

SHELTON PLANNING AND ZONING COMMISSION

JULY 9, 2013

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, July 9, 2013 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06403.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Elaine Matto
 Commissioner Nancy Dickal (alternate for Joan
 Flannery/departed 7:45 p.m.)
 Comm. Ned Miller (alternate/arrived 7:06 p.m.)
 Comm. Joan Flannery (arrived 7:25 p.m.)

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chair Parkins called the July 9th Regular P&Z meeting to order at 7:02 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Dickal would be acting on behalf of Comm. Joan Flannery until she arrives.

Chair Parkins stated that the first order of business tonight would be a public hearing for Application #13-9. She asked the P&Z Secretary to read the call of the hearing and any applicable correspondence.

Comm. Ned Miller arrived at 7:06 p.m.

PUBLIC HEARING

APPLICATION #13-9, CT COMMERCIAL COMMERCIAL INVESTORS, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND DETAILED DEVELOPMENT PLANS FOR PDD #22 (3,060 SQ. FT. COMMERCIAL BUILDING), 705-711 BRIDGEPORT AVENUE (MAP 28, LOT 22).

P&Z Secretary, Comm. Virginia Harger read the Call of the Hearing and two pieces of correspondence from the Fire Marshall and City Engineer.

***See attached correspondence dated July 9, 2013 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

***See attached correspondence dated July 2, 2013 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

Chair Parkins reviewed the procedures for a public hearing and for making public comments.

Atty. Dominick Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant, CT Commercial Investors, LLC. Atty. Thomas submitted the notices required per regulations and the photo evidence of the public hearing sign posting.

He indicated that his client, CT Commercial Investors has this parcel on Bridgeport Avenue and they have 819 Bridgeport Avenue which they came before the Commission about a couple of years ago. They actually put a PDD on that, Special Exception, and added the building that has become Five Guys. Atty. Thomas indicated that building is approximately the same size that they are proposing and it will be almost exactly the same type of architecture.

Atty. Thomas stated that this PDD has been in effect since the late 1990's. There is a history and it has gone through a modification in which there was a building addition. At the time, Sikorsky Federal Credit Union - an expansion was done for the bank. One of the things that you have here is approximately a 15 year, well a substantial amount of years, of history of the parking that has existed on the property. He indicated that one of the obvious things in the front is that based on the type of business that Sears Hardware is the parking has been basically empty. It is very seldom filled. He added that it is not even filled during the holiday season. At this point, the landlord has received some requests for possible additional space so their proposal is for a 3,060 square foot building in the front right corner as you are the facing the front of the property.

Atty. Thomas stated that when this PDD was done – and it is very interesting in looking at the Statement of Uses and Standards – this was a commercial zone. They took the Statement of Uses and included basically all of them in there. In addition to that, the parking requirement was stated at 1 per 200 feet of gross floor area regardless of what the uses were. They have addressed this for two purposes – and he knows that there were comments in the Engineering Report. He added that they've addressed the engineering comments in there. The parking is, obviously, the Commission's prerogative because it is not an engineering issue but they have tried to look at, to bring the parking standard in the proposed amended Statement of Uses & Standards in line with what has actually happened on the site and in line with a provision for what would happen if Sears or someone else moved. As a result of those issues, what they've done in the proposed – he asked if all of the Commissioners had the amended and restated Statement of Uses & Standards.

Chair Parkins indicated that she didn't have a copy. She added that they didn't receive the mailed package on time this week because of the holiday.

Since only Commissioner Harger and Comm. Pogoda had copies of the proposed amended Statement of Uses and Standards, Mr. Schultz made additional copies.

Atty. Thomas stated that they took the number of uses that were listed and shrunk them down to reflect the existing uses and possible desirable uses. He added that he believes that they took out manufacturing and R&D. He stated that they really don't anticipate that this PDD, because of the size of it, will result in a factory building going in there. They were the uses that were in the CB zone and they put them in so, as they will see, they have provided for building, uses and facilities that the City of Shelton puts in all its PDD's – business and professional offices, banks, stores where goods and services are sold primarily at retail. Also they left in restaurants and food service establishments without drive-through services provided. He added that, they put in here, such restaurant and food service shall not be permitted in the new building in the revised detailed development plans dated ____, 2013 and approved by the Planning & Zoning Commission.

Atty. Thomas reiterated that they put a prohibition in there that this building cannot be a restaurant of any kind.

He stated that secondly, what they did under the parking is put the parking at 5 spaces per 1,000 square feet of patron floor area. He added that most of these buildings, such as FedEx Office, the Copy Center, have a gross floor area of 4,330 square feet. The non-patron area is 2200 square feet and the patron area is 2130 square feet. The Bank has patron area of 1300 square feet. Most of the uses that are going to be in here are going to have relatively sizeable non-patron area. Sears, on the other hand, is a gross area of 25,104 square feet and it has the greatest amount of patron area of 19,219 square feet with only 5,885 square feet of non-patron area. Therefore, even if they were to theoretically take Sears and put it into a couple of other units, it is more likely that the gross patron area is going to be less than the 19,219 square feet that Sears already has. Based on that computation, they said 5 spaces per 1,000 square feet of patron floor space but they then put a (inaudible) on it to say in no event never less than 4 spaces per 1000 square feet of gross floor area which is one space for every 250 square feet of gross floor area. Atty. Thomas commented that it basically takes into account, the reality of the situation but also provides a protection for the future.

Atty. Thomas indicated that he did have language that the Planning & Zoning Commission shall have the discretion to lower required spaces depending upon shared parking, tenant use and

hours of operation. Obviously, being a PDD, any tenant has to come before the Commission to fit into this and he updated the signage language to reflect the new Section 34, although there are existing signs out there already. Atty. Thomas stated that is what's in the amended and restated Statement of Uses and Standards. Basically, shrinking down the number of uses to the ones that are there or potential for the future and also addressing the issue of parking. He commented that he'd like to have Manny Silva address the engineering aspects of the building and then they can respond to any questions.

Manny Silva, Civil Engineer P.E., Rose & Tiso Company, 35 Brentwood Avenue, Fairfield, CT addressed the Commission. Using a site map, Mr. Silva indicated that they have an existing site here that has a large parking area in the front. Their proposal is to replace that pavement with a building. He commented that as Mr. Kulacz stated in his Engineering report, that is why they don't require any kind of drainage improvement because they are essentially replacing one impervious area for another. They are slightly reducing the impervious area.

Mr. Silva showed another rendering and commented that he would address some of the questions asked by the City Engineer. He commented that this plan was revised today when he received the letter today. He indicated that they've provided the 26 feet in front of the building by opening up the aisle way a little bit by two feet. He addressed another engineering comment about how many parking spaces were actually being lost by this proposal. It was just a note that was on SP 2 that was an error; it was a previous iteration of the plan. He added that they are actually only losing 12 spaces which brings them to 172.

Mr. Silva stated that there are 172 spaces for this site which is essentially a hardware store, a bank and copy center which is quite sufficient. The drainage has an existing storage system that is underneath the front of the parking lot and it is essentially two 36" pipes that store the increased runoff that is coming off of the site. He added that obviously, that was a part of the previous approval and since that aren't increasing that impervious area, there is no additional storage required. He offered to answer any questions and asked how much more they would like to know about the site plan.

Chair Parkins asked what else they had to offer – any additional landscaping.

Mr. Silva responded yes, and used the site drawing to show where they are going to add some landscaping to fill in along the property line to screen the building from the adjacent neighbor. He indicated that there would be a row of arborvitaes. They are going to maintain a small strip of the original pavement in front of the arborvitaes and the building to bring some of that existing runoff that was coming down the curb line so that it will be maintained and come down from this catch basin at the bottom.

He indicated that there are some new landscaping islands and he pointed out those locations near the dumpster and another near (inaudible). They are trying to keep the landscaping with the character of the existing parking lot. He added that the only real change is the addition of the arborvitaes.

Chair Parkins asked if there was a pass-through back there.

Mr. Silva responded that there is no pass through.

Chair Parkins inquired about how deliveries to the building would be handled.

Mr. Silva responded by showing the location where the deliveries to the building would happen in this half of the building - the striped off area. He added that there were six spaces here that are (inaudible)...

Chair Parkins asked if it was striped off to indicate no parking on top there.

Mr. Silva responded right, yes in that area.

Comm. Harger commented that right now at Sears Hardware, if you continue over to the Hotel, the driveway continues over. She asked if that would be preserved.

Mr. Silva responded yes and showed the rendering with the aisle way that connects the two parking lots. He indicated that they have tried to preserve the circulation as best as possible.

Atty. Thomas stated that there was some discussion – this is the initial plan with respect to the arborvitae – there was some discussion with Staff. He knows that Staff has gone out there. There is a hedge there that may not be necessary. One of the things that he found out during this, on the other side with the enlarged plan, they will see on the other side of the proposed arborvitae, is parking spaces. Those parking spaces are for the Hotel. The Hotel has an easement from CT Commercial Investors for parking along there because their parking, when this was designed, their parking stretches into this property. He stated that there is a permanent parking easement. It was determined, it was discussed, that there should be some sort of a barrier here so they put that in there not realizing that when you go out there, there is a hedge already. As a matter of fact, in coming up this way, right now you wouldn't be able to see the building – driving up. You would certainly be able to see it coming down. He added that he wasn't sure of the height of the hedge.

Mr. Panico stated that it was low – about 3 feet.

Atty. Thomas indicated that it is a lower hedge so they are amenable to doing other stuff.

Mr. Panico commented that they aren't saying that they should hide the building but the building is going to be completely visible on all sides and the design has to reflect that.

Atty. Thomas agreed and commented that with respect to the architecture, Mr. DaSilva will address that momentarily. He commented that he thought there were colored renderings that were submitted but they were not; they are black and white renderings. The building is going to be stucco all around. It was just for the stone treatment involved.

Mr. Panico stated that it was an interesting comment that he just made about Mr. DaSilva leasing some space to the Hotel so that they could provide a few more parking spaces. He asked if during those negotiations, if there was any discussion about reciprocal parking during peak needs. He asked, in other words, if some of your customers were to park on the Hotel side would they get thrown off.

Al DaSilva, 819 Bridgeport Avenue, Shelton addressed the Commission. Mr. DaSilva responded that, honestly, this was done so long ago that he doesn't remember. They probably do have a reciprocal agreement. This was done with Bob.

Mr. Panico stated that obviously, the Hotel's requirements are in the evening for their peak demands and a retail facility's peak demands are during the day.

Mr. DaSilva responded yes, that's correct.

Mr. Panico stated that if they should have a premium on parking then they do have that connection right there at the corner of the building.

Mr. DaSilva responded exactly, that is their property and they gave them a whole easement so that whole row of parking against their property is theirs.

Mr. Panico commented that if he could at least somehow represent to the Commission that you have the right to use those spaces that you've allowed on your property for their use. If you could use those during the day if there was ever a need to, it would give them a comfort level.

Mr. DaSilva stated that he will check on that. He added that they probably do.

Chair Parkins indicated that Atty. Thomas termed it "permanent easement."

Atty. Thomas stated that doesn't mean that it couldn't still be reciprocal. It is a permanent easement for parking. In other words, it is not a permissive easement. If it was a permissive

easement, he assumes that they wouldn't have allowed the parking cap because a permissive easement could be withdrawn. It has to be a permanent easement.

Mr. Panico responded yes, but in that particular case, to his knowledge, those spaces were never mandated by the Commission. He added that he has a feeling that they felt they needed more and went ahead and negotiated this. He doesn't recall that particular situation being on the table when they approved those plans.

Mr. DaSilva responded that he didn't remember but he knows that they asked to...

Atty. Thomas indicated that was the AmeriSuites project.

Mr. Panico stated yes, correct, it was AmeriSuites at the time.

Atty. Thomas indicated that Mr. DaSilva's reference to Bob, for the record, was Mr. Robert Scinto, the individual who owned the property. He asked Mr. DaSilva if he still owned it.

Mr. DaSilva responded no.

Atty. Thomas indicated that he will certainly look into it. The issue is, obviously, that they couldn't tell you whether or not, over the last however many years, whether people have ever really parked there - but there has really been no need to. There has never been a situation in the current usage where there has been an overflow. He added that there have been situations between Sikorsky Federal Credit Union, they may have seen some people parked in front of Sears because they aren't aware of the spaces available behind the Credit Union which is where most of their employees park.

Chair Parkins commented that they don't park there because that is not where the door is and people don't want to walk farther - not even the extra ten steps.

Atty. Thomas responded yes, but it is convenient for them because that is where all of their employees park and he believes some of the Sears employees park too. The amount has been sufficient but they want to make sure that there is a protection.

Mr. DaSilva added that those parking spaces right behind their building, in the easement that they gave to the Hotel, are never used. He added that no one from the Hotel ever parks there but they are also the furthest away from the door of the hotel.

Atty. Thomas stated that they have the ten step requirement there too.

Comm. Harger commented that there is nothing noted right now on the drawings for any type of circulation for a bank drive-through or something like that. She knows that he said this would not be intended as any type of restaurant so there is no need for anything like a Dunkin Donuts drive-through window but ...

Mr. Silva, P.E. responded that there would be no possibility for a drive up window at this building.

Comm. McGorty commented yes, it doesn't look like they've got enough room.

Mr. Silva added that there is not enough room from the back of the building to the property line, or the easement line, actually.

Comm. Harger commented well, yes, as the footprint of the building is laid, but if they had some kind of a...

Chair Parkins stated that if they took those parking spaces back...

Comm. Harger stated yes, if there was a strong indication that some type of retail that...

Atty. Thomas responded that because this is a PDD, two things would have to happen. Number one, they would have to come in to the Commission to move the PDD line over to these parking spaces and modify the Detailed Development Plans with a public hearing. As he said, the clients know things, they can't say that they'd never do it. He added that he knows what Commissioner Harger is suggesting but it is something that they can't do with this approval. They would have to come back in to the Commission at that point – and they would also have to amend the Statement of Uses and Standards for this building because it prohibits a restaurant. Atty. Thomas indicated that he supposes that they could have situation where Sikorsky Federal Credit Union went out of business and a bank wanted to go in there, but more than likely they aren't going to have a bank with Sikorsky Fed'l Credit Union already there and secondly, the Sikorsky building is set up perfectly for a bank with a drive-through and everything else.

Chair Parkins asked if it was anticipated that this would be one tenant or multiple tenants. She asked if they had any idea.

Mr. DaSilva responded that he didn't know yet but the most that it can be is two tenants. It is only a 3000 square foot building – 1500 square feet per tenant.

Atty. Thomas stated that they would certainly accept the restriction. There are certainly no more than two tenants that could go in there.

Mr. DaSilva added that retail-wise it doesn't make any sense to go any smaller than 1500 square feet.

Chair Parkins indicated that occasionally, someone and she isn't sure if it is separate or associated with Sears, but the radio station will be up there and they will block off half of the parking lot. She was up there and saw it herself about a month and a half ago.

Mr. DaSilva asked if she said a radio station.

Chair Parkins stated yes, STAR 99 was there with their truck and a popcorn cart and all kinds of other stuff and they had half of the parking lot blocked off.

Mr. DaSilva asked if they were doing a sale or (inaudible).

Atty. Thomas asked if it was something to do with Sears.

Chair Parkins responded that she didn't stop – she was at the bank.

Mr. Panico commented that may have been a one-time occurrence but a more interesting point is that Staff noticed when they were up on the site, that Sears is displaying a whole row of outdoor sheds which, in effect, wipes out an entire row of parking along the common line with the Hotel. He stated that needs to stop and Sears needs to be informed of that, because they need to be removed because of this proposed building. He added that doesn't mean they can show up somewhere else on the site either.

Atty. Thomas responded that Mr. DaSilva can address your concern with (inaudible)...

Mr. Panico indicated that they don't want to set up a situation where parking is a premium.

Mr. DaSilva responded that those sheds have to be removed from there. If they want to display one or two of them, they will have to do it in the loading area.

Mr. Panico commented yes, there is plenty of room in the loading area for them to do it over there.

Mr. DaSilva stated that they are aware of that.

Atty. Thomas indicated that Sears has no problem because they don't really need the parking and they have no problem with a retail tenant. Obviously, the retail philosophy is that if you are bringing people up there for another store then they may shop at Sears. However, they have

been told about the sheds. He added that he didn't notice them until after a Staff session before they filed. Comm. Pogoda, Mr. Panico and Rick Schultz informed them about the sheds being up there. They are at the far end of the site between ...

Mr. DaSilva commented that they are right where the building is going.

Mr. Panico stated that until now, it hasn't been issue because there has been an excess amount of parking up there but if this were to be successfully processed, that excess parking will no longer available so they have to be more cognizant of that.

Comm. Pogoda commented that at that Staff session, they spoke about the architectural on the building. He asked if that had been placed on the new drawings yet. He added that the old drawings don't reflect it.

Atty. Thomas responded no, he'll have Mr. DaSilva talk about the back of the building.

Mr. DaSilva stated that he didn't know what Comm. Pogoda was looking for on the architectural. He commented that if they are all familiar with the building for Five Guys. It is all stucco all the way around. He referenced the renderings of the four elevations showing all the crown molding.

Comm. Pogoda indicated that the rear elevation does not have any crown molding and those are the ones he was looking for.

Mr. Panico stated that the drawings that were submitted do not have four equally finished sides of the building.

Mr. DaSilva responded no they are not. He wasn't aware that they wanted crown molding in the back of the building also.

Comm. Pogoda indicated that they need it.

Mr. Panico stated that also, if he remembers right, the wall that was indicated was going to have a different finish too.

Mr. DaSilva responded no, he hasn't selected the colors but it is all the same finish.

Comm. Harger stated that he said it was stucco.

Comm. Pogoda indicated that it is visible from the Hotel side.

Mr. DaSilva responded it is.

Comm. Pogoda stated that he would think...normally, for example, the Five Guys, there is really nothing in the back of the building; whereas, on this site, you are looking at the back of the building. He added that he would like to see the crown molding on the roof side. He thinks it would make the building look better - it is very visible.

Mr. Panico indicated that the stone skirt that is on three sides of the building was dropped on the fourth side as well.

Mr. DaSilva stated that it was never in the back of the building, just like their building for Five Guys, it is not in the back.

Mr. Panico indicated that Five Guys building is not visible in the back except to the customers of Five Guys, but this is visible to everybody.

Mr. DaSilva indicated that it was never a part of the plan and he didn't realize that they would require the crown molding on top. If they are requiring the crown molding, then they will carry the crown molding around the building. He added that the stone on the bottom is really a waste though because it will not be visible because of the shrubs that are the first three feet.

Mr. Panico responded that Staff would look at it again.

Mr. DaSilva added that they were going to be putting a bigger hedge in there. The hedges will grow to about four or five feet so the stone is a waste of money. He indicated that he can understand about the crown molding.

Comm. Pogoda indicated that he went up there. He asked if his intention was to put more landscaping inside of the existing landscaping. He thought the present landscaping was sufficient.

Mr. DaSilva stated that the reason that they proposed this is because before he went up there, and he believes that it was mentioned in one of the discussions with Dominick, that they should add some landscaping in the back of the building so he had his engineer do that. He added that now that he's gone up there and seen that there is landscaping there - that is when you guys decided that there was no reason to add any more landscaping.

Comm. Pogoda responded that was his own personal feeling that there was enough landscaping.

Comm. Parkins asked if they wanted to add more landscaping or not.

Mr. DaSilva responded that it was up to the Commission; if they want more added than he'll add it.

Comm. Pogoda commented that he took a look at what was up there and he thinks it is high enough.

Chair Parkins stated that if the landscaping is covering the bottom of the building, there is no need for them to add to the expense with the stone.

Mr. DaSilva agreed that stone there would be a waste.

Comm. Harger commented that the reason that she brings it up is because they have no projections as to who prospective tenants may be. She added that people being the way that they are and not wanting to get out of their cars to walk anywhere, she asked if they had a dry cleaner in there with a drive-up/drop off window for cleaning.

Mr. DaSilva responded that it would be impossible. Atty. Thomas added that they can't have it there because you can't get behind it.

Comm. Harger asked if the position of the building was fixed and asked if it could be shifted.

Atty. Thomas responded no, this is a Detailed Development Plan. In the PDD, it is the same as a site plan, they would need to come back to the Commission.

Mr. Panico commented to Comm. Harger that if there is no drive-through on the plans then they can't put a drive-through without a new application, a special exception and a public hearing.

Comm. Harger stated right, she knows that (inaudible)...but you never know sometimes...

Chair Parkins stated that she thinks Comm. Harger is recommending that it might be a good idea.

Mr. Panico indicated that it may be a good idea but they aren't requesting it so...

Mr. DaSilva stated that physically it would be very hard to do because with the parking situations, for them to move the building forward and wrap a drive-through around it, they would lose parking.

Atty. Thomas stated that he could make a good argument to buy two more feet - he won't get into the situation - 24 and 26 - the State Fire Marshal or anything like that - but it's not an issue. If you move that thing back two feet, they still aren't getting anything behind it. You'd have to

take it way out. He added that he didn't know now, if they did that, whether it would even comply with the amended parking.

Comm. Pogoda asked if the present landscaping was on Mr. DaSilva's property or the Hotel's property.

Mr. DaSilva responded that it was on his property.

Comm. Pogoda commented OK, it is on your property – he was thinking in the future, in case the Hotel decided to do anything that would be taken down.

Mr. Panico stated no, they won't because he also owns the property that is under those spaces that Dominick is pointing to.

Mr. DaSilva indicated that there is a hedge, there is part that they maintain that comes inside of the fence and there is part that (inaudible) - so it is maintained by both of them.

Comm. Pogoda stated that as long as it is on Mr. DaSilva's property, OK.

Mr. DaSilva indicated that it is his property. The parking spaces on their lot are also his property.

Atty. Thomas commented that if they were to give up the parking, it would just mean that they'd have more spaces.

Mr. Panico asked Atty. Thomas to review that lease because if that landscaping is in their leased area and if their lease gives them the right to remove it then they could lose it.

Atty. Thomas responded that it wasn't a lease, it was an easement but he will review it. He reiterated that it is not a lease. A lease would be able to terminate - but he'll review it.

Mr. Panico asked who installed it – did they install it or did Mr. DaSilva install it.

Comm. Flannery arrived at 7:25 p.m.

Mr. DaSilva responded that they installed the stuff on his own side of the fence and they installed it on the other side.

Mr. Panico commented OK, they installed the parking and asked if they installed that row of plantings.

Mr. DaSilva responded that without looking to see exactly what the planting is, he can't tell him. He'll have to see...

Mr. Panico commented that that row of planting is very important to this proposal and they have to be assured that it cannot be removed by the Hotel under the provisions of their easement.

Atty. Thomas responded that he thinks the best way to handle this is to put a condition in the approval that states, that if for some reason the existing landscaping is in some way damaged, destroyed or removed, that it shall be replaced within due course in accordance with a submitted landscape plan. He added that he thinks that would cover any situation, even a situation of if the trees fall down from a storm or something.

Comm. McGorty commented yes, that would cover everything.

Comm. Flannery asked if the Applicant could go over the parking spaces. She added that they said they would be losing 12 – 15 spaces.

Chair Parkins requested that the record reflect that Comm. Flannery arrived at 7:25 p.m. and Comm. Dickal would no longer be sitting in.

Atty. Thomas responded that in the 1990's this basically said 100 – 200 feet of gross floor area. This was a CB zone and when it became a PDD they adopted the same type of parking without any consideration for the uses or anything like that – he added that it was without the typical considerations sometimes this Commission gives to specific PDD's and parking regulations. Atty. Thomas continued that these spaces, which over the last 17 years or so have almost never been used except for, as Mr. Panico noted, for Sears displaying sheds on them and things of that nature which they should not be doing. He added that they are losing a total of 12 spaces.

Comm. Flannery commented that what she is looking at on the drawing is the parking spaces over in this other area.

Chair Parkins asked Comm. Flannery, with all due respect, they are not going to recap what they have been discussing for the last 25 minutes. It is not fair to everyone who has been sitting here and in this audience. She requested that she just read the minutes and confer with Comm. Dickal.

Comm. Flannery responded that it would only take one minute.

Chair Parkins stated OK, but they are not going to go in depth again.

Atty. Thomas pointed out the spaces that Comm. Flannery referenced and commented that it was Hotel parking by virtue of an easement with this property. So when the Hotel was built, there is an easement for them to park there but it is still owned by ...- these parking spaces and this landscaping – there was just a discussion about the landscaping that is here. They are proposing landscaping but there is an existing hedge already there.

Comm. Flannery commented that was her point, that if they decide one day that they want to use that parking, then they are going to destroy the hedges – if the Hotel wants to use them.

Atty. Thomas responded no, no, no...

Mr. Panico commented that they do use it.

Comm. Pogoda (? or McGorty) stated that they don't have any right to destroy the hedges.

Atty. Thomas clarified that they were existing spaces. They use these spaces. This is not on the parking plan so they will not destroy the landscaping.

Mr. Panico commented that Comm. Flannery doesn't understand that they put the parking spaces in themselves.

Comm. Flannery stated that was her point, it was on the landscaping ...

Atty. Thomas clarified that they will accept a condition similar to what he just said that if for any reason it is removed, they will replace it. So, if the Hotel has the right then they will go in and replace it. He added that he couldn't imagine why they would want it down because it is a nice barrier. He stated that they would also replace it if it is damaged by plowing or a blizzard.

Comm. Harger asked if someone could go over the monument sign that is proposed up on the top. She asked if that was its position now.

Mr. DaSilva responded no, that is the sign location that they are proposing because the other sign for the rest of the signage is all used. They are proposing new signage just like they did for the building for Five Guys. Instead of making a bigger sign, they are trying to keep the sign smaller so by going with another sign, they are going to keep this sign the same size as it is and go with a smaller sign here just for this building; that way, it will keep the signs smaller.

Comm. Harger asked if he means on the other side of the driveway.

Mr. DaSilva responded right, it keeps the sign smaller which he thinks (inaudible)...

Comm. Harger commented that the design was great because the street number is on top and they always encourage that and a simple name for the business; it is nice and clean looking.

Mr. DaSilva added that it will be in chrome (?) just like the other one.

Atty. Thomas commented (inaudible)...

Chair Parkins asked if, more than likely if there are two stores than there will be two different signs there.

Mr. DaSilva responded same sign but with two different tenants.

Chair Parkins asked if there were any other questions from the Commissioners. There were no further comments or questions. She asked if anyone in the audience wanted to speak for or against this proposal. There were no public comments. She requested a motion to close this public hearing.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #13-4.

Chair Parkins called for a five minute recess at 7:43 and resumed the meeting at 7:50 p.m.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE (NONE)

Comm. Harger asked for details in regard to some of the Separates approved by Staff over the last month. Mr. Schultz provided clarification.

APPLICATION #13-4: BISHOP MANAGEMENT OF SHELTON FOR MODIFICATION TO BOUNDARY OF PDD #73 AND DETAILED DEVELOPMENT PLANS (GRADING PLAN), 781-785 RIVER ROAD (MAP 12, LOTS 11, 29 AND 43) (PUBLIC HEARING CLOSED ON 4/19/13).

Chair Parkins indicated that she thinks that everyone is pretty familiar with this property down on River Road. Mr. Schultz commented that the Applicant is continuing to have discussion with the adjacent property owner and there appears to be a resolution in the immediate future and accordingly, the Applicant has sent a letter to the Commission dated July 9, 2013.

***See attached correspondence to Shelton Planning & Zoning Commission dated 7/9/13 from James R. Swift, P.E.**

Mr. Schultz indicated that the letter from the agent of Application #13-4, James R. Swift, P.E. grants permission to the Commission for an extension to August 14th 2013. He added that this would be on the agenda for their regular August meeting and hopefully, they will have a final resolution to it. In the meantime they are continuing with the wall that was extended because that area was soft.

Comm. Flannery commented that she drove by it yesterday and there is a wall around the entire back.

Comm. Harger asked if it had been painted yet.

Mr. Schultz responded no. He added that they have all learned a lesson from this, especially the Applicants that they have to do those test borings and they have to make sure that it is done. It is just something that they normally do.

Chair Parkins commented that is not something that this Commission has purview over. It is the Building Department or whoever is providing those inspections.

Mr. Schultz responded that they have to...

Chair Parkins stated yes, that it should be indicated on the plans.

Mr. Schultz stated that it is just like years ago when driveways were going in they were exceeding 10% and 12% grades and they weren't catching it quick enough. Then the footing was poured and it was locked in, especially if it was on ledge and that resulted in an ordinance. At the time, they were doing 150 homes a year and they weren't getting out there and people weren't communicating.

Chair Parkins asked if the Stop Work Order was still in place except for the wall.

Mr. Schultz responded yes it is still in place and the only work that they can do is the retaining wall which is to protect the site from any further erosion.

Comm. Flannery stated that she had a question about that. She counted that there were nine blocks down. She asked if they were going to go down anymore.

Mr. Schultz responded no, that is the final depth.

Comm. Flannery asked what they would do after that.

Mr. Schultz responded that then they just go up and that is going to protect the fill in the back that is loose. He added that they thought this wall was all ledge on all three sides.

Comm. Matto commented that it doesn't go down to the ground then.

Mr. Schultz responded no, but it is going down to ledge and they pin it in there and it is soft in front – because they didn't do the borings.

Mr. Panico stated that apparently there was ledge, but the ledge was a strange formation of very thin ledge and there was dirt behind it again so when they had to take that piece of rock out because it was part of the removal but what was behind it wasn't rock – it was dirt.

Mr. Schultz added that it was very strange and they would never have guessed it and these are experienced builders.

Mr. Panico commented that again, it just brings out the importance of getting good boring information and knowing what you are dealing with.

Mr. Schultz stated that they hadn't seen it on Bridgeport Avenue where there was a tremendous amount of blasting.

Mr. Panico added that it was kind of a strange circumstance.

Mr. Schultz asked for a motion to accept that extension.

Comm. Harger commented that she was just passing by Sikorsky where Stella's Restaurant is located – she asked if this particular piece of property would have worked if they had the driveway that went up and a lot of that had not been excavated down. She asked if that would have been a possibility because of the grade.

Mr. Panico responded no. Mr. Schultz added that it had to be re-graded to the depth that it wanted to make that (inaudible)...

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept the extension for Application #13-4 until August 14, 2013.

APPLICATION #13-5: PETITION OF HAWKS RIDGE OF SHELTON, LLC FOR PDD ZONE CHANGE AND INITIAL DEVELOPMENT CONCEPT PLAN (PHASE 1, 60-SINGLE FAMILY DEVELOPMENT AND 80-UNIT MULTI-FAMILY DEVELOPMENT), LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP

39, LOTS 14 AND 17 AND MAP 51, LOT 7), LIP DISTRICT (PUBLIC HEARING CLOSED ON 5/22/13).

Chair Parkins thanked the Commissioners for indulging her and holding off on the discussion although she read the minutes from the last meeting. She added that she would like to keep the discussion centered on the zone change at this point. Although the proposal is certainly important in terms of its density, she thinks the zone change itself is what is really imperative here.

Chair Parkins indicated that she would begin with her comments unless someone else would like to begin first. She indicated that she has thought about this a lot, went back and read through the Plan of Conservation and Development (POCD) and this is really a well-defined land use area and the proximity to the highways and the services around there really makes it well-suited for Light Industrial as its zone to avoid trucks and everything that are coming right off the highway that would otherwise have to go into residential roads. She stated that she is very concerned about starting down this slippery slope because there are a lot of parcels that are adjacent to this. It will be hard pressed for them to say “yes” to one and “no” to the second one because they have already set the precedent moving forward.

Chair Parkins stated that she has some major concerns about mixing the light industrial with this residential development that is proposed. A flag went up with the Honey Cell and while they are able to expand as a result of this proposal, if it goes through the fact that the noise factor is going to be grandfathered in for this development on the deed – or somehow placed there. It is really going to be the City that is going to field any type of calls or complaints for noise. The Developer may say that they agreed to it but once the residents get in there and they actually have to start listening to this noise, it is going to be a different issue. It is going to be a too-late type of issue and it is not going to be a happy scenario.

Although speculative, Chair Parkins stated that she thinks it is reasonable to assume that, if approved, there is going to be at least another 140 people that are going to come out for anything that is proposed on Bridgeport Avenue or on those adjacent parcels and they are going to be opposed to it because it would then be residential and they will want to keep it residential. She thinks that will be preparing for more residential down along Bridgeport Avenue. She stated that again, these are her opinions.

Chair Parkins stated that the economic trend right now has plummeted nationally not just here in Shelton. If people aren't looking to land something in Shelton, if they have it available, she doesn't think that they are looking in Connecticut to be honest with them because they have very low taxes and they have a wonderful corporate and light industrial environment here. She is very hopeful that things will turn around but she doesn't have a crystal ball. She added that she knows that the Applicant doesn't have a crystal ball. It is one of those things that they have to determine – is the “bird in the hand” right now better than perhaps waiting, being patient, for things to turn around.

Chair Parkins stated that in this particular case, she personally feels, although she is certainly open to everyone else's opinions that they are better off respecting the current zoning “as is” for the time being anyway.

Comm. Flannery commented that she was confused why she didn't make the same comments for the property behind Planet Fitness on Bridgeport Avenue.

Chair Parkins responded because it is a totally different scenario behind Planet Fitness. There are no parcels right next to it that are going to be turned into residential. It is an area that is not conducive to any type of commercial and or industrial because people want road frontage.

Comm. Flannery stated that Chair Parkins made a point about the noise from Route 8.

Chair Parkins responded that she didn't say anything about the noise from Route 8. She said the noise from the light industrial that is currently there – the Honey Cell business. Also, she thinks that there is a huge difference between renting an apartment and dealing with noise and buying a

home and dealing with noise because buying a home is huge investment. In renting an apartment, if you don't like the noise, you can move and find another apartment.

Comm. Matto commented that she agrees with Chair Parkins. She stated that in addition to what she said about that property behind Planet Fitness, that parcel had been on the market a great deal longer and they did try to get various things... They had a longer history of failure in their attempts to attract any other kind of usage there than this property which has only been on the market for a couple of years in a down economy. She added that it is very hard for any of them to imagine that things will ever get better but things probably will turn around so they can't just rule that out. When you are in a situation you tend to think it is going to continue indefinitely in the same vein but she isn't convinced.

Chair Parkins agreed that there is no crystal ball. One of the things in the long range plan that they talk about is definitely there is a need for assisted living and over 55+ type developments within the town but she doesn't ...

Comm. Matto recalled that there was a comment that they weren't going to run out of industrial land but they aren't going to run out of any residential land anytime soon either. They are much less likely to run out of residential opportunities in the town.

Chair Parkins added yes, especially in such a prime location and that's her concern. It is a very prime location, very close to the highway for people to come in and to exit, especially for any kind of truck traffic or that sort of thing rather than clogging up residential roads.

Comm. Pogoda stated that he mirrored the Chair's comments also. He commented that he thinks that the density is quite high if they are going to pass the zone change on it. He reiterated that he feels it is a little bit on the high side. Comm. Pogoda indicated that some of the other comments are many of the same things which he thought about. He knows that they have talked about – the noise was mentioned – people have moved in next to turnpikes and highways over the years knowing that the highway was there – it's not that it was not there – it was there and the next thing you know the State is putting in and spending millions and millions of dollars worth of sound barriers along the road. He added that they are paying for it.

Comm. Pogoda clarified that he wasn't saying that they were going to have to pay for sound barriers here but that is a case that has to be considered with home owners. As mentioned about the Route 8 noise behind Planet Fitness, it is quite different because it is a rental and if you don't like the noise and you know it is there than you just don't rent there. But when it is people with homes, the next thing you know – the developer on that has to take that into consideration but the City will get the calls so they need to consider that case.

Chair Parkins stated that it is certainly not reflective of the quality of the proposal that has been proposed. Density is definitely an issue. The fact that Assisted Living is a good use along Bridgeport Avenue; this is an "all or nothing" so it's not like they can say that we agree with this but not that – it is not up for discussion on this proposal.

Comm. Pogoda agreed and commented that if it was up for discussion, he likes the idea of the Assisted Living. He thinks it is a good proposal. They have the Assisted Living facility going up on Split Rock. He added that he thought it was a great fit for there and he thinks that there will be more and more need for it in all the communities, not just Shelton, with the seniors living longer. However, as the Chair stated, the developer is saying that they go hand and hand and one doesn't go without the other.

Comm. Matto indicated that she wanted to say something about the Assisted Living because there was a comment that Assisted Living doesn't generate any traffic because the residents don't drive which is basically true. However, everything comes to them, everyone does things for them. They have the same needs, wants, desires that they all have but it is just that they depend upon other people to bring all of those services to them. So there is a lot of traffic, there is staff, outside services, visitors so she doesn't think that they can say that it doesn't generate traffic.

Comm. Pogoda responded that it doesn't generate as much.

Chair Parkins commented that there wasn't a concrete proposal for the Assisted Living facility. It was just mentioned that it would most likely be the use that they were thinking about. It is hard to speculate on exactly what the proposal would have been.

Comm. McGorty commented that the current zone, Light Industrial, would be generating plenty of traffic so you can't use that argument that it isn't as much traffic.

Chair Parkins stated that anything that goes there is going to generate traffic. There is no doubt about it.

Comm. McGorty responded yes, there could be hundreds of employees that leave at the same time so...

Comm. Harger indicated that her comments about this...she would love to see something residential go in this area, but as Commissioners have mentioned, the density, in her opinion, is a little bit too much for her to be comfortable with. She doesn't like the concept of units that are so close together. It changes the whole atmosphere. She commented that about 35 years ago, one the reasons that she and her husband bought a house in Shelton, and after looking in other communities where all the houses were right up against each other. Comm. Harger added that Rick Schultz supplied them with a list and they do have other multi-family development in town but she doesn't see the need to perpetuate that all over town.

Chair Parkins asked if she means as dense as that.

Comm. Harger responded yes, not for 80 multi-family and 60 single family. She commented that the thing about a company coming in and utilizing the light industrial – she thinks that is almost a “pie in the sky” idea. With all the vacancies in Shelton and surrounding areas, there is a lot that has to be built and she doesn't see companies ...She agreed with the comment that yes, companies should build in Shelton because they do have an excellent tax base but that is a major expenditure and she doesn't think that they are going to see that kind of activity coming through. She added that she thinks that if companies had been interested, she thinks that this property would have been grabbed a long time ago.

Comm. Matto commented that it wasn't on sale a long time ago.

Comm. Harger responded no, but there are always people that are speculating, trying to find out who owns large parcels. People go through land records all the time.

Comm. Matto stated that it wasn't for sale because there was a restriction on it.

Comm. Harger responded that could be the case but people go through land records, find out who owns larger parcels and inquire about it to the owner.

Comm. McGorty agreed because someone interested in the property wouldn't be prevented from doing it because they don't know the conditions, why it is being held or why it is not being sold.

Comm. Harger stated that there was some discussion at the public hearing and people who spoke about not wanting to see the traffic coming up and down on their street. She stated that it was about 1/10th of a mile to the property from Honey Cell. It is another 1 1/10th miles up Long Hill Cross Roads to Long Hill Avenue and another 2 2/10th miles down to the intersection where Constitution Boulevard. She added that she doesn't see many people going out of their way to get on to Route 8 that way when they could take two right hand turns and get onto Route 8 North or South right around the corner. She indicated that she didn't really think that argument really helped.

Comm. Matto added that it doesn't really help because any project is going to generate traffic.

Comm. Harger commented that residents on different parts of Long Hill Avenue who were thinking that all of sudden they weren't going to be able to get out of their driveways and it isn't necessarily going to be the case. She indicated that she knows that there is commercial traffic

that goes up and down Long Hill Avenue and they shouldn't be doing that; however, it is not being regulated properly or monitored properly. She added that she feels for them on that issue.

Chair Parkins commented that it has been used as a short cut for a long time to get over.

Comm. Harger stated that the architectural designs were very nice but she wishes that it was not as dense. She added that she didn't like that they had to pass A to get B and maybe there is some other type of residential concept that could go there like the senior citizen complexes that they have in the area of White Plains Road in Trumbull. Comm. Harger indicated that her initial impression was that this was a lot of development.

Comm. Flannery commented that if she were to see development there, if it wasn't going to be Light Industrial, then she would change it to R-1. She added that her own home is a stone's throw away and they are all in an R-1 zone. She indicated that she has 2 ½ acres herself and it would just blend in with the neighborhood and they wouldn't have to get a City sewer because everyone has their own well water and septic. She commented that in her opinion, that would be another alternative if they cannot sell it as industrial.

Chair Parkins responded that someone would have to be willing to develop it as R-1 so they would have to come back in here for a zone change for R-1. This particular proposal is for ...

Mr. Panico commented that he wasn't sure that R-1 would be in the best interests of the City of Shelton.

Comm. Matto asked if he means nothing should be residential period.

Mr. Panico responded not R-1 residential. He stated that the economic arguments that the Applicant put forth were very convincing but they rely on that type of a proposal. Those economic arguments would not carry any weight if this were an R-1 subdivision.

Chair Parkins added because of school children.

Mr. Panico commented that obviously the nature of the occupancy, the nature of the assessment values, the nature of the density...

Comm. McGorty agreed that it changes the whole (inaudible)...

Comm. Matto stated that this density, in her opinion, just looks awful on a map quite frankly. She asked if they would get the prices that they were planning to get and their whole idea of the taxes it would generate because they were kind of based upon a valuation.

Mr. Panico responded that yes, he thinks that the Commission has seen enough other components of that development elsewhere in the City and they do generate those values.

Comm. Matto asked if it would be close to \$500K.

Mr. Panico stated that he thought their presentation as far as the economics was a valid one. He thought it was a reasonable one in terms of the economic benefits that would accrue to the City but he thinks that what they are dealing with is a fundamental land use issue.

Chair Parkins commented that it's kind of "the bird in the hand..."

Mr. Panico responded that was a valid argument too. He has made that argument himself at this table on other projects that "you know what you've got and you don't know when something is going to come down the pike" and if you go for 5 or 6 years with a project today than they are never going to keep up with strictly the tax dollars on a new project down the road. He reiterated that is a valid argument.

Comm. Matto commented that you could do an R-1 standard on that property and do a cluster development.

Mr. Panico responded yes, but asked if they would want to inject an R-1 neighborhood on the top of that hill and then try to get economic development below on Bridgeport Avenue.

Comm. Matto commented that she wasn't saying single family.

Mr. Panico stated that they would be building in conflict right off the bat.

Comm. Matto asked what he was saying because she wasn't sure what he means.

Comm. McGorty responded, with the residents.

Mr. Panico responded that that track is a part of that whole hillside. It extends from the parkway all the way down to Bridgeport Avenue.

Comm. Matto commented that she wasn't suggesting single family, one acre housing, she is just saying that they could make the density the same as if it were R-1 and perhaps, cluster the housing and have this type of housing but more open space. She commented that maybe it could be 40 units instead 160 units.

Comm. Flannery stated that then they would still have to have City Water/Sewers and that is her concern. The WPCA engineer said no more.

Chair Parkins responded that is their job – their job is to find it.

Mr. Panico stated (inaudible)...

Comm. Matto added that she doesn't think septic is ...

Comm. Flannery indicated that she deals with it every day.

Chair Parkins stated that she means there are water lines right there and septic lines right there so it is silly to have people drill wells and ...

Mr. Panico responded that reasonable development of that property is going to necessitate utility services.

Comm. McGorty agreed that no matter what you do there, they are going to have to deal with it so you can't just say that they can't get water or sewers there.

Comm. Pogoda commented that the water is there and the demand that it does get hooked up (inaudible)...that is part of the plan.

Chair Parkins added that if Light Industrial is part of the plan then they should have accounted for it and planned for it.

Comm. McGorty agreed.

Chair Parkins commented that based upon this discussion, she's thinking that they are heading toward an unfavorable resolution.

Comm. Harger asked if there was any chance of there being any revisions.

Comm. Matto asked Comm. Harger if she was in favor of residential, it sounds like it - but it seems as though many of them are not.

Chair Parkins stated that they cannot speak for the economics of it – the purchase price of the parcel, how many houses they have to get on it – they aren't privy to all of that so this is the proposal that the Applicant came in with.

Comm. Harger responded that as it stands, she would not be in favor of it but would hate to see the project go by the wayside all together or a similar project.

Comm. Flannery commented that they can always come back.

Chair Parkins asked if she needed a motion to direct Staff to prepare an unfavorable resolution or if it is just part of the discussion.

Mr. Panico responded that it is reflected in the minutes (inaudible)...

Chair Parkins asked the other Commissioners if they all concur that there is a consensus that they are going toward an unfavorable resolution prepared for the next meeting.

There was a consensus of the Commissioners present.

Mr. Schultz indicated that the next meeting would be August 13th.

Comm. Harger commented that she hopes something occurs in the future because in 10 years she'll be right there...

Chair Parkins asked if she means moving in there...

Comm. Matto agreed about moving in to the assisted living part.

Mr. Panico commented that this decision is not unlike another decision that the Commission made a couple of years ago that they were talking about tonight. When they decided that the commercial spot they were discussing was appropriate and he said at that time that whatever use they put on that property they have to envision it is going to cover more of an area. It is the same thing here, if they allow residential on the upper part of that hillside, then they will see that residential creep all the way down as far as it can, and as close as it can, to get to Bridgeport Avenue. It is not unlike the Talbot piece that they just disposed off, that was already hemmed in with development and it was all different on all different sides.

Comm. McGorty agreed that it was boxed in there. You're building in opposition (inaudible)...

Mr. Panico commented that that property owner had made serious efforts over the years to market that parcel for some other form of development.

Chair Parkins commented that it is hard to make these type of decisions especially when you know that these are quality developers. It has nothing to do with the developers. It is not a reflection at all.

Mr. Panico stated that in that regard they were fortunate that they are very good developers. As an example, Comm. Pogoda lives in one of them.

Comm. Pogoda commented that is exactly what he said. He knows the developer and knows that they would do an excellent job. They are making decisions about the project itself and not who is doing it or anything like that. As Chair Parkins said, it is a slippery slope. If this one goes in, the next one – how do they deny another one?

Comm. McGorty agreed and asked what happens if a commercial building comes and then they've built new residences there.

Comm. Matto commented that was a strong point.

Chair Parkins agreed that then everybody would be there saying that they don't want anything like that there because it is residential.

Comm. McGorty commented then it will really be tough with homeowners.

NEW BUSINESS

None

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the agenda. With no response/no public comments, she requested a motion to close the public portion.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public portion of the meeting.

OTHER BUSINESS

APPROVAL OF MINUTES

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the minutes of 4/24/13; 5/14/13; 5/22/13 and to table the minutes of 6/11/13.

PAYMENT OF BILLS

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve the payment of bills, if funds are available.

STAFF REPORT

COMMENTS FROM CHAIRMAN AND SUBCOMMITTEE CHAIRS

***See attached Shelton Planning & Zoning Staff Report dated 7/9/13.**

Zoning Subcommittee Public Hearings

Mr. Schultz indicated that the Zoning Subcommittee would be holding a public hearing on the Medical Marijuana Moratorium and added that several towns have already started to embrace them including Watertown, West Haven and Bridgeport. He added that many other towns are scrambling to amend their regulations and they don't know what the State of Connecticut is ultimately going to come up with; they plan on having their regulations done sometime in August which will coincide well with Shelton's public hearing where they plan a 6 month moratorium.

Mr. Schultz added that they will have a second public hearing in August for Section 42: Off-street Parking Regulations.

Comm. Pogoda commented that Rick has just handed them out and asked the Commissioners take a look at the Off Street Parking Regulations over the next month because there is a lot of information. He asked them to bring their questions or comments to Staff and Rick will filter them to him or Tom McGorty. Chair Parkins requested that they be emailed so that they could make comments online.

Comm. Matto asked if there was a copy of the current Off Street Parking Regs. Comm. Pogoda indicated that they have done a lot of changes. Mr. Schultz added that this was a complete overhaul and it is reformatted with a totally different look.

Mr. Panico indicated that a lot of the provisions are the same but they've verified information in a more concise manner.

Comm. Pogoda urged the Commissioners to read them, ask questions about these regulations prior to the public hearing and Staff will answer them prior to the hearing.

Mr. Panico stated that the important thing and he has said this before, when they have a proposal out there, it doesn't conjure up confidence from the public when the Commissioners are asking questions about what they are proposing at the public hearing. The Commissioners should have

a basic understanding of it. If they have a question, save it and Staff will answer it with them rather than asking during the public hearing.

Mr. Schultz indicated that there is a lot of text as with all of the other regulations because they are all re-writes and it took a long time. He asked the Commissioners to pay particular attention to the multi-family because they wrestled with that about what the right formula was. He asked them to review the section regarding restaurants with bar establishments. He referenced the problems which arose with Madison's, a restaurant on Bridgeport Avenue that had a lot of people at the bar but driving there independently.

Mr. Panico indicated that this will show a layered ratio, a basic ratio, other things will be additions, such as nightclub-type activities. He stated that the figures are based upon experience, discussions from other projects, past issues/problems.

They also discussed Downtown parking issues, municipal parking availability and shared parking possibilities, special function parking, etc.

Other topics from the Staff report included DSC agenda for Friday, July 12th; progress with the Conte Transformer/Oil Tank issues with Yankee Gas, Zoning Enforcement issues including those with pending legal action.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:37 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary