of these packets and hold up his site rendering, show each sign, tell what it is for and where it would be located. She added that would eliminate some of the confusion.

Mr. Nicotra agreed and commented that he believes that everyone has the same packet. He provided an overview drawing with the main entrance and the main entrance to the garage. He pointed out the Monument Sign which includes a color rendering in their packet and pointed out its location at the main entrance.

Mr. Nicotra explained that the signage above the parking garage is tin-mounted. He stated that the sign rendering in the packet shows the size of the letters, the color which is black to be located above the entrance to the garage.

Comm. Parkins asked if it would be plain letters on top of a white background.

Mr. Nicotra stated that the next page in the packet shows how they will actually look. It will be mounted on the building above the entrance to the garage.

Mr. Nicotra explained another sign showing the layout (Directory Map); however, this one does not show the Community Map. Their package may show the actual site plan of the whole building.

Comm. Parkins asked if this would be in front of the Future Resident Parking.

Mr. Nicotra responded yes, correct – it would be the Directory Map showing the layout of the building.

Comm. Parkins asked if it would be in color.

Mr. Nicotra responded that it doesn't have much color to it. It would have a silver background and there may be some color here or there.

Comm. Parkins asked what the purpose was of the Directory Map, and if people are just coming to visit - do they really need to know where the swimming pool is.

Mr. Nicotra responded that it actually shows where all the units are located and has the unit numbers on it. So if someone is looking for Unit #1122, it shows where that unit area is located.

Comm. Harger asked where that would be going.

Comm. McGorty asked if it would be inside or if he could show where at the facility it would be.

Mr. Nicotra showed the location for the Directory Sign near the visitor's parking spaces.

Mr. Panico asked what the purpose of it would be.

Mr. Nicotra responded that the purpose of it would be to let people know when they arrive to know the way...

Chair Parkins commented that it is actually advertising.

Mr. Schultz added that it was the initial sign – it is a marketing sign.

Chair Parkins agreed that it really isn't a directional sign. It is for marketing purposes.

Mr. Schultz commented that it is similar to what developers do when lots are available.

Comm. McGorty asked if this was to denote certain areas inside with addresses or anything.

Mr. Nicotra responded yes it does; it actually identifies where all the units are located.

Comm. McGorty stated that it is like the directory sign at the mall with the key that shows where all the stores are located.

Mr. Panico asked which level this would be the plan of – there are several levels to this building. He asked which level this would be illustrating.

Mr. Nicotra responded that it shows where all of the different units are. They could do something to clarify – if someone were to show up looking for someone, they would at least know exactly how to get to the unit.

Comm. McGorty asked if it would show a block of units or each individual units.

Mr. Nicotra responded yes, to a block of units – they actually are listed there. It is difficult to see but the units are shown stacked on top of each other.

Mr. Schultz stated that it should be temporary in nature as opposed to permanent.

Comm. McGorty responded that he didn't know about that. It is a key like when you go to the mall, they have a directory to where all the stores are located.

Mr. Nicotra commented yes, that is correct. It is not intended for an advertising purpose.

Mr. Panico stated that (inaudible)...

Mr. Nicotra commented that is what (inaudible)...

Mr. Panico stated that this is dealing with a four level building.

Chair Parkins asked why it can't be located in the lobby.

Mr. Schultz agreed that Joe Public doesn't need to see it.

Chair Parkins added that she thinks it is just going to be a graffiti catcher.

Mr. Schultz indicated that it should be interior or at least temporary.

Comm. McGorty stated that he didn't think so. He thinks that if it is giving a range of the apartment numbers... He added that he thinks it is better than not having anything and to have people just wandering around.

Mr. Nicotra responded that it does have the apartment numbers on it but it is difficult to see on this small drawing.

Chair Parkins asked why it couldn't put it in the lobby.

Comm. McGorty asked if everyone had to go into the lobby to get to all the apartments. He asked if there was only one entrance into the building.

Mr. Nicotra responded that a visitor would have to go through the lobby but he would think, he isn't speaking for the Police or Fire Dept., but it would be helpful to them to see where all the units are located.

Mr. Schultz stated that they would have that internally.

Mr. Panico indicated that he thinks it belongs in the lobby.

Comm. McGorty responded yes maybe, if there is no other access around and there is only one way in.

Mr. Panico asked if there would be a call box or something in the lobby.

Comm. Matto stated that you would have to get out of your vehicle though to walk in to the front.

Comm. McGorty responded yes, but they have the visitor spaces right in the front. They would probably rather stand in the lobby to look at it instead of in the rain or snow outside. It would probably be better.

Mr. Panico added that it could serve that function in the lobby. If they put it outside, it would be in the middle of a lawn area.

Mr. Nicotra responded that it is in their entrance area...

Comm. McGorty commented that in inclement weather people aren't going to want to stand out there looking at that; they would rather look at it in the lobby.

Chair Parkins stated that in her opinion, it would serve as a marketing tool because as people are walking by the complex or around Canal Street, they are going to stop and look at the pool and the kind of amenities that they have. So, it is more of a marketing tool than directional signage.

Mr. Nicotra responded that he does not believe that was the intention but he appreciates her point on that. It is not a very big sign and it is set back pretty far from the (inaudible)...

Comm. Matto stated that it is in the lawn area.

Mr. Panico commented that in order to read the sign, you'd have to go up to the sign (inaudible)...

Mr. Nicotra responded that is true (inaudible)...

Comm. McGorty stated that it is in the lawn area and set back pretty far (inaudible)...because you have to come into the parking spaces....

Mr. Panico continued that if that is a grassy area, somebody is going to walk into the grass area and stand in front of the sign and try to figure out what is going on.

Comm. McGorty commented that he didn't think that the placement has been really well thought out. He thinks the lobby area is the place for it especially if you have to go inside anyway.

Chair Parkins stated that when people walk by (inaudible)...that's what she thinks...when you're walking on the sidewalk.

Comm. McGorty responded yes, but you're too far from the road. He showed the location of the sidewalk and the proposed location of the sign. He pointed out to Chair Parkins the location of the Canal Street sidewalk on the site plan.

Chair Parkins commented that it doesn't take much to walk up to look at the sign.

Mr. Panico indicated that nobody is going to be able to read it from the sidewalk. They are going to walk into the grass. If it is going to function as it is being described than the sign really ought to be in the back of the walk or turned 90° and put along the edge of the walk so that somebody entering the building can stop for a minute, look at it, figure out where they are going, go in, and (inaudible)...

Comm. McGorty reiterated that it should go inside.

Comm. Harger asked for the next sign.

Mr. Panico asked if it would be a permanent sign because he assumes that they will be leasing apartments all the time.

Mr. Nicotra responded correct, people move in and out.

Mr. Panico commented that it would be for anyone driving by who is wondering if there are any openings and writing down unit numbers so they can call.

Mr. Nicotra responded yes, correct, that one would be over here.

Comm. Flannery stated that there shouldn't be any telephone numbers.

Mr. Schultz stopped to make sure that Comm. Pogoda was still connected on the phone. He responded that he was still on the line.

Mr. Nicotra showed the location of the Private Residential Community sign near the entrance to let people know that (inaudible)...

Comm. Flannery commented that it is overkill on the signs.

Chair Parkins responded yes, well they are going through them one by one and eliminating them as needed.

Comm. Harger asked if he could combine his Private Residential Community sign and the Leasing sign.

Mr. Panico asked what else it would be besides a private residential community.

Chair Parkins asked if it didn't already say that on the Monument Sign.

Mr. Nicotra responded that he does not believe that it does. He added that the idea is that they have a public sidewalk right here that people are walking down and this is to distinguish it from that.

Comm. McGorty commented that it prevents them from looking at the marketing Directory Sign.

Mr. Panico stated that he thinks the Private Residential Community could be incorporated into the other sign which is only 25 – 50 feet away right at the sidewalk.

Mr. Schultz asked Comm. Harger if she wanted to bring this to the DSC.

Comm. Harger responded yes.

Mr. Panico asked about the Monument Sign being directed up Canal Street – when they open up the (inaudible), they are going to have a flow of traffic from the other direction as well.

Mr. Nicotra responded that was a good point. In terms of the sign itself, the Avalon Shelton – where it says Apartment Community – that is sort of a standard sign which they have used all over, including here in Shelton. It is what they have in Avalon Huntington. He thinks that ...

Mr. Schultz stated that the DSC is 12/7 before the next P&Z meeting.

Mr. Nicotra showed the five signs to be placed at each parking space to identify the Future Resident Parking spaces. They have it at all their communities so that the public doesn't think that they are for public parking.

Chair Parkins commented that would be fine.

Comm. Harger asked if this was supposed to be visitor parking.

Mr. Nicotra responded no, that is for people temporarily visiting to look at an apartment. If you were a guest of someone living there, you would actually park in the garage.

Comm. Harger asked if this was for somebody going to look at an apartment (inaudible)...

Mr. Nicotra responded yes, correct, it is for that.

Chair Parkins stated that it is kind of a way of telling visitors not to park there – you're not a resident or a visitor. If that put "Visitor Parking" then everybody is going to park there. It is kind of a way of saying "if you're interested in renting an apartment, you can park there while you look;" otherwise, go away.

Mr. Nicotra responded yes, that's right.

Chair Parkins asked if he had a sign in front of every space.

Mr. Nicotra responded yes, all five.

Chair Parkins stated all five except for the handicapped where it has a "Handicapped" sign.

Mr. Nicotra responded yes, correct. He indicated that the last signs would be the Do Not Enter located at the parking garage so that no one enters the parking garage the wrong way. It is mounted right on the (inaudible)...

Comm. Harger asked if there was a small island there to divide it.

Mr. Nicotra responded yes, a divider.

Chair Parkins asked if there would be arrows there.

Mr. Nicotra responded yes, on the pavement itself, he believes so.

Chair Parkins asked if they really need a Do Not Enter, if there is an island.

Comm. McGorty commented that it is a little sign about 2 ft x 1 ft.

Chair Parkins responded OK, they just look humongous. She asked where the Information Leasing Center going to be located.

Mr. Nicotra responded that it would be going on the left as you walk in the front door.

Chair Parkins asked if that was where the parking was located.

Mr. Nicotra responded that the parking garage is down the street from there.

Chair Parkins asked about the five parking spaces ...

Mr. Nicotra responded yes, that is the location of the five parking spots there for...

Mr. Panico stated that there are (inaudible) locations for that Directory Sign...

Comm. Harger commented that on an angle on the right is the Private Residential Community.

Chair Parkins commented (inaudible)... She asked Comm. Harger if she felt comfortable doing this or should they ask him to come before the DSC.

Comm. Harger responded that she thinks that they need to come back with a revised ...

Mr. Panico stated that there is a lot of redundant signage in there and he thinks that there is signage that doesn't belong there or signage that should be there only on a temporary basis. The advertising, the Leasing Center, the colorful one is inconsistent with what this Commission has been doing. Then again, for a temporary period while they are leasing up, it would not be unreasonable to allow it to be there. He stated that he thinks it ought to be re-thought.

Mr. Schultz stated that he'll have the Applicant sit down with him and consolidate it.

Chair Parkins told Mr. Nicotra that they have a Downtown Subcommittee that meets once a month on Friday mornings. It will meet on December 7th. She thinks that they can go through everything there and then he knows exactly what to bring back to the full Commission on 12/11. The DSC is an advisory board.

Mr. Schultz stated that this was a lot to digest tonight.

Mr. Panico suggested that the next time he comes back to the Commission, he should come with that overall plan on a larger scale and a better indication of where these signs are going and the supporting detail.

Mr. Nicotra asked if it would be possible, because there is a long lead time on this Monument Sign – he asked if it would be possible to get approval for that sign so that they could place the order for it. It is just like the one that they have at Avalon Huntington.

Mr. Schultz responded that would be the Commission's call.

Comm. McGorty stated that he thinks that they were trying to locate that by the sidewalk. Some people would see it versus that one at (inaudible)...

Mr. Panico commented about the orientation of it because (inaudible)...because of the direction of the flow of traffic.

Chair Parkins stated that it doesn't necessarily have to be the placement of the sign, it could just be the Monument Signage that they approve – only the Monument Sign.

Mr. Panico indicated that the Monument Sign doesn't bother him. Chair Parkins agreed that it was nice looking.

Mr. Nicotra commented that if they were to move the Directory Sign inside that would eliminate one of the signs. He asked what other concerns they had.

Comm. Flannery asked if the Monument Sign had the street number on it.

Chair Parkins responded yes, it has the address.

Mr. Panico indicated that he should take the Directory Sign and move inside. He perceives that the Leasing Information Center sign ought to be a temporary sign.

Chair Parkins commented that they are always going to be leasing though. It can't be temporary.

Mr. Panico responded that he knows that, but at that point in time, once they are fully occupied and they are only worried about turnover, anyone who is interested can go into the lobby and get the phone number. It is not going to do them any good anyway if it doesn't have a telephone number and the phone numbers are inconsistent with what this Commission has been approving.

Chair Parkins stated that she doesn't mind the signage, it is the telephone number that she doesn't (inaudible)...

Mr. Panico asked what the point would be in advertising the Leasing Center if there is no phone number on it.

Mr. Nicotra responded that people would know where it is located.

Comm. McGorty commented that it would be good for information purposes.

Mr. Panico responded OK, if they just want to identify that there is a Leasing Center there, he doesn't have a problem with that.

Chair Parkins stated yes, that's the point of it – without the phone number though.

Mr. Nicotra asked if they take the Leasing Center sign and remove the phone number and then move the Directory Sign indoors, were there any other issues.

Comm. Harger asked about another sign (?) being necessary or if the wording could be combined.

Comm. McGorty stated that he thinks that they are trying to accomplish – where they come down the sidewalk there – so that ...He asked where the Monument Sign would be located in proximity to where you would come in by way of the sidewalk.

Mr. Nicotra showed the location of the Monument Sign (inaudible)...

Comm. McGorty stated that it looks like a small sign.

Mr. Nicotra responded yes, it is a very small sign and as they know, the City is doing the Riverwalk over here which is for public use and they wanted to distinguish this as Private. He added that was the purpose of the sign.

Comm. Harger commented that is why they should have it by the road.

Comm. McGorty told Comm. Harger that the Private Residential Community sign is 6 feet up and asked if maybe they should just make it a couple of feet up.

Chair Parkins suggested that they take this to the DSC.

Mr. Panico asked why they don't incorporate it into the main Monument Sign.

Comm. McGorty responded because (inaudible)...

Mr. Panico stated it could read "Avalon Shelton/ A Private Residential Community."

Comm. McGorty responded that it serves one part of the property but when you are coming down the sidewalk you don't see it.

There was more discussion about the Private Residential Community sign and the Monument Sign and the juxtaposition of the signs from the sidewalk (inaudible).

Comm. Flannery asked to make a motion to table this for the DSC for whatever date it is being held.

Chair Parkins stated that they have a Site Walk planned for down there for the next DSC meeting so if any of the Commissioners would like to attend, they are welcome to do that on December 7th at 8:30 a.m. She asked if they could get a copy of that package.

Mr. Schultz stated yes, he would sit down with the Applicant and condense everything and modify it.

Chair Parkins added that they could incorporate some of the things that they've already talked about and then they'll have a better idea when they go to the site. Otherwise, they will be here all night talking in circles about this.

Mr. Schultz stated that they have a motion and they need a second to table it.

Chair Parkins stated that she thought that they were going to approve the monument.

Comm. Flannery indicated that she would rather not – she doesn't feel comfortable.

Chair Parkins asked if it was about the lettering.

Comm. Harger responded no, she thinks...

Mr. Panico stated that he sees nothing wrong with the Monument Sign. The only thing that comes to mind with him is if they were going to try to incorporate some information that is being allocated on separate signs.

Comm. Flannery responded yes, that is exactly why.

Comm. Harger stated that the design is fine with her but it is just the wording.

Mr. Panico asked if it was the specifically the enunciation that this was a private residential community (inaudible)...

Comm. McGorty asked if she didn't want Apartment Community on there.

Comm. Harger stated that Private Residential Community and eliminate this other sign.

Mr. Panico commented that devoting a sign that says "Private Residential Community" when they have the main identification of the community right there seems a little bit redundant. If it is important to have that information ("private residential community") on there then incorporate it onto that Monument Sign.

Chair Parkins stated that Private Residential Community and Private Apartment mean two different things. "Private Residential" could mean that they are condominiums that people have to purchase but the word "Apartments" specifies that they are for rent.

Mr. Panico indicated that the sign says Private Residential Community.

Chair Parkins commented that this one says Apartment Community.

Comments inaudible... Comm. Flannery stated that was why she has a hard time approving anything until everything is talked about.

Mr. Panico commented that to him, Private Residential Community means that it is not an office building.

Mr. Nicotra indicated that they are opening February 1st and he is concerned about the lead time on this Monument Sign.

Mr. Schultz indicated that they will definitely work with him on it.

Chair Parkins stated that the DSC meets on 12/7 and the regular P&Z Meeting meets on 12/11 so it is only a four day period and they are already half way through November. It will be better for the Commission if they do that process. She indicated that they have a motion on the table to table the signage and refer the applicant to the DSC. She asked for a second.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to table Separate #6494 for signage and refers the Applicant to the 12/7/12 DSC Meeting.

SEPARATE #6505 – KALICI MANAGEMENT LLC, 350 HOWE AVENUE - SIGN

Mr. Schultz stated that this is just for signage, the business occupancy was already approved. This is for Johnny's Pizza. He assumes that they will want to take this to the DSC too. He added that the utility meters are getting enclosed on the Cornell side and the simulated brick gets replaced.

Comm. Harger asked if he wanted to discuss it at the DSC.

Mr. Schultz responded that it was highly visible, so yes.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Separate #6505 and refers the Applicant to the DSC.

SEPARATE #6507 – SIGNS UNLIMITED, 67 HOWE AVENUE – SIGN

Mr. Schultz indicated that this was for Supremo Pizza House down by Lafayette School. It involves an awning that is signage. He showed a rendering of the signage to the Commission.

Comm. Harger asked if this was taking over A.J.'s.

Comm. Flannery stated that there is a phone number in the window.

Mr. Schultz stated that he thinks the DSC should visit this one too.

Comm. McGorty asked if the liquor store was still there.

Mr. Schultz responded yes, this is the next one in. This is the end one from the left. He commented that they were dealing with awnings and it is something that they want to give a lot of attention to.

Comm. Harger stated that it was nice and clean looking.

Chair Parkins added that it better than what is on the right of it.

Comm. Flannery made a motion to refer it to the DSC and reiterated that there is a phone number in the window.

Alan Esposito, Signs Unlimited, stated that everything in the window is all going to come out – that was from the previous owner.

Comm. Flannery asked why they were showing the old one then and asked what the new one going to look like.

Comm. McGorty stated that they are looking at the awning not the windows. It is pretty straightforward.

Mr. Schultz asked the applicant if he had a sample of the awning.

Mr. Esposito stated that he did not bring it.

Mr. Schultz asked if it was vinyl.

Mr. Esposito responded that it was vinyl.

Comm. Flannery asked if all the stuff in the window would come out.

Mr. Esposito responded yes.

Mr. Schultz stated that their Special Overlay Zone downtown doesn't stretch that far so...

Chair Parkins asked Mr. Esposito if he had a copy of their new Sign Regulations.

Mr. Esposito responded yes.

Mr. Panico stated that he didn't see any problems with this – it looks pretty clean.

On an amended motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted 5-0 to approve Separate #6507. Comm. Pogoda abstained from voting.

SEPARATE #6501 – 714 LLC, 405-407 BRIDGEPORT AVENUE – SIGN

Mr. Schultz stated that the applicant has requested to table this. It is the marketing sign for Crabtree Auto. They are coming in with another large – 8' x 4' to market it.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #6501.

SEPARATE #6489 – KASH'S GARAGE II, 78 BRIDGEPORT AVENUE - AUTO REPAIR & SALES – BUSINESS/SIGN

Mr. Schultz stated that this is the old Bread Box on lower Bridgeport Avenue. He recalled that they painted it, cleaned it and they've been collecting cars. He indicated that the Applicant was present.

Chair Parkins asked the Applicant if he was a new owner.

The Applicant (unidentified) indicated that they were renting it.

Chair Parkins asked how long he had been renting it.

The Applicant responded (inaudible)...about 2 weeks.

Chair Parkins commented that it was cleaned up and painted nicely.

Mr. Schultz stated that they began collecting cars a couple of months ago and the Commission requested that he get on it.

The Applicant commented (inaudible).

Mr. Schultz stated that this is for auto repair and sales with one employee. Hours of operation are 8 a.m. – 10 p.m., Monday through Saturday.

Comm. Harger asked if this was the small unit connected to the garage or the whole thing.

Mr. Schultz responded that it was the whole thing. The old Bread Box.

Chair Parkins stated that they painted it white and purple. She commented that she thinks the building looks fine but she requested that they limit the number of cars that they have for sale down there.

The Applicant responded that the most they could do is 9 to 12.

Comm. Harger asked how many spaces were down there.

Mr. Schultz responded 15. He asked if they were comfortable with 9.

Chair Parkins stated 10 would be good – that is 2/3 of the available parking which would leave space for people that wanted to come in.

Comm. McGorty asked if there would be storage of any wrecks or anything like that there.

The Applicant responded no.

Comm. McGorty asked if it would just be for cars that are operating and that are for sale.

The Applicant responded yes.

Mr. Schultz commented that the renderings for the sign were just submitted and they are box signs.

The Applicant indicated that the photos of the sign are from an existing business in Bridgeport and these would be similar in nature.

Mr. Schultz asked if they had to be manufactured or if they were new because the Commission prefers channel letters.

The Applicant responded that they have existing signs already (inaudible)...

Mr. Schultz asked if he meant that he already has these box signs.

The Applicant responded yes.

Chair Parkins asked if there was any way that he could put the address on something else because it is (inaudible)...

The Applicant responded yes, sure, that is the existing business now in Bridgeport. The lettering is from the existing business in Bridgeport but the lettering could be changed to the appropriate business name, if they want.

Chair Parkins asked which one was he proposing.

The Applicant responded that there are two buildings there. There's the small building for storage and it would be great if they could be a sign put there but it isn't mandatory. He'd like to put the top sign on the front of the existing repair shop and a monument sign out front. The place is pitch black at night and he thinks that is part of the reason that the prior business failed because nobody knows that they are there.

Chair Parkins asked if he was open at night.

The Applicant responded yes, until 10 p.m.

Comm. McGorty asked if this sign would be internally lit.

The Applicant responded yes – back lit.

Comm. McGorty asked if he was set back far from the road.

The Applicant responded no.

Comm. McGorty asked if it can be seen from the road – it is 24 feet long.

The Applicant responded yes – that is the one that exists now on the building. He doesn't know if it is going to fit.

Chair Parkins indicated that there is a lot of competition on that road. It is one road that is small with 15 car repair shops on it. There are bound to be some that won't last and bigger and brighter signs aren't going to be the answer to anybody's problem.

Mr. Schultz stated that they are also requesting a pole sign and that is not at the site right now – just a wall sign.

Chair Parkins responded yes, and the phone number has to come off. They prefer just the name and the address where you can be found. She indicated that she is uncomfortable approving a sign that they don't see. She thinks that he'll need to come up with a rendering of exactly what he's doing – to scale. She added that is one of the requirements of their Sign Regs. They need to show the scale – like how wide and tall the area is that you're putting it on and how wide and tall the actual sign is as well as what the sign will say.

Comm. McGorty asked the Applicant if he already had the sign.

The Applicant responded yes, he does but this is a sliding plexi-glass insert with plastic (inaudible)...He can change the insert to say anything but the lettering style would be similar. He has no issue taking the phone number off –whatever the Commission wants, he is more than happy to comply.

Mr. Schultz asked if the Commission is comfortable with the business use so that he can sign off on the State application.

Chair Parkins responded yes, with up to 10 cars.

Mr. Schultz indicated that he can come back in for the sign.

Comm. McGorty stated that he has no issue with removing the phone number and (inaudible)...

Comm. Harger indicated that it would be nice to have a picture of the existing garage and how he wants his sign to look.

The Applicant responded that it is almost identical to what is shown there. There are two roll-up doors and an office door and that exact sign but he'll cut it down to 24 feet.

Comm. McGorty added that it looks like he'll lose about ¼ of the sign – about 6 feet.

The Applicant responded yes, it would just say “Kash's Garage II Auto Sales & Repair.”

Chair Parkins asked if this should go to the DSC.

The Applicant stated that it would be proportioned to the building – nothing obnoxious or obtrusive.

Comm. Harger stated that she thinks it has gotten to the point where things are not coming in front of them. It is all sort vague (inaudible)...

Chair Parkins stated that it would be helpful if the Applicant took a picture of the existing building with the existing sign and then show them, in relation to that, what they are going to be doing with this one. She added that he could sort of superimpose it onto that.

Comm. McGorty commented that he should superimpose it right where it would be positioned and say what the dimensions would be.

The Applicant asked if the Commission would be objective to a temporary sign until then.

Mr. Schultz responded that he can take care of that in-house.

Comm. Harger asked him to take a photo from across the street so that they can see (inaudible)...

Chair Parkins indicated that they would approve the business and table the sign. He will be allowed to put up a temporary sign.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the business occupancy for Separate #6489 with the condition for 10 cars.

APPLICATION #12-21 PDD ZONE CHANGE FOR TALBOT PARTNERS, LLC, 740 BRIDGEPORT AVENUE: RESCHEDULE PUBLIC HEARING DATE

Mr. Schultz indicated that they have to change the public hearing date for this.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to reschedule the public hearing for Application #12-21 Talbot Partners LLC, 740 Bridgeport Avenue until November 29, 2012, 7 p.m. in the Shelton City Hall Auditorium.

APPLICATION #12-17, COUNTRY CLUB OF CT, LLC FOR PLANNED DEVELOPMENT DISTRICT ZONE CHANGE: (FINAL DEVELOPMENT PLANS: 36 UNIT CLUSTER RESIDENTIAL DEVELOPMENT), CAM SITE PLAN, REVISION TO FUTURE LAND USE CATEGORY FOR THE 2006 POCD, 550 RIVER ROAD AND A PORTION OF ADJACENT PROPERTY (MAP 53, LOT 55 AND MAP 54, LOT 43), R-1SDA AND IA-3 (PUBLIC HEARING CLOSED ON 10/24/12)

Chair Parkins began by commending the Applicant for a very well presented application and for their willingness to work with Staff on the scope of this project since the beginning. It is a very large project and they have been continually narrowing it down to the current 36 unit condo complex.

After covering up the conference phone with the site plans, Mr. Panico verified that Comm. Pogoda could still hear them. Comm. Pogoda verified that he could hear.

Mr. Panico indicated that he had three or four points he wanted to make and the Commission can chime in on them.

Comm. Flannery stated that she has about 10 points that she wants to make.

Mr. Panico indicated that one important development that just recently occurred is that they have gone to Inland Wetlands and they have overtly received an unanimous approval from them.

Chair Parkins asked if they had a letter from them.

Mr. Schultz indicated that the minutes from that meeting aren't ready yet – it was held last Thursday.

Mr. Panico stated that the Wetland approval and one of the benefits that accrues out of pursuing the modification of the location of that turn-around and the geometry of the internal road system was that it allowed another significant building to be pulled back further away from the watercourse, preserving a little more of the natural habitat along the stream.

On the site plan, Mr. Panico showed the location of the building, under the revised plan that would be pulled back instead of sticking out, thereby better protecting the corridor. He added that was the basis on which Wetlands had (inaudible)...

Using the site plan, Mr. Panico stated that as a result of some of the issues that developed in regard to the Engineering Report, some of the Commission concerns and other concerns, it looks like this long dead-end in particular was creating a lot of problems. He showed the location on the site map and indicated that the way to resolve that was to take and move this connection down creating the emergency access connection that was coming in and bring it in another location (he showed that location). The result was a layout that would shorten that dead-end and provide for the connection in another location so that the larger trucks can operate that way without any conflict. This was also a concern that the City Engineer brought up.

Another dead-end that was reflected in the City Engineer's comments was another long one that was fairly straight but still fairly long. He indicated that the Applicant was able to secure an agreement with the WPCA to extend this and be able to put a gate and to release a larger vehicle out through their site. Again, it is reflected on this plan – so the dead-end situation there is eliminated. The remaining dead-end farther up and over here are small, straight and easier to deal with; they aren't an issue at all.

Mr. Panico indicated that the City Engineer had pointed out in his letter about the rubbish removal and the big trucks that they have, especially when they go into an area where the pick-up arm was on the wrong side of the street from where the units were located. He showed the location where that would occur so they would have to put their rubbish containers on the other side of the road. Mr. Panico stated that issue was put to bed by the Applicant making the

representation that this was all going to be private rubbish removal. There will be no City rubbish trucks down there. So, those concerns have been put to bed.

Mr. Panico stated that they still have the concern about large vehicles, like moving vans that have to come and go, and emergency vehicles that have to respond here. They don't want a fire truck responding to that location to be backed into an area where they have to do a lot of maneuvering to get out. He showed an area where they would pull in as well as how and where they could get out. He showed another location that they could go into and back straight out and leave. It would facilitate matters a lot.

Mr. Panico indicated that he did not like the rather large amount of paving that would have to occur there and he felt that it was going to be somewhat conflicting, so he thinks that with some modifications they could make a change. He showed a progress print that he worked on with the Applicant before they started the Public Hearing process. It shows that same solution on another scale. He explained where the turn-around could be located. He commented that he thought that there was room to create a circle and work out a detail where they have a pavement around it, a raised curb and a planted island. He added that there was plenty of room to do it.

Mr. Panico added that he saw a very nice detail in New Haven where they put in one of these round-about where they were having a lot of traffic issues on a particular street – at the end of Connor Street and ? They actually retrofitted a turn-around. He went down to look at it and it works pretty well. They have a curbed island, a raised planter, and in their case they put in about 12 to 14 feet of surface stone paving and beyond that they put in a 15 foot paved travel lane. In effect, the travel lane plus the surface pavement gave them the ability to handle large trucks. He added that he thinks that they could do something similar here. He doesn't think it needs to be as large a shoulder as what was needed in New Haven; however, he thinks that they could design this so that they could have a travel way of 20 feet all the way around this planted area. Fifteen feet of that might be irregular pavement and another 5 feet of flat stone pavement so that they have a textural change and yet the space is there to accommodate vehicles. In doing that, he showed that they could have something that is just as attractive as what this might have been down in this location.

Comm. Harger asked if they have conveyed that at all to the architect.

Mr. Panico responded that they have in discussions but not in the specifics that he has just shared with the them. He thinks that it is a reasonable request and he thinks that it can be done. The only thing that would be required would be to accommodate a bigger circle. The constraining on the site of the circle is a result of that unit that sticks out and that unit could be pushed back 5 – 7 feet without creating an issue. He is looking to get the diameter of 70 feet around the outer edge of it. If they take 70 feet, come in 20 feet for a travel way consisting of 15 feet of pavement and 5 feet stone paving – then they have 30 feet left to have curb raised island where they could do some reasonable landscaping. He commented that 30 feet would be as wide as the room that they are sitting in – it could be a pretty nice landscape area – not just a little hump with a couple trees in it. It could look nice and functionally the trucks could still operate nicely.

Chair Parkins asked if he would eliminate those parking spaces or would they be able to be moved down.

Mr. Panico responded that he thinks that when you do that geometry, it sort of dictates that this driveway ought to shift one way a little bit to give more space on the side. Otherwise, they would preserve those parking spaces. He commented that in one parking space they would have to look at the grading. Right now the grading seems to drop off pretty quickly. If it can be pushed out a little bit more, they may not get three but they should be able to get a couple in there.

Comm. Matto asked if that was the public parking.

Mr. Panico responded that it was additional visitor parking. He stated that this is one of the few condominium proposals where they are really going to have a generous amount of parking. Everybody has a two-car garage and everybody has two extra spaces in front of their garage. In effect, in general, they have four parking spaces for every unit and in addition they have 30 – 35 additional visitor parking spaces.

Chair Parkins commented that she thinks it was 34 visitor spaces.

Mr. Panico indicated that it comes very close to a ratio of 5 spaces for every unit. Granted under Zoning, it really counts as three because they don't count spaces outside the garage or the (inaudible) because it requires the owner moving the car. He added that he was very comfortable with the overall parking ratio.

Chair Parkins added that she was as well.

Mr. Panico stated that if they were to lose a space here or there for the sake of a better plan, it doesn't bother him to lose it.

In another point, Mr. Panico stated that he wasn't sure that he totally understood the Applicant's presentation of how they are handling this...He knows, in concept, that a public walkway will be provided, properly prepared, etc. to get the public down to the edge of the River. There was a lot of discussion as to what or how things should happen down there and he isn't quite sure he totally understood the final proposal. He added that he thinks that is something that should be the Commission's determination as to what they want to have happen down there. It wouldn't bother him, if this goes in a favorable direction, to simply say that they have to work those details out. They can work them out between the first approval and the second approval.

End of Tape 1A 8:30 p.m.

Chair Parkins responded that it was her understanding that they were going to build this to the City's specs for (inaudible) as all the other (inaudible)...They would propose to give the easement to the City (inaudible)...

Mr. Panico stated that he isn't terribly upset about those parts of it. They just have to handle the area where the grade is pretty steep. They need to have, for lack of a better term, safety areas – a little spot where the grade flattens out and then starts down again. They need to figure out where and how that is going to occur. Mr. Panico stated that he was more concerned about what the Commission expects to have at the River's edge. He asked if they were going to have a couple of benches or will it be just a place where you can access the River.

Chair Parkins responded that she believes that they were just talking about access to the River.

Mr. Panico responded OK, they just need to clarify the map and delineate the area where that access is permitted. He added that he was unclear about it.

Comm. Harger commented that she thought that they would have some sort of rest area half way up.

Mr. Panico responded that the Applicant indicated that he felt that they could create a rest stop. He needs to find out because the drawings don't reflect that. In fact, he doesn't think that the drawings reflect an 8 foot wide walkway either. He thinks it was originally drawn at 5 or 6 feet. The Applicant agreed to 8 feet because that is what Conservation said they wanted.

Chair Parkins responded yes, along with the (inaudible)..It is reflected in the minutes as a condition and that they are working it out with the Conservation Commission.

Comm. Harger pointed out that the plan where it does say "8 foot wide gravel path."

Mr. Panico responded OK, maybe he changed it on the final drawings. He added that it was represented at the Public Hearing that the Applicant met with the people from the Cemetery Association and they had agreed to do some fencing. He added that they need to find out a little bit more about what kind of fencing that will be and from where to where the fence would go and it should be shown on the map. Mr. Panico indicated that his attitude on it would be that yes, they want to protect the Cemetery because they are being further exposed now. The Cemetery Association seems to be satisfied in having worked with the Applicant and that he would be receptive to that.

Chair Parkins stated that she also thinks that the Cemetery Association needs to take responsibility for the maintenance of that fence.

Mr. Panico agreed but added that he doesn't know what the fence is going to look like.

Chair Parkins commented yes right, but if the fence falls down in 15 or 20 years, she asked who would be responsible for the repair of it.

Mr. Panico responded that they need to find out whose fence it is going to be.

Chair Parkins commented yes, exactly.

Mr. Panico indicated that it would not be unreasonable for it to be a fence owned by the Condo Association and maintained by them. It came up at the last minute between the first and the second hearing and he doesn't know what they agreed to accept verbally. They had come to an agreement on up to 240 feet of fencing, if he's correct. They just need to get that nailed down.

Mr. Panico stated that he isn't sure who brought it up but they have a rather high retaining wall and they know that they have to do some safety fencing on the top of it. He doesn't know what those details are yet and they'll need to get them.

Chair Parkins commented that a lot of what he is talking about is the details on this.

Mr. Panico responded yes, it is some of the outstanding issues that still need to be resolved. In general, he's comfortable in his estimation that they have addressed the issues that were raised by the City Engineer and they have addressed them in a reasonable fashion. They have their Inland Wetlands approvals. They are on the verge of getting their WPCA final approvals and they've stipulated a maximum bedroom count with respect to how much burden it would put on WPCA. Mr. Panico commented that the architectural of the buildings are very attractive.

Comm. Flannery asked if it was her turn to speak yet. She asked Comm. Pogoda if he could hear on the conference phone. Comm. Pogoda responded that he could hear her.

Comm. Flannery stated that as many of them know, she has been involved in attending P&Z Meetings for many years before some of the present Commissioners were here. She commented that she attended back when Tony Panico? (or Pogoda) who probably remembers him always being in the audience and always bringing up problems. Comm. Flannery added that this site is a big problem. It came up 5 or 6 years ago when there was going to be 7 units built on this property and it was turned down because this is tidal wetland. It is nothing to do with the approvals from the Inland Wetlands Commission. Tidal wetlands have to be approved by Coastal Area Management (CAM) – they have to approve it.

Comm. Flannery commented that it has to be reviewed by the State because of the inherent flooding here. She added that this is tidal wetland; there is a lot of flooding, and sludge with the metals in the sludge pit. It was so dangerous that it could not be removed but instead had to be capped – that is how dangerous that area is. Since the time it has been capped, there was a flood at one point and the minerals were released and four acres around the cap were contaminated requiring that it be re-capped. There is a chance that a flood could occur again in the future contaminating the land again.

Comm. Flannery stated that this is also a very sensitive site because of the Indian burial ground. People have found arrowheads there and if they start digging up ground there, they may come up with human remains – not necessarily in the cemetery but other parts of the land. They are going to have to deal with that issue.

Comm. Flannery indicated that they had a person named John Troutman, an environmental ecologist, come in who left a paper on file. Mr. Troutman was against digging up this site. They

are talking about two different pieces of land. The \$1 piece of property which is the 3 acres that they are saying that people are going to be on for River access – that is where the sludge was capped. The other 13 acres where they want to build is actually supposed to be a buffer zone, a protection zone to ...

Chair Parkins tried to interject to ask Comm. Flannery a question.

Comm. Flannery responded no - she did not interrupt Mr. Panico and she does not expect to be interrupted now.

Chair Parkins stated that she just wanted to ask her a question, if she doesn't mind.

Comm. Flannery responded that she does mind.

Chair Parkins commented that she should carry on then.

Comm. Flannery responded that she has just waited 20 minutes to speak.

Chair Parkins commented that she is on this Commission and they were listening to a discussion.

Comm. Flannery responded OK; well she is just bringing up her points first. She continued that there are a lot of health risks and this buffer zone was supposed to be a protection zone. Also, if they are going to be digging holes to put pipes in for water or for sewer, etc. they are going to be making channels for the sludge to be following through. They are actually making underground rivers for the sludge to be released. Also, five years ago the DEP had to come in and they had to use State taxpayer money to clean up when the sludge pit was dangerous. It was their tax payer money that had to clean it up. She added that they know it is going to happen again. There is a lot of health risk and nothing should be built on this property at all.

Comm. Flannery stated that right now, she is unfortunately working in a building recently built on Clairol property that was determined to be safe; however, many young teachers there are dropping dead from cancer. So even though they may say it is safe, she does not believe it. She doesn't believe any of these people who came in and said that they did a little bit of soil testing here and there at the last minute – she didn't feel comfortable about that either. She doesn't think that there is any amount of testing that they could do to that soil to say that it is safe. She indicated that there is no way she could vote with a clear conscious to approve this site and she does not think anybody should. She concluded that she was finished.

Chair Parkins thanked Comm. Flannery and asked if those were all of her comments.

Comm. Flannery responded no.

Chair Parkins asked if she would like to finish...

Comm. Flannery responded that she'd like to hear other comments first.

Chair Parkins stated that everyone understands that she is totally against this project but added that most of what she just said is speculation.

Comm. Flannery responded that it was for health reasons and it was not speculation. It is from the minutes from five years ago. She asked Tony – Mr. Panico (or Pogoda?) if he remembered it.

Chair Parkins asked where the John Troutman documentation was.

Mr. Panico asked which Tony she was talking to. If they ever get an application – he knows that they've had a few...

Chair Parkins asked where the Troutman documentation was for this application.

Comm. Flannery commented that it was from previous applications on this site.

Chair Parkins told Comm. Flannery that this application is what is on the table now and that is the evidence that they have to base their decision on.

Comm. Flannery responded no, they have had previous meetings.

Chair Parkins stated no. The public hearing was open – and all documentation regarding this proposal needed to be presented at this public hearing. Comm. Flannery cannot take stuff that was presented 10 years ago and now come up with it.

Comm. Flannery responded that it was five years ago.

Chair Parkins stated that she cannot do that.

Comm. Flannery responded that it was still appropriate. It is still...

Chair Parkins asked why she did not bring this up during the public hearing. She told Comm. Flannery that she can't do this and she needs to prove her documentation and submit it during the public hearing. She added that was the process of this Commission.

Comm. Flannery indicated that it was on file.

Comm. Harger asked if she meant from the minutes here.

Mr. Panico suggested taking it a couple of pieces at a time. There is engineering documentation in regard to flood levels and they have all been respected. He added that Comm. Flannery is talking about the property floods, however, evidence does not prove that out nor does engineering prove that out; so, he doesn't know on what basis she makes the statement that this property floods.

Comm. Flannery responded that it is because it is tidal wetland.

Mr. Panico asked her what is tidal wetland. He responded that yes, there are tidal wetlands on the property but the entire property is not tidal wetlands, Joan.

Comm. Flannery asked if this doesn't have to get approved by the Coastal Area Management.

Mr. Panico stated that there is a line on the site drawings.

Comm. Flannery asked if it doesn't have to be approved by the State.

Mr. Panico responded no.

Comm. Flannery asked why not.

Mr. Panico responded because they do not have a role. He looked for a particular map and indicated that the map shows very clearly the tidal area, the tidal pond, the wetlands, the uplands, the 100-year flood levels, the edges of the inland/wetlands, and the inland/wetland buffer zone protections. He added that those are all documented and surveyed lines. They do not indicate the fact that this property gets flooded.

Comm. Flannery responded that it has.

Mr. Panico asked who said that it has – besides her saying it has. He added that in 40 years that he has worked in this town, he has never seen that property flooded.

Comm. Flannery responded that the DEP had to come in and clean it up.

Mr. Panico commented that he cannot guarantee that it hasn't happened but he isn't aware of it ever having flooded. The mapping does not reflect that it was ever flooded. He's sure that there are areas of the property that may have been flooded, but they aren't being built upon. Those lines have to be respected and those criteria have to be followed. As far as the role of the DEP, because it is in a coastal area, they have to provide a CAM application, which they have. They have made the referrals to the DEP. He indicated that they have not gotten feedback from the DEP that reflects any of her concerns that she just indicated.

Mr. Panico commented that as far as the sludge pits or whatever – they are there. They have been capped and they aren't on this site. They aren't part of this development.

Comm. Flannery responded that they could leak onto the development.

Mr. Panico stated that they don't know that – she is saying that.

Comm. Flannery indicated that it was a possibility.

Chair Parkins added that it is speculation.
Comm. McGorty stated that (inaudible)...

Comm. Flannery stated that when you are putting pipes in...

Mr. Panico asked where she is going to draw the line – he asked if she draws it here or draws it 1000 feet away or somewhere in between as a risk area and a no risk area. He stated that the DEP has given this a clean bill of health as far as the land – they put no constraints whatsoever on the development of that land. As far as the trenches, he doesn't understand what she is saying – you dig a trench, bury a pipe and backfill the trench.

Comm. Flannery responded that under the pipe it is like an underground waterway.

Comm. McGorty commented that it is getting backfilled.

Mr. Panico stated that he doesn't understand what she means by that.

Comm. Flannery responded that the sludge will follow the channels.

Comm. McGorty commented that there aren't going to be any channels. They just bury a pipe and backfill it.

Comm. Flannery stated that it is also like a channel. There is a risk there.

Mr. Panico commented that the pipes she is talking about – none of them go beyond the limits of the developed part of the site. They don't go into that area; they come to the front side of the buildings and don't go through the back and into the wetlands or that area of her concern. He doesn't follow her reasoning about them becoming natural rivers.

Comm. Flannery stated that she wants to know if Tony Panico was there because he was at those meetings.

Chair Parkins asked if she means Tony Pogoda.

Mr. Panico commented about her reference that they turned down 7 units. He doesn't think that ever got to an official application with that. He asked Rick Schultz if they did.

Mr. Schultz responded no, they didn't have an application.

Mr. Panico stated that it was talked about but the applicant decided not to pursue it. They never had an application on this table that he is aware of that they said no or that they didn't want the property developed and turned it down. He added that it is not the case.

Comm. Flannery asked Tony Pogoda if he remembered anything like this from 6 years ago.

Comm. Pogoda responded that he did not, Joan – he was sorry to say he did not. He added that he didn't remember any application being put in front of him with a seven home application there.

Chair Parkins stated that again, even if there was, she needed to present it during the public hearing to be fair to the Applicant so that he could address it.

Comm. Flannery asked if he was here tonight.

Chair Parkins added that he can no longer address it – the public hearing is closed.

Mr. Panico commented that the discussion is limited to this table.

Chair Parkins stated to Comm. Flannery that she has been on this Commission for so long. She needs to know the process for public hearings. You can't present evidence, hearsay or speculation or anything after the public hearing is closed since the Applicant will not have an opportunity to address it.

Comm. Flannery responded that she did bring all this stuff up in the minutes and she is just making the points stronger. She stated that she asked him these same exact questions at the hearing.

Chair Parkins stated that yes, and they brought in an Engineering Report that addressed the contamination and the testing and...

Comm. Flannery indicated that she wasn't satisfied with their answer.

Chair Parkins responded that they are the expert witness – that is her choice.

Comm. McGorty added that would be her choice not to be satisfied.

Comm. Matto indicated that she would like to ask a question for better understanding of something.

Chair Parkins responded yes, absolutely, Comm. Matto.

Comm. Matto asked about the designation of this application as a cluster plan. She added that in her mind, she thinks of a cluster plan as having the density as the things are clustered.

Mr. Panico responded that was a different type of cluster. He stated that they use that term "cluster development" very loosely – it could be anything from that to ...

Comm. Matto commented OK, and then it probably isn't relevant to the whole discussion here. In her idea of it, she indicated that the density here seems high to her. They are describing it as a cluster because they are including all of the wetlands and the water way, etc.

Mr. Panico responded that is a misrepresentation to characterize it as a cluster development.

Comm. Matto stated OK.

Mr. Panico indicated that it was a development of multi-family housing on the buildable portion of the site.

Comm. Matto asked about the density of it – if they were to disregard the wetlands and everything – how does the density there compare to the normal standards for density.

Mr. Panico responded that, unfortunately, there is no “normal standard.” He could quote all kinds of ratios that get used on developments of this type but they really are not germane. What is germane is how much buildable land do they have, the quality of that land, how well does the property lay out, is it properly supported, does it have the roads, the amount of parking, does it have green space that they are comfortable with around it, etc. He added that would be what really determines it. They could take this same plan and cut the units down by 1/3 but they could put three times as many units in each one of the squares and get double the density.

Comm. Matto responded yes that she sees what he is saying – in terms of the coverage of the land.

Comm. Harger stated that in her notes from Peter Hughes in response to questions, he said that it is 12% building coverage and 60% is allowed.

Comm. Matto asked if he was counting the whole parcel.

Chair Parkins responded yes, the whole parcel.

Comm. Matto commented that she is just trying to look at what is buildable because in her mind with a cluster, they just look at what is buildable. All of that other land doesn't really count.

Chair Parkins responded that she equates it to where she lives at Meadow Lake which has 36 units. She added that she thinks that parcel is smaller than this one. She commented that it is very comfortable with 36 units.

Mr. Panico asked if there were units above units in that development.

Chair Parkins responded yes.

Mr. Panico stated that in this particular development, there is nobody above you or below you.

Chair Parkins commented, no she misunderstood – they are some ranches but it is mostly three-story townhouses.

Mr. Panico stated that they could make the plan look more comfortable in terms of space between buildings by making the buildings bigger. Obviously, if they bring these two buildings together, they could double up that space. But now instead of a 3 unit building, you'd have a 6 unit building.

Comm. Matto commented that she thinks that the way that it was presented - by counting of the land that is not useable.

Mr. Panico indicated that they are really just arbitrary numbers but it really doesn't mean anything – well, it doesn't mean anything to him. He goes by what works, if it is comfortable, if they have satisfied all the requirements, will it look good, will it blend well, and is it well-served. This started off as a higher density development – he thinks it was 39 or 40.

Chair Parkins commented that originally, it started off even higher than that. When they first started proposing it, it was 70 and then came down.

Mr. Panico stated that in the early discussions, he was not comfortable at all with the plan but as the development evolved, the designs grew, the numbers came down, and it got to the point where it worked. If the Commission says that they aren't happy with that spacing and want something like 40 feet between buildings, then something will have to give but what they are proposing seems to work. What they have proposed seems to meet reasonable standards that they have used on other projects in terms of spaces between buildings. He worries more when walls are parallel to each other because he doesn't like to get them too close. However, if it is a corner to a wall he doesn't mind it getting a little close because you don't get that corridor effect.

Chair Parkins stated that it started off as a 70-unit apartment complex, and then they proposed a 46 unit condominium development. They reduced that down to 39 and then after additional meetings with Staff, they came down to 36.

Comm. Matto asked if that then means that the designation of it as a cluster doesn't really mean anything.

Mr. Panico responded yes, it really shouldn't be termed a cluster. It is a multi-family residential development.

Comm. Matto indicated that she realizes that she is new here but she appreciates that the Board, in her perception - is that they do care about public access to these natural spaces. She added that is very important to her as well. In her best situation this would be owned by the town and preserved as a park.

Comm. Flannery stated that it what it should be – she agreed.

Mr. Panico stated that about 10 years ago, it was referred to the BOA and they said no and that they were not interested in it.

Comm. McGorty added that they had a shot at it – so it's not an option.

Mr. Panico added that he thinks it was actually about 7 years ago.

Comm. Matto responded OK, so that is a dead issue.

Mr. Panico commented, unless they had a change of heart...

Comm. Flannery indicated that maybe they should present it to them again.

Mr. Panico stated that it was presented to them. He told Comm. Flannery that it was not up to them to present it.

Comm. Matto stated that somebody else owns it now – it's not like...

Mr. Panico indicated that it was their responsibility to process an application. An application was put before the Commission and now they have the obligation to process it.

Comm. Flannery commented that it was contaminated land though.

Comm. Matto indicated that it was not.

Mr. Panico responded to Comm. Flannery that was her opinion. He indicated that she should not make that statement of fact (inaudible)...

Comm. Flannery stated that they had the man that owns the property next door say it...

Mr. Panico asked Comm. Flannery if she could back up that statement with facts.

Comm. Flannery continued ...and the man that owns the property to the south of it.

Comm. Harger added that she needs to provide documentation.

Comm. Flannery responded that it was on file.

Mr. Panico commented to Comm. Flannery that to protect herself as a Commissioner, if she is going to make a statement of fact like that, she needs to be ready to back it up.

Comm. Flannery responded that at the public hearing...

Mr. Panico stated that she is entitled to her opinion but needs to say "in her opinion, it is contaminated."

Comm. McGorty agreed yes it's her (inaudible)...

Comm. Flannery stated that at the public hearing the neighbor talked about it.

Chair Parkins asked what documentation he presented. He presented nothing. He gave his opinion.

Comm. Flannery said he talked about all...OK, she asked if there really was a sludge pit there and if it was it capped.

Mr. Panico responded no, not on this property.

Comm. Flannery asked where exactly the sludge pit was located.

On the site map, Mr. Panico showed the location of the capped area north of the proposed site.

Comm. Flannery responded OK and asked if it is then going to go downstream onto this property.

Mr. Panico stated that he doesn't know that. He asked her if she didn't think the DEP would have raised red flags about it, if it was a possibility.

Comm. Flannery indicated that she was going to raise red flags about this – OK. She stated that she wanted to make it known.

Mr. Ralph Matto in the audience wanted to comment but Mr. Panico informed him that they can't speak to anyone in the public after the public hearing is closed. He'd love to hear what he has to say but they can't.

Mr. Panico told Comm. Flannery that Rick Schultz specifically made a call to them and asked them again about it. He thinks they got something in the files from them.

Mr. Schultz commented that they have something from the Project Engineer and they sent their letter to the DEP.

Mr. Panico stated that the Project Engineer submitted something else also to reconfirm that. They have known the concern is out there and it was raised. The Applicant did his best to address it.

Comm. Flannery stated that she doesn't think it was addressed properly.

Chair Parkins stated that she is certainly entitled to that opinion. They understand where she is on this but her statements are now being redundant and aren't being backed up with facts. This Commission has to make a decision based upon facts.

Comm. Flannery stated that she was a science teacher and she teaches this to her students all the time.

Chair Parkins stated that when she can show her credentials and that she has gone out there and soil tested the property and has documentation to back it up ...She should have presented it at the public hearing.

Mr. Panico told Comm. Flannery that Commissioners are entitled to have their opinion about anything that they like but the weight of that opinion varies according to whether it is backed up by fact, or it isn't. They are at the point now where they understand what her opinion of it is, but in order to give weight to that opinion, she should have something factual to back it up. He added that the Applicant has done his due diligence. He hired his professionals and made his case. In order to rebut that, she needs to have herself or somebody with equal credentials to put facts on the table.

Comm. Matto commented that she appreciated the discussion about the non-native plantings and the plan for that. She still thinks that it is more challenging than what is appreciated by anybody but it will probably be better than what is there now. There is hope for it to be well-managed from what they presented.

Mr. Panico stated that he thinks this vehicle gives you the best opportunity for have that happen as opposed to say, a rental apartment development.

Comm. Matto agreed and added - or even if the town took it over. She doesn't know what they would necessarily be able to do.

Mr. Panico stated that if it were left in its present condition, that invasion is going to continue.

Comm. Matto commented yes, it is a total mess. In terms of the landscaping for the developed area, she personally would like to see more native plants. A tulip tree or lilac tree was mentioned but there are things like redbud or dogwoods that could be used that would work well with the other native plantings that they are planning to do.

Mr. Panico commented that at this stage of the game – just so Comm. Matto knows – despite the fact that the Applicant has submitted what he feels are final development plans – they would still look at it from the point of view of some things needing to be looked at again. But at this stage of the game, he is going to treat the landscaping plan as an expression of intent and a conceptualization of that intent. When they move from that first phase to the detailed plans before they get signed off, then they will look at specifically what they are proposing – what species, how many, where, what size, etc.

Comm. Matto asked who looks at that and if that would come back here.

Mr. Panico responded that it comes back here.

Comm. Matto responded OK.

Mr. Panico indicated that he usually backs away from the landscaping plan and lets Rick Schultz worry about it because it is more his forte but they do pay attention to that stuff. They have learned with each project as they go along, they learn a little bit more and apply it to the next one.

Comm. Matto commented about the wetlands area with the restricted species and indicated that she wasn't rigid in terms of the landscaping in there. If they were going to use dogwoods that have been developed for disease resistance that would be fine with her or other things that have been enhanced ornamentally, but she wants to think about it being complimentary to the whole site.

Chair Parkins commented to Comm. Matto that she thinks she brings a very valuable skill to the Commission and they appreciate her sharing her thoughts on the landscaping. She added that she doesn't know anything about trees.

Mr. Panico indicated that he knows Comm. Matto has a lot of interest in the public access component, and he explained that the reason that it comes into a proposal like this is very simply an outgrowth of the DEP and Coastal Area Management. When they are in the coastal area and you have a site, as in this case which is adjacent to the water, they have to have a water-dependent use. There has to be a water dependency component so if somebody comes in and does a marina in here it would be fine because it is water-dependent. But over the years, they have been faced with doing proposals like this for residential developments or a commercial development on parcels of land that abut the water and by no stretch of the imagination are they water dependent uses. The DEP has said that at the very least, if you provide a public access component so that the public can still get to the water, then the DEP would view that as satisfying the water dependency requirement; therefore, they have to do something like that.

Chair Parkins commented that was done with the Sports Center. Their use is not water dependent but they had to put in a trail and provide parking spaces for people wanting to use the River.

Mr. Panico stated that as far as boating access, they have the town marina just a couple of properties up but it is nice for somebody walking in with a kayak to put it in the water or to just sit down there to look at the boats.

Comm. Matto indicated that she would be more interested in it being accessible without doing anything.

Chair Parkins commented that she is a little concerned though. She appreciates them not wanting to say "No Trespassing," or "Private Property." She stated that personally, if she lived there, she would be a little bit concerned about people trying to access up there. She added that she hasn't been down there so she really doesn't know. She commented that she guesses that they are the experts on the way that they are planning that it will work by not putting up any signage. The landscaping that they are planning to put in there is supposed to indicate it.

Comm. Matto asked if he said that you can't walk there at high tide.

Chair Parkins recalled yes, at low tide you can but not high tide.

Mr. Panico added that you can't walk at high tide, its water – that's why it is a tidal pond. At high tide, it flushes out.

Chair Parkins asked if they would be planting there to indicate it is ending there.

Mr. Panico responded yes, that is why he mentioned that he didn't know what the Commission would expect to have occurring down there. He asked if it would just be land, prepared land, landscaped land...

Chair Parkins commented that she was just thinking of natural.

Mr. Panico asked if there would be seats or benches.

Comm. Matto indicated that a bench would be nice.

Mr. Panico stated that they can think about it and let him know.

Chair Parkins commented that the bench might end up in the water or covered with graffiti.

Comm. Dickal departed at 9 p.m.

Comm. Panico stated that there was one other issue that the City Engineer had raised and the Applicant's Engineer addressed it and because it was raised, he thinks that they should talk about it. On the site map, he showed a location and indicated that the City Engineer had asked why more consideration had not been given to making this the main entrance and not build that structure across and treat that as a cluster of its own and this area as a cluster of its own.

Mr. Panico stated that the Traffic Engineer pointed out that the proximity to the curb and the intersection would cause horrendous traffic problems and this other location is by far the location with the best visibility and the easiest way to control traffic entering and exiting.

Comm. Matto asked about a structure on the plan and asked if it was the pump house.

Mr. Panico responded yes, it is the sewer pump station.

Comm. Matto commented that she walked this property a while ago and told them that there is a little smell there so she imagines that they wouldn't want people coming in that way.

Mr. Panico asked if there were any other issues, questions or concerns.

Chair Parkins commented that her concern was just the detail on the fence and who would be responsible for the maintenance of it. She knows that they are going to have it put in the charter

for the condo association that they are responsible for the maintenance on the trail even though it belongs to the City.

Mr. Panico stated that there are several of those maintenance items that come into play. Another one is the emergency access and the mechanical provisions for the physical gating and how it will be administered. This, because it is not part of an everyday road system, it needs to be maintained in terms of snow plowing because it won't be a very good emergency access if there is a foot of snow on it. Those items all have to be spelled out. The Condominium Association has to know that they have that responsibility.

Chair Parkins commented that it was her understanding, and she may be wrong, but usually developers develop that document and when the last unit, or a certain number of units, is sold it gets turned over to them so the developer is actually the one who is responsible for putting that document together. It is good thing because at least he knows what they have agreed to and what they have offered to do. The other thing was the wetland area and keeping that plan going – that is part of the condo association.

Comm. Matto commented yes, it was to maintain the invasive species plan.

Comm. Flannery stated that she brought up at the last meeting that she doesn't want any blueberry bushes for children to be picking any contaminated berries.

Chair Parkins commented that she didn't agree with that.

Comm. Harger asked if the birds don't usually get them anyway.

Chair Parkins commented that she is speculating that it is contaminated and they can't plant something (inaudible)...

Comm. Matto stated that she doesn't know that toxins are absorbed into the fruit.

Mr. Panico stated that is a point well taken. He told Comm. Flannery that she has strong feeling about it but they don't seem to be shared by the Commission. He doesn't think the Commission should document a concern, if they really don't have that concern, because then you are really opening yourself up to a potential problem down the road.

Comm. Flannery responded that she thinks that they are opening themselves up to potential lawsuits.

Mr. Panico stated that if she documents that she has a concern about something then (inaudible)...

Comm. Flannery reiterated that she thinks they are opening themselves up to lawsuits down the road.

Mr. Panico stated to Comm. Flannery that again, that was her opinion.

Chair Parkins commented that she isn't putting anything in that is based upon speculation.

Comm. Flannery responded that there is a sludge pit and that is not speculation. It is a fact.

Mr. Panico commented to Comm. Flannery that she keeps referring to this as a sludge pit. This site is not a sludge pit and it never was a sludge pit.

Comm. Flannery asked why the land that isn't going to be built on is worth \$1. It sold for \$1.

Mr. Panico responded that he had no idea what she was referring to. All he knows is that the area subjected to the environmental constraint is up here (he showed the location on the site plan). It is the one that this Commission processed the replacement and restoration of the cap a few months back and that work has all been completed.

Chair Parkins commented that there was one other thing that she asked them about. She indicated that she asked them to speak to some State agency but she can't recall who that was and checked her notes.

Mr. Panico commented about Comm. Flannery's statements about finding Indian bones and stuff like that. He told her that if that were to happen, then they are stuck dealing with the State Archeological Society. So, if they are digging out here and they expose human remains, then the whole project gets put on hold. This Commission doesn't have anything to do with that. They have a responsibility to the State.

Comm. Flannery responded OK.

Comm. Harger commented that Barbara Glover had stated that there was no sign of it being an ancient Indian burial ground.

Mr. Panico responded yes, that was their opinion.

Comm. Flannery indicated that other people talked about how they used to go there and get arrowheads.

Mr. Panico stated that there could have been a lot of Indian activity years ago but that doesn't make it an Indian burial ground.

Chair Parkins found the name of the State agency – the Office of Long Island Sound.

Mr. Schultz responded yes, that's the CAM office.

Chair Parkins asked if they got that letter.

Mr. Schultz responded yes, they are all set.

Chair Parkins indicated that was her only other concern and then just the details which she assumes Mr. Panico will somehow deal with in the resolution, if they move forward with a favorable resolution.

Mr. Panico responded yes, this won't be easy but he'll go through and try to identify everything and anything he can that seems to be pertinent.

Chair Parkins asked Comm. Pogoda if he had any questions, comments or concerns.

Comm. Pogoda responded no, that Tony and the other Commissioners have touched on them all and they've been answered. He feels good on everything else.

Chair Parkins stated that with Tony indicating that they could possibly implement an island turnaround further up from where it is proposed, it could possibly eliminate 1 or 2 parking spaces. She asked if that would be an issue with him. It will still leave them with about 33 additional parking spaces.

Comm. Pogoda responded that he feels comfortable when they spoke to them about the parking, when they were sitting with the applicant. If they lose one or two spaces and Tony feels comfortable that it won't affect it then he feels comfortable enough to go with it.

Mr. Panico stated that as far as the parking, if this were a normal proposal and he saw all of that parking, he would ask that some of it be deferred until they determine if they really need it. In this particular case, however, the applicant is proposing to do these extra parking spaces in a treatment that isn't ugly black top. So, he thinks a good compromise – it is there to be used but doesn't visually detract from the development.

Comm. Matto stated that it was porous so it will help with the run-off.

Mr. Panico commented that he calls it a grass block – like a concrete block with holes in it, put in flat and then grass grows out in between it. It looks pretty good, except if it gets a lot of use it tends to wear down but it is being proposed in the very low traffic areas – those extra spaces and the connection for the emergency access.

Chair Parkins stated that she would just be concerned and to make sure that the condo association, 10 years down the road, doesn't start paving it.

Mr. Panico responded that the only reason that they would pave it is if it got used a lot.

Chair Parkins commented OK, it is just that she knows the mentality of condo associations. Mr. Panico responded that they might do that if these spaces get a lot of use and it's impossible for grass to grow and it is not looking good. They may decide to take them out and extend the pavement; however, they have to be careful too because this is a special type of pavement called

porous paving and it is not a regular kind of black top. It is a pavement that allows water to percolate through it.

Chair Parkins asked how they could let the Condo Association know that this was well thought out. She asked if they could put a line or two in there.

Mr. Panico asked if they could put that in the – tell the applicant, for his information, at the time they are building it, because he is responsible until it is given over to the Condo Association itself. It would be his information to put in the Bylaws.

Mr. Panico stated that he didn't know that they should completely lock out the possibility of that ever changing to something else.

Comm. Matto asked if they could come back to the Commission.

Mr. Panico responded yes, that is what he would suggest – and they could put it in and they might or might not follow it. He thinks that they can make that statement - any modification of pavement types from grass pavers to alternate forms can only be done with the approval of the Commission.

Comm. Matto stated that she liked that.

Mr. Panico added that it may or may not happen but they can put it in there.

Chair Parkins commented that maybe one of the Commissioners will be living there. She realizes that they don't go into these condo associations but there is a lot of thought that goes into these processes and in 15 -20 years no one remembers.

Chair Parkins asked Comm. McGorty and Comm. Harger if they had any questions, comments or concerns.

Comm. Harger responded that they've gone over this with a fine tooth comb. Tony has a good handle on everything.

Comm. McGorty agreed.

Comm. Flannery pointed out a location on the site map and asked if the walking path goes all the way over to that area.

Mr. Schultz responded yes and all the way down.

Comm. Flannery asked if it goes all the way to the capped location.

Mr. Schultz responded no – he showed here it goes just through to here...

Chair Parkins commented that they seem to be heading toward consensus toward a favorable resolution here.

Comm. Flannery asked about the capped location and what would stop kids from throwing rocks in that direction. She added that the walking path is right next to the capped lagoon.

Mr. Panico responded “so what if they throw rocks?” He added that if she walked up to the capped location, if nobody told her, she would not know that it was there. It is grass and earth – it is three feet of earth on top of a membrane.

Comm. Matto added that it is accessible now.

Mr. Panico explained that the membrane gets put in and then they put about two or three feet of earth on top of it. They never even disturbed the trees growing near it – they just worked around them.

Chair Parkins commented that it continues to be maintained.

Mr. Panico responded yes, exactly - that is why they have a maintenance responsibility and that is why this (inaudible) is here. They still need to have maintenance access to that in the event that there is a problem that has to be addressed.

Mr. McGorty commented that he thinks something was just done not too long ago, if he remembers correctly.

Mr. Panico responded that a few months ago, they had to come in for permission because rather than just rip out and replace, they didn’t want to touch what was there. They wanted to add the membrane and go above it. As a result, they were basically putting fill in – and they can’t do that without coming in and getting approval.

Chair Parkins asked Comm. Pogoda if he was in favor of moving forward with a favorable resolution.

Comm. Pogoda responded yes, he was in favor.

Chair Parkins commented that after this last hour, she assumes that Comm. Flannery is not in favor.

Comm. Flannery responded no she is not – not at all.

Comm. Pogoda stated that he wanted to make one comment to Comm. Flannery. He knows that she went over the point about the pit, the possibility of having kids throw rocks on it, and the contamination issues. He knows that Mr. Panico explained to her what was done to the area. He wanted to ask her if she has ever walked Downtown on the Slab.

Comm. Flannery responded yes.

Comm. Pogoda indicated that it was the exact same thing as the Slab.

Comm. Flannery responded that people don't live on the Slab.

Comm. Pogoda commented that children are playing on that Slab though; there are events there all the time and there is nothing wrong with that. He indicated that was the only comment he wanted to make.

Comm. Flannery indicated that she doesn't agree – she doesn't agree that there is no problem with that.

Chair Parkins asked if they needed a motion to move forward.

Mr. Panico responded no, as long as he isn't spinning his wheels.

Chair Parkins indicated that the next regular meeting would be on 12/11/12. She moved to the next agenda item.

APPLICATION #12-20, BLAKEMAN CONSTRUCTION, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CONVERSION OF MIX USE BUILDING TO 14 UNIT APARTMENT COMPLEX), 11 LEAVENWORTH ROAD (MAP 146, LOTS 17 AND 18) CA-3 DISTRICT (PUBLIC HEARING CLOSED ON 10/24/12)

Comm. Flannery stated that she took a walk on the property on Saturday because she was concerned about the parking lot that was proposed. After walking on that property, she got more concerned because of the drop. She doesn't know how they are going to build that parking lot where they proposed and how it would be strong enough to hold all of those cars when it is a 90° angle down to the River. It goes straight down like a wall, so she is very concerned about the presentation about putting enough parking for all of these apartments.

Mr. Panico asked if her concern was over the fact that they cannot build what they showed them they could build.

Comm. Flannery responded that she wants to know where the building is – according to what is there now – she asked where they are putting this parking lot. She asked if they are knocking down that building in the back and putting the parking lot there.

Chair Parkins responded yes.

Mr. Panico added that they are knocking the house down in the back and they are going to be going onto that slope that she looked down, bringing up a wall and backfilling. It is going to be a substantial wall as viewed from the bottom of the hill but from the top of the hill, you won't even know that there is a wall there – except, of course, they will have to put a safety fence on the top.

Comm. Matto stated that it will be engineered for (inaudible)...

Comm. Flannery asked if that was why they were saying that they would be putting a 6 foot fence so that kids can't climb over and kill themselves.

Chair Parkins responded to Comm. Flannery that she was the one who asked for the fence.

Mr. Panico indicated that they would need to put a safety fence regardless. But as they all know, there isn't any fence around that kids can't get over if they really want to. Mr. Panico showed a rendering of what the site looks like today and showed the structures that would be coming out. He added that there were some stones along the top ledge that are going to come out.

Comm. Flannery asked how they could possibly do that – the property goes straight down.

Mr. Panico stated that they are going to build a wall and it is going to end of being a very high wall – there is no question about that. He said it would be something like 35 feet.

Mr. Schultz added that it would be similar to Split Rock.

Mr. Panico commented that 35 foot walls are not unusual for the City of Shelton.

Comm. Flannery stated that he is going to have to put all that fill in there and it has to support cars.

Comm. Matto commented that she is certain that there are standards for all of that.

Mr. Panico stated that is engineering, Joan.

Chair Parkins added that people go to school to learn how to do that.

Mr. Panico reiterated that it was engineering, Joan, and that is what it boils down to. They actually bring the fill in as they build the wall. They bring the wall up, fill against it, bring it up some more, fill against it some more, bring it up again, fill against it again, etc... because as they raise it there are these things called dead men which are anchors from the wall that go into the fill.

Comm. McGorty commented that the weight of the fill holds that.

Mr. Panico explained that more fill on top holds them in with these dead men to keep from leaning forward. It has to be all engineered – and they have done it before. He added that they have some pretty high walls around. They have 30, 35 foot walls around this city. It was the other way around he would have had a lot of concerns – if the way went this other way – but the wall is only viewed from the rest of this slope.

Comm. Matto added that it was a long way to the River (inaudible)...

Mr. Panico indicated that from the bottom looking up – yes, it will be there but it will have many trees in front of it. In the summertime they won't even see it but in the wintertime they probably will.

Comm. Flannery stated that her point is about having fewer apartments and less parking spaces so they don't have to build that wall out any farther than it is now. She added that they could just knock down that building.

Mr. Panico responded that would be the other extreme. They can't get anything without ...

Comm. Flannery restated that they could knock down the building in the back and they could put a lot of parking spaces there.

Mr. Panico responded that it would not be enough to support a reasonable number that would allow them to economically reclaim the building.

Comm. Matto stated that the number of apartments seemed to be just exactly what would fit into that building.

Mr. Panico indicated that it was a calculation. The number of apartments is determined by arithmetic.

Comm. Flannery asked how many apartments.

Mr. Schultz responded 14.

Mr. Panico stated that this particular zone says that for every certain number of square feet they are allowed an apartment unit. If it is a one-bedroom unit, it requires less square footage than a two-bedroom unit.

Comm. Matto asked if they were changing the size of the building.

Comm. Harger responded no.

Comm. Flannery asked how many apartments are there now.

Mr. Panico responded that there are no apartments in there now. He doesn't know what is in there right now.

Mr. Schultz added that it was a mixed use. The first floor was retail and then the upper floor was apartments. Then they had the single family house in the back. It has always been a mixed use.

Mr. Panico indicated that they are dealing with a zone that allows commercial development and it allows residential development by special exception. The commission's concern is to make sure that it fits reasonably on the site. He said he was going to look for a better drawing.

Comm. Flannery stated that she thinks 14 apartments is way too much and even the neighbors raised that concern. She added that she always sides with the neighbors – that is how she is.

Chair Parkins commented that the neighbors live in a three-family house which has 8 bedrooms in it.

Comm. Flannery responded yes, that's three families not 14.

Mr. Panico stated that the neighbor over here (he showed the location on the site plan) and explained that they have the same zoning as here. If he has a certain size lot and he wants to go through the expense, he can generate whatever numbers his lot would allow. It isn't fair for her to represent that the neighbor says it is too many units. He added that he doesn't recall him saying that.

Comm. Flannery commented that the next door neighbor on the other side only had three.

Mr. Panico responded that neighbor is in a residential zone though. He showed that it is residential on one side and the other side is commercial. The alternative is that it can be knocked down and a McDonald's could be put in there.

Comm. McGorty stated that is the risk that you run when you buy a place next to that zone.

Comm. Flannery responded that she is just saying that 14 units is way overkill. The neighbor made a good point that they don't want it to become a slum area. She asked if they had some nice apartments and less dense and then they don't have to worry about putting all that parking in the back.

Comm. Matto indicated that personally, she thought the apartments lay out nicely within the size of that building that was there. They are using the building that is there and they're not changing the size of the building area.

Comm. Flannery asked why they can't just have storage in the basement like they used to.

Chair Parkins told Comm. Flannery that if it was her building and she was proposing it then she could do whatever she wants but this application is before this table. The applicant has the right to a fair hearing.

Comm. Flannery stated that she is just saying that there are too many apartments.

Comm. McGorty responded that her proposal has been noted.

Mr. Panico commented that if there is a reasonable basis on which they want to say OK, 12 would be better than 14. What can you accomplish with 12? And if it is significant, then reduce it but don't just reduce it arbitrarily. They showed that it satisfies the required parking for the 14 units. If she wants to argue that the amount of parking doesn't really work and they don't really have that many spaces – that is an idea that they can explore. Mr. Panico stated that personally it seems to work. They aren't the greatest but they do work.

Comm. Flannery noted that he has them doubled with one car behind the other car.

Mr. Panico responded that those double spaces are not... – just as he mentioned earlier about the condo development with the garages and the two spaces in front.

Comm. Matto added that they were extras.

Mr. Panico stated that Zoning doesn't count the two spaces in front of the garage. They are nice to have but they don't count them. It is the same situation here. They won't count those tandem spaces. They are nice to have but they won't count them.

Comm. Flannery indicated that she would like to get rid of those tandem spaces so that they don't have to go over that cliff so much.

Mr. Panico asked if a 32 foot high wall would be better than a 35 foot high wall.

Comm. Flannery asked if he had taken a look at that cliff.

Mr. Panico responded yes, he knows what it looks like. It is steep – he isn't kidding that it isn't. If he is willing to go to the expense of a slightly higher wall to pick up nine bonus spaces then it will give them that much more parking on the site that they wouldn't otherwise have.

Chair Parkins stated that they might have overnight guests that could park there – you could park behind them.

Mr. Panico indicated that the last thing in the world he would want to do is worry about a parking ratio here because he would fear that they would starting parking on #110. They can't have that possibility happen.

Comm. Flannery commented that she understood because once she pulled in there, she couldn't get out again because the cars were zooming by.

Mr. Panico indicated that was why in their earlier discussions with him at the Staff level, when he was showing them different things he could do with the property, they told him that they didn't think going commercial on this piece is what they want to see – for that very reason. They don't want constant in and out activity like you'd get with a commercial activity at this site. They would much rather just worry about them getting out in the morning and getting in at night and not all day long.

Chair Parkins commented that ideally she would rather see 12 units in here than 14 but it is not that much difference.

Comm. Flannery stated that they should just take two out of the basement.

Mr. Panico indicated that he knew they had that concern so he took a look at the architectural. He showed a building elevation adjacent from the commercial piece, the north side. He indicated that Joe Mingoello stated at the hearing that he would have to take the roof off and redo it. He thought about if they were to knock off two units and how they could do it. He thought that he could have them come off of the top so that instead of having unused space in the attic, he could utilize that attic space for two units instead of four units.

Comm. Matto commented that she thought the two basement units would make more sense. She added that she wasn't sure she was following what he was saying about the roof.

Mr. Panico explained that supposing the top story, instead of having four units would have two units that could work within the confines of the roof.

Comm. Matto asked if he meant instead of raising the roof, flattening the roof.

Mr. Panico responded yes, pull the roof down one story and reduce the visual impression of the building by one story and it would cost them two units.

Comm. Flannery stated that she liked that idea.

Mr. Panico added that they would end up with six 1-bedrooms and six 2-bedrooms.

Comm. Matto commented that right now it would be more of a pitched roof than what is there.

Mr. Panico responded yes, they would probably go to a little bit steeper pitch and make more use of the attic space. Right now he is showing...

Comm. Harger commented that the third floor is supposed to be one 2-bedroom and three 1-bedrooms.

Mr. Panico asked them about these small roof treatments and they are just for show. They would turn around and put something up there but have it be used – make it useable space and pull the whole roof structure down. They could ask them to look at that. It would be the difference between...

Chair Parkins commented that it wouldn't seem so massive from the front.

Mr. Panico responded that he thinks it would seem less massive from the side and from the front. They haven't talked to the applicant about it but Chair Parkins and another Commissioner had said that they thought it was too many apartments.

Chair Parkins commented that she thought it was a good use for the spot. She doesn't think that it is overly dense. She just thinks it is a little bit too dense. The elimination of two units and after talking about it, it is more of visual.

Comm. Harger agreed that maybe the scale was too much.

Mr. Panico responded that if he couldn't get those visual benefits, he wouldn't bother reducing the density.

Chair Parkins indicated that the public hearing is already closed. She asked how would they address this.

Mr. Schultz responded that Staff could meet with the applicant because this isn't a zone change. This is as-of-right.

Comm. McGorty asked what the change in height would be from what is currently there and what is proposed.

Mr. Panico responded that he wasn't sure.

Mr. Schultz stated that it is a gambrel roof so it is pretty tall.

Chair Parkins stated that it is pretty tall like a big barn.

Mr. Schultz responded yes, that was the whole concept.

Comm. Flannery asked if he meant that it was supposed to be a barn.

Mr. Schultz responded yes. This building was modified many times.

Comm. Flannery asked what the purpose of the building in the back was – the single family home.

Mr. Schultz responded just to retain it.

Mr. Panico commented that Rick could call them and discuss what the Commission has said and ask if they can redesign the shell of the building, lowering the profile of the building and creating useable attic space that they could use for two units. They could thereby go to two less units in the total building. He could ask them what they could produce aesthetically.

Chair Parkins stated that she isn't saying that she doesn't like the project. She is just saying... Mr. Panico commented that he would never have even suggested it but at the public hearing he heard them say that they have to build a whole new roof. Well, if they have to build a whole new roof, then maybe they could just lower the walls so that they could use the attic space.

Comm. Harger commented that the little doghouses were just there for (inaudible)...

Mr. Panico responded that instead of using doghouses they could use more sizeable (inaudible) and make it useable space.

Chair Parkins indicated that if they are amenable to it then they have to come back in with new plans. If they aren't amenable to it then...

Mr. Schultz responded that it depends how significant it is.

Chair Parkins added that they could carry the discussion to the next meeting.

Mr. Schultz stated that they'll carry it to the next meeting and he will ask the applicant.

Chair Parkins stated that they wouldn't take any action on this and reiterated that she was not opposed to it. She thinks it fits alright but she would be 100% comfortable if it was, perhaps, not so massive-looking and reduced by two units. Reducing two units really isn't really reducing the amount of beds, bedrooms.

Mr. Panico responded that they are reducing the bedroom count by a couple that is all.

Chair Parkins added that they would just be making it less obtrusive from the front.

Mr. Schultz indicated that Staff knows what it needs to do.

Chair Parkins asked Comm. Pogoda if he had any comments on this.

Comm. Pogoda responded that he agreed with all the comments made. He was comfortable with the amount of units that were there but in the way that Tony described lowering the roof line, it would reduce the massiveness of the building. Two units more or less really isn't going to make too much of a difference but it will make a big visual difference to the structure completely. He added that the parking fits it OK. He would have been comfortable with 14 but if they can get it down to 12 – as mentioned the public hearing is closed - but if anything can be done with the applicant then maybe they can work something out.

Chair Parkins responded that if there is a reason why – she means that maybe they have looked at it already. She hates to tie them up for another two months to get approval so if they come back and say to Rick that no, they've already looked at that and it isn't feasible, she asked what else then would he need from a discussion standpoint. She's hearing that everyone is reaching a favorable consensus to allow it.

Mr. Panico responded that from his point of view, he doesn't think that it is worth saving the project but reducing it by two units and have them rip the two units out of the basement. The physical project is going to be the same. They aren't going to know if there are two units down

there or not. The extra two to four cars aren't going to mean much. So if they can't get a significant visual improvement to the building then he would just leave it the way that it is.

Comm. Matto commented that was a good point.

Chair Parkins stated that her point is if they come back and say that they have already looked at that or they aren't interested in doing it...

Mr. Schultz responded that then they know which direction to go.

Chair Parkins added – which is that they have a favorable consensus for them to go ahead as proposed.

Mr. Panico asked Rick Schultz who would be writing this up. Mr. Schultz responded that it would probably be a telephone conference.

Chair Parkins asked if they understood where her question was coming from. She doesn't want them waiting another two months.

Mr. Schultz responded yes, they want to get this project going.

Chair Parkins asked if he had enough comments from them if they are amenable to it or not. If it is as-of-right...

Mr. Schultz responded yes, that he would put this on for the 12/11 meeting.

Mr. Panico asked if anyone had strong feelings about the circulation pattern on this site. Somebody suggested converting it to one-way circulation.

Mr. Schultz responded that the State suggested it.

Chair Parkins commented that she thinks that she would like to see that as a one-way.

Comm. Pogoda stated that he would also.

Comm. Harger agreed and commented that two-way there could be confusing.

Chair Parkins stated that one of the reasons is that traffic really does go by that area quite fast.

Mr. Schultz stated that is why he likes to have two openings instead of just one.

Comm. Harger agreed because if they have one car waiting to turn in and another car...

Mr. Schultz stated that if you can go in either way, it would afford you an opportunity to decide instead of just one because they go very fast.

Comm. Matto stated that it would be better.

Mr. Panico asked what their thoughts were – that it be one way in and one way out.

Comm. Harger responded yes.

Comm. McGorty commented that then they could have people stopping because of each other with just one way in - and they might not want that.

Chair Parkins that it was going to stop traffic coming down.

Mr. Schultz indicated that was his point too. He wanted to afford them two opportunities.

Comm. McGorty responded yes, because then you minimize (inaudible)...

Mr. Panico commented that the problem that he doesn't like about it is that it forces all the traffic to come in on this side.

Mr. Schultz stated that they go fast over there.

Comm. McGorty commented that he knows that because he passes it every day several times.

Chair Parkins asked if they could make one of them a turn in from just that lane.

Mr. Panico responded that is all that this is – it is just “in.” This one is “in” only and this other one is “in and out.”

Comm. McGorty commented that he doesn't remember a big issue there when it was a store and a gas station before and people would pull in and out all day long.

Comm. Pogoda asked how many years ago that was though.

Comm. McGorty agreed but still...

Mr. Panico commented that no matter what they do here – even making it one way in – you know somebody parking there is going back out and leave.

Chair Parkins agreed but indicated that she didn't want to see somebody from here trying to go out there so if they could put a one-way sign “Do Not Enter” than that would be fine. In the other location she doesn't mind if it is in and out but the other one –this has to be because people come up here and to turn in ...people just go so fast...

Mr. Schultz indicated that he would consult with the Traffic Authority.

Mr. Panico commented that Rick has to speak to the applicant and his architect to see. He told Rick that if the architect doesn't understand what they are trying to say, please have him call him at home.

Chair Parkins asked Rick to apprise them via email in regard to what the discussion resulted in. If need be they could go forward because she thinks that they have a consensus on moving forward favorably on the 11th. They don't need any motions on this.

PROPOSAL OF THE SHELTON PZC FOR AN AMENDMENT TO THE BUILDING ZONE MAP BY CHANGING EXISTING IA-2 DISTRICT TO RFD (RIVER FRONT DISTRICT) FOR PROPERTY LOCATED AT 6 BRIDGE STREET (SPONGEX BUILDING), (MAP 129, LOT 21) (PUBLIC HEARING CLOSED ON 10/24/12)

Mr. Schultz read the Draft Resolution for the P&Z Proposal for an Amendment to the Building Zone Map by changing existing IA-2 District to RFD (River Front District) property located at 6 Bridge Street (Spongex Building).

***See Attached Draft Resolution for the P&Z Proposal for an Amendment to the Building Zone Map by changing existing IA-2 District to RFD (River Front District) property located at 6 Bridge Street (Spongex Building). Effective date November 30, 2012.**

He added that there was no opposition to this proposal and they received favorable recommendations from the Citizen's Advisory Board and the Shelton Economic Development Corporation.

He added that this was the logical extension of the River Front District. They haven't used it yet but they are confident that it is the appropriate zone. He thinks that (inaudible) here is going to be moving ahead with the adopted zone change.

On a motion made by Elaine Matto seconded by Thomas McGorty, it was unanimously roll call voted to approve (6-0) to approve the Proposal of the Shelton Planning & Zoning Commission for an Amendment to the Building Zone Map by Changing Existing IA-2 District to RFD (River Front District) for property located at 6 Bridge Street (Spongex Building) (Map 129, Lot 21).

NEW BUSINESS

APPLICATION #12-22, GEORGE AND NANCY BERNSTEN FOR FINAL SUBDIVISION APPROVAL (RIVER RUN: 2 LOTS), 1017 HOWE AVENUE (MAP 146, LOT 22), R-1 DISTRICT: ACCEPT, DISCUSSION AND POSSIBLE DECISION

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #12-22.

Mr. Schultz indicated that the applicant is present and this is the two lot subdivision that was reviewed informally by the Commission before they went to the ZBA and they agreed to do a

Conservation Easement because this is along the Housatonic River too. They received the variance and now it is a two-lot subdivision. He showed the site map and added that it was pretty straightforward with no public improvements.

He indicated that he received a favorable recommendation from the Fire Chief who has no comments.

Mr. Panico asked if (inaudible)...

Mr. Schultz responded that it was probably a free split but the applicant agreed to do a two lot subdivision because that was relayed to the ZBA. Atty. Thomas indicated that he wanted to fulfill the promise that they made.

Comm. Flannery asked how many acres it was.

Mr. Schultz responded that it was a total of 2.9 acres. He read the City Engineer's Report with conditions dated 11/7/12, correspondence from the Naugatuck Valley Health District with conditions dated 8/16/12 and the 11/13/12 P&Z Staff Report.

***See attached correspondence to Richard Schultz, Administrator from City Engineer, Robert Kulacz dated November 7, 2012.**

***See attached correspondence to the P&Z Chairperson from the Gary Malone, Naugatuck Valley Health District dated August 16, 2012.**

***P&Z Staff Report with conditions from P&Z Administrator, Richard Schultz, Administrator dated 11/13/12.**

Mr. Schultz added that the Conservation Easement on the rear portion of the rear yard area has to be accepted by the Board of Aldermen. It is an agreement between the property owner and the City of Shelton. If the BOA rejects it, and they have been known to reject conservation easements on private property, but they will probably do this one because the Conservation Commission will indicate that it is the Housatonic Greenway and it is consistent with their policies.

Chair Parkins stated for the benefit of Comm. Matto, that when the applicant came before the Commission before they agreed to that Conservation Easement because one of the concerns that the Commission had was that whoever built there would clear cut – not so much that a family member would clear cut, because they insisted that a family wouldn't, but in the future if it were to be sold to a non-family member, they might want to cut all the trees down for a nicer view of the River. The applicants were very amenable to putting that on there.

Comm. Matto asked if this would ever get used like the River Walk or anything like that. Mr. Schultz responded no, it is just private property with an easement over it.

Comm. Matto stated OK, it is just to protect it from the tree-cutting.

Mr. Panico responded yes, just to protect it.

Mr. Schultz added that this is something that the Commission has consistently done along the Housatonic River. With no further questions, Mr. Schultz read the Draft Motion with Conditions to approve the subdivision for P&Z Application #12-22. He added that in the worst case scenario, the BOA rejects the Conservation Easement, it comes back to the Commission and they eliminate that condition.

With no questions from the Commission, Chair Parkins asked for a motion on accepting the resolution as proposed.

On a motion made by Thomas McGorty seconded by Virginia Harger , it was unanimously voted to approve the resolution for Application #12-22.

APPLICATION #12-23. AHOLD USA RETAIL, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (STOP AND SHOP FUELING FACILITY), 900 BPT. AVENUE (MAP 9, LOT 15): ACCEPT FOR REVIEW

On a motion made Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #12-23 for review.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the agenda. There was no one in the audience wishing to address the Commission.

On a motion made by Virginia Harger seconded by Elaine Matto, it was unanimously voted to close the Public Portion of the meeting.

OTHER BUSINESS

APPROVAL OF MINUTES: 9/11/12, 9/26/12, 10/9/12, 10/16/12 AND 10/24/12

Chair Parkins addressed an item from the 9/11/12 meeting that required a revision to the word on Page 13 of 9/11/12 “Algonquin gas easement” should be “Iroquois Gas Easement.” The change will be reflected in a Revision 1

A correction was also needed to be made to the 10/9/12 meeting minutes in regard to a largely inaudible discussion with Yankee Gas representatives regarding a question to Mr. Rose of Yankee Gas about an alternate location for spoil bins in which he responded that they could always take back the parking lot from the City and put the spoil bins in there. She asked that part

of the conversation be clarified better. . This correction will be reflected in a Revision 1 to the 9/11/12 P&Z meeting minutes.

Comm. Flannery asked a question about an amendment that passed and if all the Commissioners were now in for four years.

Chair Parkins responded no, it is going to be staggered for the next election. There are three Commissioners that are going to be asked to run for four years and three Commissioners will be asked to run for two years.

Comm. Flannery asked if it was determined who would get what.

Chair Parkins responded that she doesn't really understand that – it is really something that the Steering Committees of the particular parties will have to figure out.

Comm. Flannery asked if there was any reasoning why they are doing this.

Chair Parkins responded State Statutes requires it. They've never run into an issue with it before but the purpose is for the continuity. It does have the potential, with everyone having a two year term that nobody wants to run again and then all of sudden there is no one on the Commission who knows anything.

Mr. Panico added that this is one Commission in which continuity is very important. They can't run the risk of totally upsetting the Commission; otherwise, they are going to award according to the election cycle.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table the approval of the minutes for 9/11/12; 9/26/12; 10/9/12, 10/16/12 and 10/24/12.

2013 MEETING SCHEDULE – P&Z COMMISSION AND THE DOWNTOWN SUBCOMMITTEE

Chair Parkins indicated that P&Z was planned for the second Tuesday in 2013. Mr. Schultz added the DSC is the second Fridays.

Comm. Harger noted a typo on the DSC – the November 14th meeting should be November 8th because 11/14 is actually a Thursday not a Friday.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve the 2013 P&Z Meeting Schedule.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve and the 2013 Downtown Subcommittee Meeting Schedule with the noted correction.

PAYMENT OF BILLS

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the payment of bills, if funds are available.

STAFF REPORT

Chair Parkins requested that the Staff Report be tabled until the next meeting.

COMMENTS FROM CHAIRMAN AND SUBCOMMITTEE CHAIRS

Comm. Harger, Chairperson DSC indicated that they have a site visit walk to Avalon and other sites on Canal Street on December 7th at 8:30 a.m. Chair Parkins requested that an agenda be emailed to all Commissioners.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary