

SHELTON PLANNING AND ZONING COMMISSION

OCTOBER 8, 2013

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, October 8, 2013 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06403. The Chairperson reserved the right to take agenda items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda
 Commissioner Virginia Harger (arrived 7:04 p.m.)
 Commissioner Thomas McGorty
 Commissioner Joan Flannery
 Commissioner Elaine Matto
 Commissioner Nancy Dickal (alternate for V. Harger until
 7:04 p.m.)

Staff Present: Anthony Panico, P&Z Consultant
 Karin Tuke, 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 regular meeting of the Shelton Planning & Zoning Commission to order at 7 p.m with the Pledge of Allegiance and a roll call of members present. She indicated that P&Z Administrator, Rick Schultz was not present due to vacation. Also, Comm. Dickal would act as alternate for Comm. Harger until her arrival at this meeting. She requested that cell phones not be used during the meeting and asked for a motion to add one item to the agenda tonight under Other Business.

AGENDA ADD-ONS

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to add the following item for the reduction of a surety bond at the Soundview Crossing Subdivision to the 9/10/13 P&Z Meeting Agenda under Other Business.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Chair Parkins indicated that they would begin with the Applications for Certificate of Zoning Compliance; however, she would be taking one item out of sequence to accommodate an applicant with another meeting to attend.

SEPARATE #6779: STEPHANIE NIEUWJAER, 90 HUNTINGTON STREET, BUSINESS

Mr. Panico stated that this application was for a small computer technology software development consulting company on the second floor of Huntington Depot. The lease space is 600 square feet and there is ample parking in the lot across the Brook where they have agreed to park. No demand will be placed on the prime parking in the front of Huntington Depot. He summarized that it was pretty straight-forward.

Chair Parkins indicated that Susan Coil is present representing the applicant.

Susan Coil, owner of Huntington Depot, representing the Applicant offered to answer any questions that the Commission has.

Chair Parkins asked how many employees they would have.

Ms. Coil responded that there would be five at the most and there would not be any customers coming in or out.

Chair Parkins asked if this was basically a 9 a.m. to 5 p.m. operation.

Ms. Coil responded that they may work into the evening. They are a software company for grocery stores and one of the reasons that they wanted this space was so that they could come in and out in the evening. She indicated that they clearly know, and the lease states, that they have to park in the back parking lot until 6 p.m. It is a very simple and straightforward occupancy.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6779 for the business occupancy.

Chair Parkins asked Ms. Coil if there were any plans for signage at this time.

Ms. Coil responded that they will not be putting a sign up. They will just put identification on their door.

Comm. Harger arrived at 7:04 p.m.

SEPARATE #6601: TINA LAZRI, 19 KNEEN STREET, BUSINESS

Mr. Panico indicated that this is a request for permission to split the existing use – the Arcon Pizza and grocery. Presently, it is one large store inside.

Chair Parkins commented that this was tabled from the last meeting.

Mr. Panico commented that even though it is one big store inside right now, there are two individual entrances outside from years ago when the building was built. They are looking for a liquor permit from the State. The State will not give them the liquor permit for the entire premises but only for that portion that they need. The State is requiring them to put a partition in separating the two uses. Mr. Panico stated that it is a pre-existing, non-conforming use that the Commission needs to deal with. If the Commission is comfortable with it, then it should be fairly straightforward.

Chair Parkins responded that they aren't comfortable with it. She added that they asked for a police report – they asked Rick to get a recommendation from the Police Dept. on the traffic because it is a nightmare down there.

Mr. Pogoda agreed that the parking is bad there right there.

Mr. Panico commented that the two issues would be the parking and the traffic.

Chair Parkins restated that they asked for a recommendation from the Police Dept. She asked if Rick was able to get that before his vacation.

Mr. Panico responded that there was nothing in the package.

Comm. McGorty added that he may not have received it (inaudible)...

Mr. Panico stated that as of Friday when he spoke to Rick Schultz, he didn't mention anything about it.

Chair Parkins asked if they were under any time constraints on the approval for this.

Mr. Panico responded no, but there is a copy in the paperwork of Rick's referral to Chief Hurliman dated September 18th.

Comm. Harger commented that was right after the last meeting.

Chair Parkins requested that they table this until the October 23rd meeting.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to table Separate #6601.

SEPARATE #6715: DERRICK LEE, 127 CENTER STREET, SIGN

Mr. Panico commented that this sign is located at the Orazetti building – the Center Street Social restaurant that took over.

Comm. Harger commented that the sign has been up for a while.

Mr. Panico stated that it is a very tiny round sign.

Comm. Harger stated that is the sign which she specifically mentioned was out of proportion.

Mr. Panico responded yes, Ginny wanted it to be it bigger.

Comm. Harger restated that it is out of proportion to the building.

Comm. Pogoda commented that it is pretty straightforward – it has been up there for about a month already.

Chair Parkins stated that they asked Rick to ask the Applicant to come in to make sure that he wasn't planning a bigger sign – and put up a larger sign that isn't approved.

Mr. Panico indicated that for this they would only be approving what is already up.

Chair Parkins agreed, OK.

Comm. Flannery asked if they had a picture because she has no clue what this sign looks like.

Comm. Pogoda responded that it is just an oval, a small roundish sign.

Comm. McGorty added that it was the size of a dinner plate.

Comm. Harger stated that it hangs out.

Mr. Panico indicated that it is on the second floor level on a bracket that sticks out – as you drive down the street you can see this oval thing with just the name on it and nothing else. It is very unobtrusive with white background and black lettering.

Comm. Flannery asked if this could pass without her vote. She would abstain because she hasn't seen it.

Chair Parkins asked for a motion to approve the existing signage.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, the existing signage for Separate #6715 was approved (4-1 with one abstention). Comm. Harger voted in opposition and Comm. Flannery abstained from voting.

Comm. Harger indicated that she opposed because it doesn't fit the size of the building. She added that she doesn't appreciate that the Applicant doesn't want to work with the Commission. Obviously, on his Facebook postings the Applicant indicated that they had a previous business in Monroe so he should know about town procedures and protocols. Comm. Harger reiterated that she doesn't appreciate him disregarding the process.

Chair Parkins commented that the motion does pass, however, and the existing sign will stay up. Hopefully, he will take note of it or is informed that the Commission isn't necessarily happy with him, and if he decides to do anything else he'll be held accountable for it.

Comm. Harger suggested that they have Rick Schultz put something in writing to tell him.

Chair Parkins responded that she believes that Rick was going to do that.

SEPARATE 6784: Queen Zuri New Orleans Delicacies, 97 Center Street

Mr. Panico indicated that this is for a food establishment at 97 Center Street for Southern-style desserts and the so-called Southern donuts. He added that there doesn't appear to be any uses like that. It is up the street from the other one that they were talking about.

Chair Parkins asked if she had beignets...

The Applicant responded no, peach cobbles, sweet potato pies...

Comm. Harger asked for clarification about the location.

Chair Parkins responded that it was next to Kim's Alterations.

Mr. Panico added that the next building is set up for two or three tenants and she would be one of those tenants.

Comm. Pogoda asked if this was just for the business.

Mr. Panico responded yes, no sign.

Chair Parkins asked the Applicant what the hours of operation would be.

The Applicant, Ann Soto? responded that the store day would start from Thursday to Sunday, 11 a.m. to 7 p.m. in the evening – just to start.

Chair Parkins asked if this would be a restaurant café where people can come in.

The Applicant responded that people would come in and purchase desserts, cakes or cupcakes.

Comm. Harger asked if there would be any interior seating.

Chair Parkins asked if it was a bakery or a ...

The Applicant responded that they do bake there and they provide the desserts. More than likely people just order. She was doing it out her home which was licensed for that but she's expanding. Most likely customers would just come in, order or purchase and leave.

Comm. Pogoda asked if there would be any baking done there.

The Applicant responded that she would be baking there. She will bake some of the products.

Comm. Pogoda asked if there were any facilities there for baking.

The Applicant responded yes, it has already been licensed – it was licensed for another business that was there. The Italian Ice place was there and it was licensed.

Comm. Harger commented that Adios was no longer there.

Chair Parkins commented OK, Adios is adios. She commented that there would be baking there, selling (inaudible)...

The Applicant responded yes baking, providing desserts for customers, cupcakes, Southern dishes such as peach cobbles.

Chair Parkins asked if she would have café tables set up in there for people to have coffee and a dessert.

The Applicant responded yes, they can, if they like. She stated that she only has two tables set up though. If they would like to sit, have their coffee and a cupcake, they can; however, she would prefer that customers just purchase it.

Chair Parkins asked if the tables were inside or outside.

The Applicant responded that they would be inside.

Chair Parkins commented that the Commission would like to ask that, if at any point she would like to put tables outside, that she return to the Commission and request it first because they do have a protocol regarding outdoor dining. She indicated that the Commission would appreciate working with her on that issue.

The Applicant agreed. She asked about the sign request because she wants to make sure that she is in compliance with the sign. She added that she did place something on the door but she hasn't put anything on the exterior of the building. She asked what the size limitations were for a sign outside. She added that she does have a design in mind that she could show them.

Chair Parkins responded that they have do have Sign Regulations which are available on line in regard to sizes, etc. If she has a drawing, they'd be glad to look at it.

The Applicant indicated that she has the measurements and a copy of the sign on her phone.

Comm. Harger asked if Rick would be back soon.

Chair Parkins responded yes, but she doesn't want the Applicant to go through getting a sign that isn't...

Comm. Pogoda stated yes, but it should go through Rick first.

Comm. McGorty added that Rick will guide her through it. He told the Applicant that Rick Schultz, P&Z Administrator would be back sometime next week.

Chair Parkins indicated that Rick would probably be in next Tuesday. The Commission can approve her business occupancy tonight but she'll have to come back about the sign and talk to Rick Schultz and he'll guide her through the sign process. She added that what she has on the door in fine for right now though. She recommended that the Applicant not purchase any kind of sign until speaking to Rick.

The Applicant responded OK and asked when it would be a good time to get in touch with Rick.

Chair Parkins responded that he gets in at 8 a.m. on Tuesday through Friday. Comm. Harger suggested calling first and speaking to his secretary, Nancy. The Commission extended luck on her business.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the business occupancy for Separate #6784.

SEPARATE #485: VERIZON WIRELESS, 605 HUNTINGTON STREET, ROOF-MOUNTED ANTENNA

Mr. Panico indicated that this is the BHC tank on 605 Huntington. There are several antennas on the roof right now and Verizon wants to add some to it.

Chair Parkins asked for clarification about the location.

Comm. Harger added that it was 605 Huntington...Bridgeport Hydraulic – BHC property.

Mr. Panico stated that it is another co-location which they tend to encourage.

Chair Parkins responded yes, until it starts becoming ridiculous. She asked an audience member if he was representing Verizon Wireless.

Ken Baldwin, Robinson & Cole, LLC on behalf of Verizon Wireless addressed the Commission. Mr. Baldwin stated that Verizon Wireless is already on the tank. It already has 12 antennas there and this application is the replacement of six of those antennas in the same location with the same size antennas. He added that it was just new equipment – newer models.

Comm. Pogoda asked if there would be any new equipment down below.

Mr. Baldwin responded no equipment down below just new equipment above.

Chair Parkins commented OK, so it is not in addition to, but replacements.

Mr. Panico indicated that Rick would be relieved that there weren't additional antennas.

Mr. Baldwin commented that this technology changes on a weekly basis nowadays.

Mr. Panico reviewed the drawing and stated that he thought it looked as though they would be raised a little bit.

Mr. Baldwin responded no, if they look below at the other configuration of antennas – three (inaudible) sets of those four antennas. They are just replacing the two inside antennas. He commented that the new antennas, for all intents and purposes, are the same size or an inch longer but a half an inch narrower but they are essentially the same size.

Comm. Harger asked what the overall length of the antennas was.

Mr. Baldwin responded that the overall length of the antennas is about 4 feet.

Chair Parkins commented that the area is pretty well screened but they are taking all of those trees down.

Comm. Pogoda responded no, not there – and asked if they weren't just right down the street from the other building at that little road at the top. He commented that you go past Isinglass right before...

Chair Parkins commented that she knows exactly where the facility is and added that they are taking all of those trees down on Huntington Street.

Comm. Pogoda stated that they weren't taking any trees down there.

Chair Parkins reiterated that they are taking those trees down on Huntington Street.

Comm. Pogoda responded that he doesn't think that is where this is –

Comm. Harger commented that it says Huntington Street though.

Comm. Pogoda indicated that it's across the street from Huntington Point where the water is – right behind Monty Blakeman's property. They aren't going anywhere up that way...

Comm. McGorty stated that he thought they were cleaning it up over there because there were a lot of trees that were down and a lot of dead stuff. He added that it was a non-issue anyway because the antennas are the same number and size anyway.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #485.

SEPARATE #462: BARRY MUCCI, 88 TRAP FALLS ROAD, CARPORT

Mr. Panico stated that this is located by the new office building that was recently built at 88 Trap Falls Road. He added that it was a very attractive building. There are about five parking spaces directly behind the building and the Applicant wants to put a carport covering three of those spaces that is about 27' x 20'.

Chair Parkins asked if that was the long building kind of nestled in right as you start going down the hill.

Mr. Panico responded that it is somewhat – it is six (inaudible) to the street.

Chair Parkins asked if it was almost across the street from Raveis.

Mr. Panico responded yes, but slightly more up the hill on the other side of the street.

Comm. Harger commented OK – that one just before Bassett.

Mr. Panico responded yes, just before Bassett and reiterated that it is a very attractive building with a nicely landscaped site.

Comm. Harger commented that Mr. Panico said it was a new building...

Mr. Panico indicated that this carport will be right behind the building where no one will see it driving up the street or anything.

Chair Parkins asked if this was for some of executive's car to be covered up.

Mr. Panico responded yes, apparently that is his understanding that executives want their cars covered up.

Chair Parkins asked Mr. Mucci if this was for executive privileges.

Mr. Barry Mucci addressed the Commission and responded yes, it is.

Mr. Panico asked Mr. Mucci what this carport was going to look like.

Mr. Mucci responded that he drew something up quickly but then he just took something off line that it will look like. He indicated that the carport it is similar to the drawing he presented. He distributed copies of it to all the Commissioners and commented that it is pretty simple design.

Mr. Panico asked if it was four stilts with a roof on it.

Mr. Mucci responded yes, that is just about what it is. It will be wrapped with AZEK®.

Mr. Panico asked if there was some reason that he or someone else selected the three middle spaces in the row of five spaces with an uncovered space on either end.

Mr. Mucci responded that it was not going to be the three middle spaces. It is the first one from the gutter and the two next to it.

Mr. Panico commented OK, the first one from the gutter – that is where he thought it should logically go.

Mr. Mucci responded yes, that is where it is going to go.

Mr. Panico commented that the drawing shows it as the 2nd, 3rd and 4th spaces.

Mr. Mucci clarified that it would not be.

Comm. Harger asked what he said it would be wrapped in.

Comm. McGorty responded that it was called AZEK® – it is a material that is impervious to pretty much everything and lasts a long time.

Comm. Harger asked if it was like siding.

Comm. McGorty responded no, it is different – a white (inaudible)...and you don't have to replace it.

Mr. Panico asked if they have this for three spaces and asked if there would be a post between every car.

Mr. Mucci responded no there would be two posts on one side and a smaller one on the other side. They have a mini-van that comes in here and parks so they want to post that one over there.

Mr. Panico stated that it was going to have to be wide enough to take care of the minivan.

Chair Parkins asked why this needs P&Z approval.

Mr. Panico responded that it is a structural alteration to an existing site plan. It might have been a PDD but he wasn't sure.

Chair Parkins commented that it is usually administrative and usually doesn't come to them.

Mr. Panico indicated that he guesses that maybe Rick thought because of the nature of it, it should be treated as a separate – only because it is an additional increment on the site plan. If it weren't for the fact that it turns out to be innocuous, but somebody could have come in and put one in their front yard. They wouldn't be too happy with that.

Chair Parkins responded OK, they just usually don't approve carports.

Comm. Pogoda asked if this was all the way in the back.

Mr. Mucci responded yes, all the way in the back to the right.

Mr. Panico added yes, directly behind the building.

Chair Parkins added that somebody doesn't want to clean the snow off their car in the wintertime.

Mr. Panico asked if they were going to finish this in subdued tones consistent with the building.

Mr. Mucci responded yes, it is going to be just like the building – how he wrapped the building (inaudible)...

Mr. Panico asked if this was a metal structure.

Mr. Mucci responded no, wood.

Comm. Pogoda asked if the beams would be wood.

Mr. Mucci responded yes.

Mr. Panico asked if he had to break into the pavement then to put the footings into these things.

Mr. Mucci responded yes, into the rock.

Chair Parkins requested a motion to approve Separate #462.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #462.

SEPARATE 6768: CROWN POINT CENTER, LLC, 504 BPT. AVENUE, SIGN CHANGE

Mr. Panico stated that at Crown Point in that back building that is occupied by the insurance office, Prudential – Prudential is now being taken over by Berkshire Hathaway. There will be a replacement of the Prudential wall sign.

Comm. Pogoda asked if the sign would be the same size and everything. He asked if any drawings were provided.

Mr. Panico showed a rendering of the proposed signage and the existing signage. He added that the Prudential sign would be replaced with Berkshire Hathaway which would be a bigger name.

Chair Parkins commented that it is an attractive sign but it is way in the back anyway.

Mr. Panico stated that Rick says that you don't see it from Bridgeport Avenue which you don't but if you pull in by the traffic signal it is right in front of you.

Comm. McGorty asked what the dimension change would be.

Mr. Panico responded (inaudible)...

Comm. Harger stated it was 24 x 3(inaudible)...

Comm. Pogoda commented that it seems to be wider.

Mr. Panico indicated that it was not any longer but because there are extra lines – Prudential was one line of text but this has Berkshire Hathaway and some other things including New England Properties and Home Services. The overall length is just less than 18 feet.

Chair Parkins commented that it looks less in width from the original sign.

Mr. Panico indicated that the height is little bit higher at a little over 3 feet. He indicated that the existing sign runs 24 feet so this proposed sign is shorter than the existing. With the logo it will run 3 feet in height so it is pretty much the same.

Chair Parkins commented that if they look at how it is centered over the building you can see that it actually takes up less space.

Comm. Pogoda asked if there were any phone numbers on the sign.

Mr. Panico stated that he did not see any.

Chair Parkins indicated that there weren't any phone numbers, just Home Services. She added that she wasn't familiar with the Berkshire Hathaway company.

Mr. Panico indicated that it was Warren Buffet's company- Berkshire Hathaway – they sell insurance among other things and it's where Warren Buffet made all the money for all his investments.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the wall signage only for Separate #6768.

Chair Parkins indicated that they will have to make sure that whatever is put on the monument sign is not more than the space provided.

Mr. Panico asked if Prudential had been on the monument sign.

Chair Parkins responded that she was not certain but if they were on the monument sign, than Berkshire Hathaway is getting the same amount of space that Prudential did.

Mr. Panico stated that the request was only for the wall signage. Comm. Pogoda indicated that would be all that they are approving then.

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 stated that the public hearing on Application #13-4 closed on April 19th and the last extension requested would expire on the upcoming date of October 10th 2013. She asked if there was anyone in the audience representing this applicant.

There was no one in the audience identifying themselves as being present for this applicant.

Mr. Panico commented that he assumes that if they received a Letter of Extension then it would be in this pile and he does not see one here. He indicated that he would have to assume that they did not receive a Letter of Extension.

Chair Parkins indicated that she would assume that Rick Schultz would have given something to his secretary, Nancy and she would have given it to Tony for the meeting.

Mr. Panico responded that Nancy told him that everything he would need for tonight's meeting was here in this packet.

Chair Parkins asked if he spoke to Nancy today.

Mr. Panico responded yes, at 4:30 p.m. this afternoon.

Chair Parkins stated that they have no recourse then but to deny this application without prejudice because it expires on October 10th. She asked again if there was anyone present in the audience to represent this applicant for Application 13-4 Bishop Management and there was no response.

Mr. Panico asked if Jim Swift was present in the hallway. Jim Swift was not present in the meeting.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to deny Application #13-4 without prejudice (public hearing closed on 4/19/13 and extension expires on 10/10/13).

APPLICATION #13-11: DOMINICK THOMAS FOR TALBOT PARTNERS LLC FOR FINAL SITE DEVELOPMENT PLANS APPROVAL FOR PDD #76 (228 UNIT APARTMENT COMPLEX) 784 BRIDGEPORT AVENUE (MAP 19, LOT 56).

Atty. Dominick Thomas representing Talbot Partners LLC, 315 Main Street, Derby CT addressed the Commission. Atty. Thomas briefly explained that one of the requirements of the Initial Concept Plan was the requirement of the emergency access easement. He reported that it has been executed by his clients and it is on its way to court so everything has been settled so the condition regarding the emergency access easement through the adjacent property has been completed. He indicated that the remainder of the information would be provided to Patrick O'Leary of VHB who will explain how this has evolved from the initial approval through the final site development plans.

Patrick O'Leary, Vanasse Hangen Brustlin Inc. addressed the Commission. Mr. O'Leary provided handouts for the Commissioners with the information matching his display boards. He indicated that he would briefly explain the process as to how they got to where they are this evening.

Mr. O'Leary indicated that the original submission that they did for this was for the Concept Plan of Development. At that time they had eight units on this site and he showed the original planned location for the Clubhouse. They worked very closely with Staff and took all the

Commission's comments back with them and revised the plan. At that time they had 262 units on the site, 8 buildings and one clubhouse. They came back and as part of the Concept Plan of Approval went down to seven buildings. He showed the seven building plan with one Clubhouse and 253 total units.

Mr. O'Leary indicated that after going from the Concept Plan of Approval they moved on to their Site Plan. They continued meeting with Staff, the Commissioners, Engineers, Water Pollution Control Authority and got the final plan down to a plan with six units, a revised Clubhouse location and a total of 228 units. The parking ratios for the site are 1.4 spaces per unit and that excludes the garages; it is 1.7 spaces per unit if the garage spaces are included.

Mr. O'Leary indicated that what they are not showing on the plan here or in their handouts is that they have reached a consensus with the Staff and all parties involved that they would defer 72 parking spaces within the parking areas here and leave them as green space. If it was identified that they need to be constructed in the future, then the developer is on the hook to develop those spaces and pave them. When they are constructed they will actually have the subsurface materials in there so essentially all they will have to happen is to come in and remove the topsoil, re-curve it, pave it and they will have the parking spaces, if demanded at that time.

Mr. O'Leary indicated that they have been through Wetlands and received their Wetlands approval. He showed the Storm Drainage Management System on the site plan. He indicated that one change that occurred through the process as it evolved – they originally had these basins lined with natural vegetation but through the detailed design analysis of the site, they found that most of the storm water from this area here comes down onto this site which was formerly serving as a detention basin. He commented that as a result they had to take care of their storm water management as well as their own and bringing that storm water over into their areas, velocities and volumes increased so they didn't feel comfortable with the bottoms of these ponds necessarily being vegetated. This is because of the velocity it would wash out the vegetation there so what they have done is riff-raffed the bottoms of the ponds, created channels so that the water will flow around within the pond for water quality purposes, also ability to surge into the wetlands and out into the River. Mr. O'Leary stated that they do have their approvals through Inland Wetlands. They appreciated the plans, completely understood them and thought they did a good job in trying to maintain the natural character back there as well as preserve the natural features in the town.

Mr. O'Leary indicated that they have been to the WPCA and received the approvals associated with the sewer line connections here. Atty. Thomas has addressed the emergency access easement agreement. It is in place. It has been signed and is being FedEx'd back and forth.

Mr. O'Leary indicated that they have two sets of comments which may be contained within their packets from the Fire Marshal as well as the City Engineer. He stated that he spoke to the Fire Marshal today regarding the lane widths of the roads coming into here. He stated that 24 feet is more than acceptable for the lanes. He pointed out some of the areas on the site where the Fire Marshal suggested that signs be placed specifically stating that it is a fire lane and that no parking is allowed. The concern is in areas such as the location near the Clubhouse where people may parallel park on the street in the area where emergency access vehicles may be trying to get into a 24 foot wide roadway and there are cars parked on the side of the street. Cars parked along the roadway would narrow it down to 8 or 10 feet creating a problem for emergency vehicles. Mr. O'Leary indicated that they would provide the necessary signage through these areas to address this problem.

Chair Parkins indicated that anyone managing this property would also have to make sure that it is adhered to.

Mr. O'Leary agreed – yes, absolutely.

Atty. Thomas added that one of the advantages is that once they put it in under their ordinance, it becomes a fineable offense so it has to have signage. They cannot not have the signage there.

Chair Parkins asked Mr. O'Leary for clarification that he said he had spoken to the Fire Marshal.

Mr. O'Leary responded yes he spoke to Fire Marshal Tortora. In addition the packet includes comments from the Town Engineer regarding the Site Plan itself. He believes that he has addressed the WPCA comments contained within there as well as the Fire Marshal comments. The water quality and the details will be modified and they will be more than happy to accept those conditions as noted on there revising the radii on a couple of the turn-arounds here.

Mr. Panico asked if they anticipate any trouble adjusting those radii to satisfy him.

Mr. O'Leary responded no they don't. Ultimately, they will still be able to get the trees in there. The islands will become a little bit smaller when they change the radii to accommodate it but it will become negligible and not noticeable. As it is today, it certainly accommodates trash vehicles, moving vans and things of that nature. They do understand that they have a fire truck that is larger than the typical single-unit truck so they will double-check and make sure those radii accommodate it and revise accordingly.

Mr. O'Leary indicated that with that, he thinks he has covered the majority of the comments that have come directly from the community here itself. They are working with STC and they have just completed an additional survey here along Route 8 and they are going to need to go through the Office of Safety and Traffic (OSTA) now as opposed to the old STC Commission. They are in process and have had numerous meetings and they are in the process of developing Concept Design Plans at their direction to accommodate traffic mitigation here.

Mr. O'Leary stated that essentially what they will be doing is widening a portion of Route 8 to allow a left hand turn lane.

Atty. Thomas corrected him that it was Bridgeport Avenue – not Route 8 – it is actually Old Route 8.

Mr. O'Leary apologized and reiterated it was Bridgeport Avenue and they would be providing a left hand turn lane in the southbound direction so vehicles coming back from Route 8 in the evening will be able to stack in a left hand turn lane here safely. He showed the location and commented that there is sufficient queue for them to enter into the site. In the a.m., the majority of the traffic is leaving here and taking a right hand turn down to Route 8 so there is no additional improvements required in that area.

Mr. O'Leary stated that they may have them looking for signal timing down here and make some minor adjustments but that is still in concept because there are many differing opinions on that. They will accommodate whatever OSTA decides with respect to the timing.

Chair Parkins commented that they should have OSTA come look at the signaling on Bridgeport Avenue regardless of this project.

Atty. Thomas agreed and commented yes, after they take a look at the signaling on Route 8 at Route 34.

Chair Parkins asked if that means there is no indication that they are going to require a traffic signal light there.

Mr. O'Leary responded no, not at this time. They are trying – the goal of everyone is to minimize traffic signals but they do want to make sure that it is safe getting in and out of the site. He indicated that a different scenario here is if the primary access to Route 8 was up here with all of the left turns going out of the site, it may require a signal at that point, if that was the circumstance. Fortunately for everyone, they are coming of this site with the majority of the traffic is making a right hand turn and you don't need the signal light. There is adequate gap provided in the roadway here for the cars to get out. It is just in the evening hours when people are coming home all at the same time where you need to be able to queue left hand turning vehicles that are sitting there so that the other traffic does not have to back up going down.

Mr. O'Leary concluded his comments.

Atty. Thomas indicated that he wanted to correct one thing for the record – the Initial Concept approval was 2/28/13. They revised it and the Commission approved it 2/28/13. The Statement

of Uses and Standards which was filed pursuant to their approval is their density, with a cap of 228.

Comm. Flannery asked what the final number would be then.

Atty. Thomas responded 228 is the cap. The density – he didn't have it in front of him – was 17 per something of that nature – mathematically, it came to 229 or something but they capped it at 228.

Mr. Panico indicated that the Statement of Uses has that cap number in it.

Comm. Flannery asked if even though they eliminated a building, they still have the amount of...

Chair Parkins stated that they eliminated two buildings.

Atty. Thomas responded that when they eliminated – the initial elimination went from 262 to 252 and then based upon the Commission's approval, an entire three-story building was eliminated and it went from 252 to 228. They did not get the same number of apartments. They lost that building and it went down to 228.

Mr. Panico added that they picked up a little bit in footprint because, as a result of the Commission's concerns about a couple of those buildings that were three-story walk-ups, they prevailed on them to eliminate those walk-ups and do everything as elevator apartments. Therefore, all of the buildings have the same basic footprint with each containing 38 apartments.

Chair Parkins asked if the trash receptacle was now located in the left hand corner of the site.

Mr. Panico responded yes and he added that he had always been concerned that it was right in view when you turn into the development. This plan buries it down in the left-hand corner.

Mr. O'Leary added that they set up separate side access panels so that people emptying their trash don't have to open up the gates. There is a side access here with the sidewalk coming in which will also be shielded and screened from visibility.

Mr. Panico commented that he thinks that one of the other goals of the Commission was to get a substantial green belt in there and he thinks that they were successful in doing that.

Chair Parkins responded yes, it is very nice and looks like a college quad.

Mr. Panico stated that the deferred parking will not erode into that. Originally their thought was that they would create this big green and if they need more parking then they will have to chew a piece out, but it didn't work out that way. The bulk of the deferred parking is behind that center building on the top plus the linear parking lot gets extended a little bit and gets in dispersed between the other and then they would begin eliminating islands in the regular parking lots to create space. He added that, hopefully, that would be the last resort. He commented that he was comfortable with the parking that they are showing and doesn't think that they are going to have an issue where they will need any of that deferred parking.

Comm. Matto asked if they had said the parking ratio would be 1.7 spaces.

Chair Parkins responded yes, with the garages.

Mr. Panico stated that when they wrote this up they wanted to ability to get 2 per unit and if they had to build all of the deferred parking, they would have the 2 spaces per unit plus one space.

Chair Parkins added that the fire pit has become a Jacuzzi. She added it had been a concern of Comm. Matto.

Comm. Matto responded yes, thank you.

Comm. Harger asked if they could do a couple of housekeeping things on this. She indicated that she noticed that the address on Bridgeport Avenue has been referred to differently as 780, 784...

Mr. Panico responded that he thinks that the City Engineer's letter refers to it incorrectly and called it 840 instead of 740 and that it is a typo. The original numbers that they had were a broad range of numbers and he suspects that it happened as the applicant selected the number.

Atty. Thomas added that actually there is no number, unless the City Engineer has given it a number. This piece of property was split off from the front piece years and years ago. He stated that when he did his research – and they will notice the initial application – it is identified by Assessor's Map and Lot Number because that is all he had. It is listed in the Assessor's records as Bridgeport Avenue – period. He followed it on through, and based upon past experience what happens then is that the City Engineer looks at it and gives it a number or a series of numbers.

Chair Parkins commented that he has given it a different number than Rick Schultz has given it. Rick gave it 784...

Mr. Panico reiterated that the City Engineer's letter is a typo.

Atty. Thomas indicated that the property in front is 7 hundred something – he's talking about Bertucci's – he didn't recall the number though (seven hundred eighty something...). The property next door, which is a large piece, is 710 because that is the...

Comm. Harger indicated that when she worked at Philips – Philips was 710.

Atty. Thomas responded that was correct 710 Bridgeport Avenue – because he just got finished dealing with them for the easement.

Mr. Panico asked if they were referring to the Perkin Elmer site as 710.

Comm. Harger responded yes, Perkin Elmer is 710.

Atty. Thomas indicated that he wasn't certain but when he did his application he only identified this as an Assessor's Map and Lot Number. The Assessor's Card is Bridgeport Avenue.

Mr. Panico commented that in order to avoid confusion the number has to fall between the Hub Cap site and the Dialysis Site.

Atty. Thomas responded that he has learned that it is up to the City Engineer. He added that the Hotel/TD Bank/Restaurant went from 820 to 838, in other words they gave them all of those numbers but it is the City Engineer's call and they have no control over that.

Chair Parkins commented OK.

Mr. Panico stated that when Rick comes back he will ask him to clarify it and make sure that they aren't putting down incorrect numbers.

Atty. Thomas indicated that the Statement of Uses and Standards identifies it as Assessor's Map number and Lot number.

Mr. Panico agreed that there would be no confusion with that.

Comm. Harger indicated that she another minor issue regarding the map of the site. She commented that when they use the Google Maps for this location all the street names listed around it Fairchild, Willow Drive are streets within Fairchild Heights. She noted that those streets and street names should really be depicted on the other side of the site. She wanted to clarify the inconsistency with the Google Maps.

Chair Parkins reiterated that it was a problem with the Google Maps...

Mr. O'Leary responded that they did import the aerial site map from Google Maps and there was nothing they could really do ...

Comm. Harger commented that she just wanted the inaccuracy clarified for the record.

Chair Parkins asked if there were any other questions from the Commissioners.

Comm. Flannery asked what the buffer was going to be from the Route 8 side, especially for Building #1 because it is close to Route 8 there.

On the site plan, Mr. O'Leary pointed out the strip along Route 8 was all trees along it between the Building and Route 8 and it is about 80- 90 feet.

Atty. Thomas pointed out that there is also a significant grade difference.

Mr. O'Leary agreed and explained that there was a significant grade differential and from a noise standpoint, they have a very good buffer across here. He added that the natural attenuation with the trees is the single best thing to use but the height differential between Route 8 and the site itself is also joining in with attenuating that noise. He commented that it was not the best view from here compared to some of the other places on the site but that comes with any complex of this type.

Chair Parkins responded yes, the first ones in get the best deal.

Comm. Harger asked what the drop was – between Route 8 and the buildings.

Mr. O'Leary commented that he didn't (inaudible)...

Mr. Panico stated that it changes from the cut - one end of fill to the other ...

Mr. O'Leary responded that he would break it out and get them that elevation difference.

Comm. Flannery asked about the parking lot and how they were going to make it flat and not drop down in front of Building 2. She asked if it wasn't going to...

Chair Parkins stated that these are issues that are addressed by the City Engineer.

Mr. O'Leary pointed out on the site map, an area that was filled and relatively flat on one side and another area with a 4% which is relatively flat.

Comm. Flannery stated that her concern is that she doesn't want to see people falling off of the edge.

Mr. O'Leary responded oh no, he showed the areas where they will have fencing so there is no issue with that.

Atty. Thomas added, for the record, obviously the plans that they were given are for an election of purposes only. The Final Site Development Plans have been submitted in detail to the Staff and they didn't think it was necessary to put everything on the boards for tonight.

Chair Parkins commented that he was correct about that.

Mr. O'Leary provided the elevation information that was previously asked about and indicated that it was roughly a 20 foot elevation difference across from the highway up to the site. He added that would also go a long way in buffering any sounds.

Comm. Flannery responded 20 – not 80.

Chair Parkins commented he was referring to the elevation height.

Comm. Flannery responded OK.

Chair Parkins requested that Tony Panico to read the resolution prepared for the approval of this application.

Mr. Panico commented that this resolution regards Application #13-11, Dominic Thomas on behalf of Talbot Partners, LLC for Final Site Development Plans Approval for PDD #76 for a 228 Unit Multi-Family Residential Rental Apartment Development (Map 19, Lot 56) at 784 Bridgeport Avenue, Shelton.

***See attached P&Z Draft Report Resolution for Application #13-11 Dominic Thomas on behalf of Talbot Partners, LLC for Final Site Development Plans Approval for Planned Development District #76 for a 228 Unit Multi-Family Residential Rental Apartment Development (Map 19, Lot 56) at 784 Bridgeport Avenue, Shelton.**

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the P&Z Draft Report Resolution for Application #13-11 for discussion and vote.

Chair Parkins indicated that she had a question regarding the fencing – the 4 foot high fencing. In just looking at Crown Point, the fencing is much higher over there with the stones on the back wall. She asked if 4 feet or 6 feet would be a more appropriate height based upon the wall.

Mr. Panico responded that they could go to 6 feet if they want but his feeling is that if someone wants to climb the fence then they will climb the fence.

Chair Parkins indicated that it wasn't so much for people climbing the fence but more for the protection and for keeping rock from coming down.

Mr. Panico responded no, the fence is at the top of the wall.

Comm. McGorty agreed yes, it was to keep kids from climbing over.

Chair Parkins responded OK, it is at the top of the wall.

Mr. Panico clarified that it was not there to trap falling rock.

Comm. Pogoda stated that is a different thing and they would have to have something on an angle to (inaudible)...

Mr. Panico indicated that its wider effect is that they are out in areas where people should not be. If someone does decide to go scampering up there, they don't want them to accidentally come to the wall and go over it.

Comm. Flannery indicated that she had a question on Page 4, C, the blasting. She read that it says that the "applicant shall maintain public liability and blasting insurance in the amount of \$5 million dollars for the duration of all blasting activities." Comm. Flannery indicated that her concern has always been whether something happens to a property next door and they want to get money from this blasting insurance but there is a dispute about the homeowner having that problem prior to the blasting and the blasting did not cause it and all of that mayhem.

Mr. Panico responded that all he could tell her is that they want to make sure that there is enough insurance surety there to handle problems. They are not going to get involved in civil claims between a blaster and a neighbor that is 500 or 1000 feet away. If you have reason to believe that you might be affected, then his recommendation would be to send a letter to the Applicant requesting that a pre-blast survey of your property be done.

Atty. Thomas stated that a pre-blast survey is required.

Comm. Flannery asked if it was required for 500 feet.

Mr. Panico commented that in Comm. Flannery's case, she was beyond the limit in which you might normally do a pre-blast survey. If she has reason to believe in her heart that this blasting is going to damage to her, then she has to take it upon herself or speak to the Applicant to come down and do one.

Atty. Thomas clarified that pre-blast surveys are required and the client has been in contact with Perkin Elmer and they have been in discussions already as to how they will address the blasting. Everybody is in agreement and everything is fine.

Mr. Panico stated that the only reason that they identify Perkin Elmer is because they have a very sensitive manufacturing operation and they had this problem when Split Rock was being built and they had to coordinate with them carefully for that. It worked out fine.

Chair Parkins commented that Perkin Elmer came here to discuss that.

Mr. Panico stated that he basically took the gist of the protection that they felt that they needed and it is really one of coordination more than anything else and he built it in.

Comm. Flannery stated that in regard to Split Rock, which she keeps bringing up because that is when she lost \$4000 because they caused her well to collapse. She reiterated that was why she continually brings it up and now she is concerned about the mobile home park here which is so close. She added that she is concerned about their water and their trailer foundations from the blasting.

Mr. Panico responded that he is sure that the entire mobile home park will be subject to the pre-blast survey because they are an abutter.

Atty. Thomas agreed, yes they are an abutter and will have pre-blast surveys. They will have (inaudible)...

Mr. Panico stated that the amount of blasting that will be necessary here doesn't even begin to approach the amount done for Split Rock which was a major rock excavation project.

Comm. Flannery commented that these mobile homes do not have the same type of foundation.

Atty. Thomas indicated that certainly they will be able to do a pre-blast survey of the outside. The real problem in some pre-blast survey situations is when people don't allow the surveyors inside of the house but certainly with the mobile home units, photographs of the foundations and everything would be a part of the pre-blast surveys. He added that they would be crazy if they did not take detailed photographs of them. He is sure that they will be asking the residents if they want to permit the surveyors inside and that is coordinated by the Fire Marshal. He stated that Shelton has a little bit of a stepped up standard with the City's Blasting Ordinance.

Atty. Thomas stated that the abutters – there are three because obviously they aren't going to do Route 8 – so there will be three areas for serious pre-blast surveys including the Fairchild Heights Mobile Home Park, The Courtyard -Bertucci's -Planet Fitness area- and the small office building there, McIntyre, and Perkin Elmer.

Mr. Panico stated that it was not his intention in mentioning this to put the Commission in the middle of that process because they do not want to be. He simply wanted to alert the Applicant to some of the baseline concerns that they have which he has to address and remind him that he has to satisfy the Fire Marshal, the State, the existing ordinance and common sense.

Atty. Thomas added that the blasting here is going to be substantially less than what was experienced at Split Rock.

With a motion on the table, Chair Parkins conducted a roll call vote.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted (4-1 with one abstention) to approve Application #13-11. Comm. Flannery voted in opposition and Comm. Pogoda abstained from the voting.

Mr. O'Leary thanked the Commission for their time and input – it started as a good project but it is ending as a much better project with the inputs from the Staff and Commissioners.

Chair Parkins stated that they will look forward to attending their Open House. She requested that they keep the Commission posted as to when it happens.

Atty. Thomas thanked the Commission.

NEW BUSINESS

APPLICATION #13-13: MARIO PANICCIA, MODIFICATION OF SITE PLAN APPROVAL (RESTAURANT EXPANSION), 66 HUNTINGTON STREET (MAP 74, LOT 28), CA-2: ACCEPT FOR REVIEW AND POSSIBLE ACTION

Chair Parkins commented that some Commission members may recall that they actually did approve the expansion of this facility some time ago and they've been trying to determine how many years ago it actually had been. It was more than five so probably about 6 years. She'll let the Applicant explain what they would like to do. She asked for a motion to accept Application 13-13.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted (5-0) to accept Application #13-13.

Mario Paniccia, architect of original design and present modification for Ari Bella Restaurant, addressed the Commission.

Mr. Paniccia stated that about 6 or 7 years ago, they were approved for a 2 ½ story addition to Ari Bella Restaurant. He showed renderings of the building and added that the owner would now like to reduce the scope of the project. He brought up that this project is not isolated to just this building. They would like to incorporate these other two sites. They are in preliminary discussions with Tony and the Chairperson regarding a possible PDD. The owner would like to incorporate this entire area into a PDD project and they are in the process of doing that right now.

Mr. Paniccia indicated that primarily the reason for the PDD is for the distribution of the parking and the circulation of traffic for the entire area.

End of Tape 1A 8:09p.m.

Mr. Paniccia stated that with the reduction of the approved building, they have approximately 8 parking space increase which has allotted to make available for these other two sites.

Comm. Harger asked if all of this property was owned by one person.

Mr. Paniccia responded that they are separate sites but he believes that they are owned by the Montanaro's.

Mr. Panico indicated that is part of the reason that he wanted to try get this all married into one PDD so that they are completely under control; otherwise, you start worrying about ownership, the rights and if they are rights in perpetuity or not, etc. They have to make sure that they are tied in if it is going to go beyond the restaurant. The Restaurant is a relatively easy component of it to get underway but if they want to do anything with that third building, they really have to be comfortable with the whole package.

Mr. Paniccia explained that what they have now with the Ari Bella Restaurant is a much smaller project. It is a one story – he showed a rendering which depicted proposed additional eating areas – and in the PDD concept they would bring in a pedestrian sidewalk and connect through to the shopping center. He added that in doing so this area can be articulated in such a way that there is access to the restaurant with outdoor seating. He added that it can become a really nice space with a pedestrian entrance and connection. He believes that the sidewalk could connect all the way up to the Scinto property. Mr. Paniccia indicated that would be a positive and the idea that Tony Panico has is excellent and it's the direction that they want to go.

He indicated that in regard to the restaurant – he provided a site drawing showing the proposed addition with a fireplace structure and a nice area for dining with a more comfortable and less tight space for a bar area. He commented that a little bit of elbow space here makes a lot of sense and the economics of what they are proposing now works a lot better than what they had planned for years ago.

Mr. Paniccia showed the rendering of the roof extension of one story with a patio area out on the side. He indicated that the look of the building would be the similar. They envision the stone with a high roof setup. They are looking now to have a tile roof to make it a really an idea of an Italian building with stone and wood floors inside and a nice, comfortable atmosphere.

Mr. Panico asked if this would be an uninhabitable attic.

Mr. Paniccia responded no, they are thinking of keeping it open right now with a nice fireplace going up. He added that was the thought right now.

Comm. Harger asked if they were relocating the entrance to the side.

Mr. Paniccia responded yes.

Comm. Harger referenced “A3” which indicates an alternate entrance.

Mr. Paniccia responded that the reason for that is because they had the entrance before, because it was multi-level, they could enter from here but this is just a means of egress and an architectural treatment. Actually this is the way it looks now and they are just taking that out and accessing (inaudible)...

Comm. Harger asked if that doorway was right in front of the present one.

Mr. Paniccia responded yes, it comes right out and faces the new patio. He showed another drawing and commented that when they open the door right now it is cold and in order to get a nice interlocked space, they felt it was better to come around this way. He added that if you walk in here, then you are walking in through the dining room.

Comm. Harger commented yes, in the drawing it looked like you were...she agreed with what he was saying but in the drawing, with the double columns, she commented that it made it look like you were relocating the front entrance but on A3 it said alternate entry.

Mr. Paniccia indicated that it means alternate treatment of the entryway because he was thinking about some columns with some planters to make it look classical instead of (inaudible)...

Comm. Harger responded OK.

Mr. Panico stated (inaudible) is not an issue.

Mr. Panico asked if Mr. Paniccia could speak for the owner and if he would be serving food outside in the patio area.

Mr. Paniccia responded yes, he would like to do that. He showed on the drawing where he would like to put a wall along – and he really pretty much has that right now –

Chair Parkins agreed yes, it is a white vinyl fence.

Mr. Panico indicated that their concern is if he would be serving on porcelain with cloth napkins or paper plates and paper napkins.

Mr. Paniccia responded that it would probably be cloth and porcelain but it is good point because if there are any napkins they will have to make sure...

Mr. Panico stated yes, they will have to enclose it a little bit more because it is fine on the uphill side because it is depressed, but when you get around to the parking level, it is wide open and it can be gusty through there.

Mr. Paniccia discussed the little elevation change in one location so they are planning this to have a little bit of enclosure but if they want to see more of a barrier they can do it with planting or architectural articulation.

Chair Parkins stated that for a couple of reasons – if he is planning on having outdoor seating – where his entrance is located now – if he is going to make that a patio area with seating he would not really want people sitting out on a patio at such a nice restaurant and be so open. She suggested some type of small wall or plantings to enclose that but still provide some sort of access. She thinks that would be a nice architectural touch to add.

Mr. Paniccia responded that they will do that.

Chair Parkins stated it would also address the Commission's concern about outdoor blowing debris.

Mr. Paniccia responded OK, they will do that. He indicated that he could speak for them because he has been speaking with Angelo as he speaks with the owners. He speaks more with Angelo because he wants to fulfill his needs to make this thing work – and he would like to have that but he didn't know how the Commission would feel about it. However, now he knows that is the direction to go.

Chair Parkins indicated that the outdoor dining, especially at a restaurant like that, is a wonderful thing to do but you want it to be more – well, you don't want it to be open to the parking lot. You definitely want some sort of screening there so people feel like they are at a restaurant patio rather than sitting in the parking lot.

Mr. Paniccia responded that he thinks an architectural treatment with planting would be ideal.

Comm. Harger commented that something similar to something like Vazzi's with wrought iron and (inaudible)...

Chair Parkins asked if any of the Commissioners had any further questions. She asked if this would increase seating by approximately how much.

Mr. Paniccia responded that it would decrease seating

Chair Parkins questioned that it would decrease the seating.

Mr. Paniccia responded that it would decrease seating from the approval that they had previously.

Chair Parkins responded OK and asked what the increased seating would be from the current seating.

Mr. Paniccia responded that it would be pretty much double what he currently has now but they would have more space because – now it is a little bit tight.

Chair Parkins stated that she knows that she could not get in there once because there were not enough tables.

Comm. Matto asked about the loss of quite a bit of parking.

Mr. Paniccia responded that they are actually gaining parking from the original approval.

Mr. Panico stated that the original was six but their parking requirement dropped dramatically because the whole second floor is gone. It used to be (inaudible)....

Mr. Paniccia stated that in speaking to Rick Schultz, his concern was with the refuse area. He commented that they are going to enclose that and possibly move it a little bit further back and enclose the area.

Chair Parkins stated that it was at the far end of the parking lot.

Comm. McGorty commented yes, it is pretty far back there.

Mr. Panico stated that when he comes back with his PDD application they will address it at that time.

Mr. Paniccia commented (inaudible)...

Chair Parkins commented that she gets a feeling from the rest of the Commissioners and she sees no reason why they have to have the Applicant come back. She thinks that they can make a motion to approve this.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Application #13-13 for the Modified Site Plan.

PUBLIC PORTION

Chair Parkins asked if there was anyone present wishing to address the Commission on any item not on the Agenda.

Joan Flannery, 8 Partridge Lane, Shelton addressed the Commission. Ms. Flannery stated that she wanted to clarify about the AT&T generator and tower on Daybreak Lane. She indicated that since the last meeting she spoke to her neighbors who attended the meeting. Her neighbors indicated that their reaction was in response to how the meeting was held and they were rude on purpose because they were frustrated and unable to speak. Ms. Flannery reiterated that they were frustrated because they couldn't speak and she indicated that she thinks that they should have a Public Portion or something written on the Agenda clearly stating that they can speak about it because even though the Chairman said that they would have been able to speak, if the Chairman knew that they wanted to speak and were not rude, but they didn't know that and it wasn't clear to them. Ms. Flannery commented that there has to be something conveyed on the Agenda that people in the audience can speak about things that effect them before it is voted on. She stated that was the only point she wanted to make.

Chair Parkins asked if there was anyone else in the audience that would like to speak regarding any item not on tonight's agenda.

Mark Darby, Soundview Crossing addressed the Commission. Mr. Darby indicated that he spoke to Rick Schultz on Sept. 18th and....

Chair Parkins responded that his surety reduction has been put on the agenda. He was added on and it will be coming up shortly.

Chair Parkins asked if there was anyone else wishing to address the Commission in the public portion. There was no one wishing to speak.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the Public Portion.

OTHER BUSINESS:

APPROVAL OF THE MINUTES: 8/28/13 AND 9/10/13

On a motion made by Thomas McGorty seconded by Thomas McGorty, it was unanimously voted to approve the minutes of 8/28/13 and 9/10/13.

SOUNDVIEW CROSSING SUBDIVISION: REDUCTION OF PERFORMANCE BOND.

***See attached correspondence to Mark Darby from Robert Kulacz, City Engineer dated 10/10/13.**

Chair Parkins read the letter addressed to Mark Darby, 88 Ledgebrook Lane, Southbury, CT regarding Soundview Crossing Subdivision on Soundview Avenue from City Engineer, Robert Kulacz regarding the completion of public improvements including water main extension, water service connections, and storm sewer system consisting of catch basins, piping and riff-raff channel.

The correspondence from the City Engineer indicates that the work remaining to be completed includes the permanent paving of the water main trench, water service connection trenches and storm sewer system. The monies to perform the aforementioned permanent pavement repairs have been paid to the City of Shelton by a copy of this letter to the P&Z Administrator.

Chair Parkins indicated that the letter recommends that the \$136,000 performance surety be reduced to 20% or \$27,200.

Chair Parkins asked Mr. Panico if he was in agreement with this correspondence for a bond reduction.

Comm. Flannery asked for clarification as to which property this was for.

Chair Parkins responded that it was for a subdivision on Soundview Avenue called Soundview Crossing.

Comm. Pogoda added that it was right past the Elizabeth Shelton School going towards Meadow Street.

Comm. Flannery responded OK.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted reduce the performance bond for the Soundview Crossing Subdivision property to be reduced from \$136,000 to \$27,200.

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

***See attached P&Z Staff Report dated October 10, 2013.**

Mr. Panico commented that Rick did not indicate that there was anything important in the report that had to be reviewed but just to distribute it.

Comm. Pogoda indicated that at the next Zoning Subcommittee they will be discussing the medical marijuana and begin to formulate those regulations.

Comm. Harger stated that she attended that last Downtown Subcommittee Meeting via conference phone and it was run by Chair Parkins. They discussed Angelo's, Kyle's Korner. Chair Parkins added that Mr. Watts and his son joined the meeting and they told him what would be required from them.

ADJOURNMENT

With no further comments, Chair Parkins requested a motion to adjourn the meeting.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary