

SHELTON PLANNING & ZONING COMMISSION

OCTOBER 23, 2013

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, October 23, 2013 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda
 Commissioner Virginia Harger
 Commissioner Elaine Matto
 Commissioner Nancy Dickal (alternate)
 Commissioner Ned Miller (alternate for T. McGorty)
 Commissioner Joan Flannery (arrived 7:02 p.m.)

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

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

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Parkins called the special meeting of the P&Z Commission to order at 7:00 p.m. in the Auditorium with the Pledge of Allegiance and a roll call of members present. She reviewed the procedures for a public hearing and cell phone usage during the meeting for the audience. She requested the P&Z Secretary to read the Call of the Hearing for the public hearing for Application #13-12.

P&Z Secretary, Virginia Harger read the Call of the Hearing for Application #13-12 dated October 10, 2013 and three pieces of applicable correspondence.

APPLICATION #13-12, LDL PROPERTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CHILD DAY CARE CENTER), 48 LONG HILL CROSS ROAD (MAP 50, LOT 16), LIP DISTRICT.

***See attached correspondence addressed to Richard Schultz, P&Z Administrator from Sgt. Peter Zaksewicz, Shelton Police Traffic Division dated 10/23/13.**

***See attached correspondence addressed to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated 9/13/13.**

***See attached correspondence addressed to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal dated 10/23/13.**

John Ruffalo, John Ruffalo III Architects, 415 Howe Avenue, Shelton addressed the Commission representing Ms. Laura Lipinski of Wonder Years Learning Center.

He indicated that Alan Shepard, P.E. was also present from Nowakowski, O'Bymachow & Kane to discuss the site and A-2 Survey which has been prepared for this project.

Mr. Ruffalo indicated that he would quickly go through the project and added that as the Commission is aware, this is an existing residential dwelling located on Long Hill Cross Road. The approximate square footage of the first floor is about 1500 square feet and the basement area is about 1300 square feet. The upper floor is approximately a 500 square foot area which will be used for different age groups of children during the day.

Mr. Ruffalo provided a site rendering and explained that what they have done in reference to the driveway entrance – and there is only one entrance into the site – they have widened out the driveway entrance to about 24 feet in width. They've extended it back to the back property area behind the house which they are planning for a parking

area with 19 parking spaces including one handicapped parking space to meet requirements.

Mr. Ruffalo stated that they were also looking at, and Mr. Shepard will discuss the drainage situation, to maintain the drainage on the property. He commented that just north of the left side of the house, there will be a fenced recreation area for the children. Mr. Ruffalo commented that additionally, because parents will be bringing children into the back parking lot and into the house, they have created a ramp system which pretty much follows some of the grade area that will extend up into an existing room on the first floor which will be used as a reception area for parents and children. He indicated that the children, based upon their age group, will be dispersed around different areas of the house.

To familiarize the Commission with the elevations, Mr. Ruffalo provided another rendering of the front of the house as it presently exists. He indicated that there is a porch on the left hand side that has a door at this time which enters into an addition that was put on the house many years ago. He indicated that they would be removing that door for internal reasons and they will be installing an internal ramp because there is some stepping inside the house where they need to create handicapped accessibility to the floors. He added that that door would be moved to the side of the main house.

Mr. Ruffalo showed the location of the lower level garage area which would be used for infant care. He added that they would be creating an entrance with a covered area so people can come in from the parking area under a sheltered area to access the renovated garage area where the infant care will be located.

Mr. Ruffalo pointed out the location of the beginning of the ramp that comes into the main house. He showed the backside of the house and pointed out that the ramping was quite extensive and follows a lot of the present grades there that are natural. It extends up into a room area which will be winterized. Presently, it is a glassed in, sort of closed porch area.

Mr. Ruffalo indicated that was a general overview of the project and he introduced Mr. Shepard so that he could discuss some of the site characteristics.

Mr. Alan Shepard, P.E., Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton addressed the Commission. Mr. Shepard provided a site plan and stated that they conducted an A-2 Survey which was provided in the packets given to the Commissioners.

He commented that they did do a stamped, sealed site plan. He explained that in going over the site plan with the Applicant, there are sight line considerations out there that need to be resolved and the Applicant is aware of that.

Mr. Shepard showed the location on the site plan where they would have to put a stopping platform and raise the driveway up about two feet, coming 20 feet into the property and that there would be about 2 feet of fill there. He explained that they have to get up over – up high enough- to see down the road. He commented that work would have to be done and they would have to clear some trees in the right-of-way as indicated on the map.

Mr. Shepard explained that the driveway would come around in the back, there would be about 10 feet of fill in the westerly corner and that would go down to about 4 feet of fill. He indicated that for the drainage, they have 4x4 galleries, about 140 (inaudible) – he added that he knows that they are pretty good size galleries. He showed the location of a secondary pond that overflows to a flow spreader. He stated that because they have no direct outlet off of the property, the Applicant was made aware that they would have to provide an extensive drainage system. He added that the grades would have to be filled in and brought around (inaudible)...He stated that he hopes that they've addressed those comments on their site plan that the Commission did not have before. He reiterated that they are aware of this and the Applicant is willing to do that work.

Mr. Shepard offered to answer any questions that the Commission had regarding the site plan.

Chair Parkins asked about the fill that they would be bringing in to raise what she assumes would be the end of the driveway – she asked if it would create a hazardous situation trying to get out in icy or snowy conditions.

Mr. Shepard responded that was his concern when he went over to the site with the Applicant. He continued that right now that road has – as the Board knows, he is familiar with this road for other reasons – the road has some concerns. He stated that they have to put a stopping platform so that the cars aren't going up and out of the driveway. He added that right now, it is going up out of the driveway – it is presently a residential driveway so it isn't the end of the world but once you get more traffic in there...he stated that there has to be a decent platform there so the cars aren't down in a hole coming out but actually at road grade, if not going slightly downward.

Mr. Shepard stated that one reason is so that cars can see that there is a little dip in the road – traveling this road – it is like a country road which is now being used as a main thoroughfare. He added that someday it will have to be fixed but to get over that hump that is talked about in the Traffic Report – which is correct, there is a hump – and they have to get up over it to see it. He explained that he took the information that he had about the road and raised this platform up high enough so he could get 325 linear feet of sight distance going up and down the road. He reiterated that they know they have to do some work there and they don't want to create a hazardous condition.

Chair Parkins commented that she was wondering if they were going to take a hazardous condition and make it an extremely hazardous condition because right now, to get up the slope, you'd have to floor it...

Mr. Shepard responded no, it is not that drastic.

Mr. Panico asked what kind of grade he would have on the driveway.

Mr. Shepard responded that it will come down and with the stopping platform, it works. It will be 8% down and then it will flatten out in the back. The back, the parking lot area is 2 or 3%, but he does have to fill in front of their garage doors. He spoke to the Applicant about that because he is filling up the front; he has to carry it right down the driveway. He added that they don't want to use the garages here anyway but they will have to bring the fill in by those garage doors.

Mr. Panico asked if he was going to maintain access at that level.

Mr. Shepard responded not for the garages.

Mr. Panico asked if that means that they would not have access to the infant's level.

Mr. Shepard responded yes they would, for walking.

Mr. Panico commented that is what he meant, for walking access.

Mr. Ruffalo indicated that for walking access, they are providing a new door. The garage doors go away and become windows to let more light in.

Mr. Panico asked if the filling that takes place is going to protect the walkway to enter it. He asked if that was correct.

Mr. Ruffalo responded yes.

Mr. Shepard added that the entrance door will be around the back but they won't use that as a garage anymore.

Chair Parkins commented no, but it is going to be the infant room now.

Mr. Shepard responded yes, from the inside of the building.

Chair Parkins asked how much fill he was bringing into the front of that area that is going to be the infant area.

Mr. Shepard responded 2 or 3 feet so they can do it with a little hip wall there.

Chair Parkins asked if they wouldn't then have a couple steps up into the area.

Mr. Shepard responded no, John will explain the floor plan of that a little bit more.

Mr. Ruffalo explained that they are looking at trying to take the parking level at that almost grade level of the garage area so it is more of a walking area.

Chair Parkins asked if he means than it is now.

Mr. Ruffalo responded yes because it is a little lower now in the back.

Mr. Panico stated that the question is - how much of a change in driveway elevation is there in front of the proposed access to the infant room.

Mr. Shepard responded about 2 feet but their back walkway, where the door is being moved to the back, will be on grade.

Mr. Panico asked if they were going to access the infant area from the back.

Mr. Shepard responded yes, from the back.

Mr. Panico commented OK from the back, not from where the old garage door was.

Mr. Shepard responded yes, from the back because you can't go in that way.

Chair Parkins stated that is what it shows on the drawing though – accessing it from the garage door area. She asked if that isn't what was being shown on the drawing of the infant area – the little portico on top of the infant area.

Mr. Ruffalo referenced the drawing and showed the location of the garage doors and where the entrance would be on the side of where the garage area is. He explained that when Alan talks about the levels – when they fill back in for the parking area, they are going to be down to the level of just about floor area because it drops off that way existing (inaudible)...

Chair Parkins commented that she understood him to say that he had to bring in the fill from the top of the driveway down so she thinks they are conflicting here.

Mr. Shepard responded yes, he did say that. He explained that the site rendering is maybe a little bit incorrect but there will be filling on here. He showed the location where there would be two feet in one area and down to nothing on the back.

Chair Parkins responded OK.

Mr. Shepard stated that in the front part he'll have about 2 feet of fill and it will taper down to (inaudible)...

Chair Parkins responded that she got it – OK, so he will not be increasing it 2 feet in front of that door area.

Mr. Shepard responded no, in the backside of the building it will be on grade. They will be over there at 214; the garage is 213.8 – so virtually the same elevation.

Mr. Panico stated that was different from the last set of plans that he provided then

Mr. Shepard responded yes.

Mr. Ruffalo added that the first set was preliminary on that.

Mr. Panico stated that the entire treatment of that side entrance now is removed and relocated to the back.

Mr. Ruffalo responded correct.

Chair Parkins stated that no, it is not to the back. It is still to the side where the garage is – it is just toward the back of the...

Comm. Harger commented no, it is around the corner.

Chair Parkins asked if it was around the corner.

Mr. Panico asked if it was around the corner or not around the corner.

Mr. Ruffalo responded that it is not around the corner. It is on the corner.

Mr. Shepard stated that it was on the backside of the corner.

Comm. Harger asked if it was correct as it was shown on the drawing.

Chair Parkins clarified that it is to the far end of where the garage doors were – the far end of the building.

Mr. Ruffalo responded yes, that's correct. He showed the Commissioners on their drawings, the location of the door.

Mr. Panico stated that now he's going to have 3 feet of fill in that location.

Mr. Ruffalo responded no, he showed the location where the 2 feet, not 3 feet of fill would start and then taper down.

Mr. Panico stated that is what he asked Al – what is the change of grade at the low end of the garage.

Mr. Shepard responded that he misunderstood his question and explained that the high end of the garage is 2 feet and the low end is zero.

Mr. Panico stated that by the time that they get to the low end, they are at the existing grades.

Mr. Shepard responded yes, correct.

Mr. Ruffalo stated that one of the other things that he wants to go over on this site plan is to let them know that the existing sanitary system is a septic system. He indicated that they would be abandoning that and tying into the existing City sewer area that is on the property.

Mr. Ruffalo stated that the other thing is that Mrs. Lipinski had – there is a private well which she had tested by the State and it is acceptable for use at her facility according to Statute #17 in the State Regulations but there is also a waterline that does come down Long Hill Crossroad just north of her property. He indicated that they are looking at and she is planning to tie into that. He added that it was about 200 feet or so.

Mr. Panico commented OK, they will have public water.

Chair Parkins stated that they will tie in and asked if it would be done prior to the establishment of the daycare and not later on.

Mr. Shepard responded yes, prior to the daycare. He showed the site plan and pointed out Route 8, Bridgeport Avenue, Long Hill Cross Road and the water line shown in black which goes down in front of the buildings so they would have to extend it and bring it in. He added that normally, if it is half the distance of the property they would have to go down the road to come in so at least they have it close by.

Mr. Panico asked how long an extension it was.

Mr. Shepard responded 200 feet.

Comm. Flannery asked if that would be going to the public road.

Mr. Shepard responded yes.

Comm. Flannery asked if they would be paving it.

Mr. Shepard responded yes, that will be a part of the process. He stated that they will have to talk to with the Town Engineer and the Water Company. He indicated that he hoped they could do a patch there, per se and not an overlay because sometimes the town asks for an overlay. He stated that he would rather do a patch because someday that road is going to get fixed anyway and he'd hate to have to do a whole overlay.

Mr. Panico asked if the water line would be in the travel lane and not in the shoulder.

Mr. Shepard responded that they were going to ask them if they can put it in the shoulder. He reiterated that they will ask because there is plenty of shoulder up there to put it in but they may tell them; however, if they could get it in the shoulder, he would prefer it.

Comm. Flannery asked if it would be their expense and the City's expense.

Mr. Shepard responded yes, it is their expense and that is why they would try to work that out with the Engineering Dept. to minimize their expense but at the end of the day, they still have to do work in the City's right-of-way so it is up to the City. He added that they recognize that they have to attach this to City water.

Chair Parkins commented that one of the problems with patching though is that three months down the line, it starts settling and then there are big dips in the road which create a hazardous situation when people start flying down Long Hill Avenue.

Mr. Panico stated that the majority of the developable frontage is on the other side of the street which is the other thing that they are fighting with.

Mr. Shepard responded yes, right. It is not an optimal situation but they work out these situations and they work it out with Staff and the Engineering Department and they are pretty fair. Sometimes they will make us do the overlays but if they can demonstrate that they could – if they are going to widen that road anyway then they can do the grading, put it in the shoulder and someday it is going to be widened out on the shoulder then maybe they'll want that because they'll have a proper base down and have it all set up and they won't have the situation that Ruth was talking about.

Comm. Flannery stated that she was concerned that this is setting a precedent because everyone else is on well water and septic in that neighborhood. She added that means any neighbor could hook into it and they already had the WPCA come in and tell the Commission that they are overloaded now.

Mr. Panico commented that he is just talking about the water though.

Comm. Flannery stated it was the water and the sewage.

Mr. Panico responded that he's talking about just the water and continuing (inaudible)...

Comm. Flannery stated that it was the water and the sewage though – he is doing both.

Mr. Panico asked Mr. Shepard if they had on-site service and added that they have the existing trunk line that runs through there.

Mr. Shepard responded yes, they have an existing trunk line that runs through the property.

Mr. Schultz stated that they need to hook up because they have the septic and well. The house is being served by private well and on-site septic.

Mr. Shepard stated yes, but they do have a trunk line.

Comm. Flannery stated that they are going to be flushing the toilets a hundred times more per day than a regular family.

Chair Parkins responded yes, that is why they are hooking up to the sewer line.

Mr. Shepard responded right and that sewer line going down there is not a problem because it is a good sized sewer line. It is a main feeder line so that they have plenty of (inaudible) in and it is not so much of an issue. He commented that the water is more of an issue because of what they have to do to get it onto the property could add cost to the Site Development Plan for the Applicant -but not for the Town.

Chair Parkins asked for some information on the proposed use such as how many children are going to be served and the daycare hours of operation.

Mr. Ruffalo introduced Mrs. Laura Lipinski, the Applicant who can answer those questions for the Commission.

Mrs. Lipinski stated that she was the owner of the Wonder Years Learning Center and of the current LDL property. She indicated that she currently runs a program in the First United Methodist Church on Long Hill Avenue and Rocky Rest Road and they are licensed for 53 children there. She indicated that this site would be very close to the same numbers – they may have one or two more going to maybe 55. She thinks that they have the parking spaces but she doesn't expect it to be much larger.

Mrs. Lipinski indicated that she would like to submit a list of parents who have signed – it is her current enrollment and they do plan to stay with her and make the move. She added that the parents are aware of it and support her move there.

Chair Parkins asked for a breakdown of the different age groups of children she would have and about how many in each age group.

Mrs. Lipinski responded that she would have infants and toddlers. She stated that she is licensed for 24 but currently takes 20 infants and toddlers and she plans to keep that number. She stated that she is licensed for 29 school-aged children and they expect to stay at 29 - 30.

Chair Parkins commented that is only 49 and asked what ages the other 5 or 6 children would be.

Mrs. Lipinski responded that in the pre-school range they may end up with the extra four, in the toddler range. She added that they do it by groups of 8 and adding; it is a 1:4 ratio. Once they come out and measure exactly – they are expecting it to be pretty close.

Chair Parkins asked if the school-aged children would be a before and after school program.

Mrs. Lipinski responded yes.

Chair Parkins asked what her ratio was for teachers to infants/toddlers.

Mrs. Lipinski responded 1:4.

Chair Parkins asked if for 20, she would have 5 teachers for the infants and toddlers.

Mrs. Lipinski responded yes.

Chair Parkins asked what the ratio was for pre-schoolers.

Mrs. Lipinski responded 1:10.

Chair Parkins asked if she would have 3 teachers there.

Mrs. Lipinski responded yes because they expect to have 8-9.

Chair Parkins asked if she means 8 – 9 employees, including herself.

Mrs. Lipinski responded yes.

Comm. Flannery asked what the oldest age of a child would be.

Mrs. Lipinski responded that she takes them up to 10 years old right now. They only accommodate Long Hill School.

Comm. Flannery asked if was not just pre-school.

Mrs. Lipinski responded no, it is not just pre-school. They have infants, toddlers, pre-school and a before and after school for children up to 10 or 4th grade. She added that they are licensed up to age 12 but she takes them up to 4th grade because that is what Long Hill School accommodates.

Comm. Pogoda asked if she had transportation to pick up these children before and after school and if she used her own vehicle.

Mrs. Lipinski responded that they don't – they only take children from Long Hill School so they have been offered a School Bus Stop for the school bus within their district. She added that they have a school bus stop at their current location and they would just move and put the school bus stop there.

Comm. Pogoda asked if a school bus would be stopping at the driveway then.

Mrs. Lipinski responded yes.

Comm. Flannery asked if there would be any 5th graders from the 5th and 6th grade school.

Mrs. Lipinski responded no, they have no 5th or 6th graders from the Perry Hill School.

Chair Parkins asked if it increased at all during the summer for summer camps for school aged children.

Mrs. Lipinski responded that they do take them all day in the summertime for a school aged program.

Chair Parkins asked if it would just be the students from Long Hill School or would it be from anywhere.

Mrs. Lipinski responded that it would be the same number of children but she does take them from elsewhere during the summer. She added that some of the Long Hill children go to other programs, and she'll have some siblings and usually she will have one or two from out of town.

Mr. Panico asked if it would be just one school bus stopping, one school bus from Long Hill and no different schools.

Mrs. Lipinski responded just one – one bus in the morning, one for afternoon kindergarten and one bus at the end of the day.

Chair Parkins reiterated that it was just one bus in the morning, one for afternoon kindergarten and one at the end of the day.

Mrs. Lipinski responded yes and added that right now they have had all of their children in one session for kindergarten so they have only one bus – not a pick up and a drop off bus – it is just a drop off bus.

Mr. Panico asked what her hours of operations were.

Mrs. Lipinski responded the hours are 7 a.m. to 6 p.m.

Mr. Panico asked Alan Shepard if a school bus stops in that low part of the road would there be a visibility problem with traffic seeing it - he added that if they have to elevate the driveway in order to get sight distance...

Mr. Shepard responded no, if the school bus stops in front of the building here then that dip – he added that if any of the Commission members want to take a look at the road up there – he commented that if you were sitting at the office building there and looked down the road, you can always see the top of the cars. So if there is a UPS truck there, it can be seen clearly. He indicated that the sight line is not like a bad curve. The sight line is bad because that road is not uniform in grade. He commented that you can actually see it when you are out there. You like to have eyesight to eyesight but it is not so bad that you can't see the top of the cars. It is a little bit raised up but they do have to do some clearing of trees and brush.

Mr. Shepard stated that if they were going to have multiple buses going in and out, he would probably do something different with a turn around inside of the property, but it is just one bus from one school. He suggested that maybe that could be one of the Commission's stipulations if they choose to do that. He stated that it would be no different than if this was kept as a residential house that could have school bus stop there.

Chair Parkins commented that theoretically they could have four stops a day there.

Mr. Shepard responded yes, right and they are going to have that either way.

Mr. Panico added that the difference with a residential stop is that they aren't picking up 7, 8, 9 or 10 kids. The bus is there for a longer time.

Mr. Shepard responded yes, you are there for a longer time. He agreed that this is not the property for multiple drop-offs. If this was a bigger facility then they would do something out there but if it was limited, and obviously it could be in their stipulations, if they decide to go that way. He added that it is a bus and you can see that bus because it is not like it is a bad curve; it is a bad road.

Comm. Flannery asked if there would be any residents living in this facility.

Mrs. Lipinski responded no.

Comm. Flannery asked if everything was going to be removed and it was just going to be for a school now.

Mrs. Lipinski responded yes.

Comm. Flannery asked if it will no longer be a residence.

Mrs. Lipinski responded no.

Mr. Panico stated that it is a commercial daycare operation that is operating out of a residential structure, that's all.

Comm. Flannery responded, OK, there are no residents.

Mr. Panico stated no residents unlike other provisions where you can occupy it as a residence and have a limited number of children. This is one case where it is an independent, non-resident operation.

Comm. Flannery asked how they can have that in a residential neighborhood.

Mr. Panico responded that it is not a residential neighborhood; it is an industrial zone.

Chair Parkins added that it was LIP zone.

Chair Parkins asked if there were any questions from Comm. Harger or Comm. Miller.

Commissioners Harger and Miller had no questions.

Comm. Matto asked what a stopping platform is.

Mr. Panico responded that it is a level area at the top of the driveway where you can stop before you enter the traffic on Long Hill Avenue.

Comm. Matto stated that she got that idea but she can't picture it (inaudible)...

Mr. Panico responded that right now, entering the existing driveway from the road, you immediately go down so if a car is sitting there, the eye of the driver is too low to have adequate sight distance. They are proposing to create a level area, in effect, slightly raising the car so that the eye level of the driver is raised 18 inches to 2 feet; thereby increasing their ...

Comm. Matto commented that it just sounds like they are leveling the driveway with the road.

Mr. Panico responded yes, they are providing a level area and then they are starting the down slope.

Comm. Pogoda stated that he thinks she understands it now.

Mr. Shepard added that was the driver for bringing in more fill onto the driveway. One of the first things (inaudible)...he did mention to them that the driveway is going to look different than what they have right now.

Comm. Matto asked if there were any two-way traffic issues at the driveway.

Mr. Panico stated that the driveway has to be wide enough for two-way traffic.

Chair Parkins commented that it was wide enough (inaudible)...

Mr. Panico stated that for what they are showing right now – 24 feet.

Mr. Ruffalo responded yes, that's correct.

Mr. Panico stated OK, that is plenty – 22 to 24 feet is ample. There will be a radii at the end.

Mrs. Lipinski stated that they will have arrows pointing showing which way to go, in and out (inaudible)...

Comm. Matto asked about lighting on the driveway.

Mrs. Lipinski responded that there is lighting around it but there are just a couple of small poles. It is really a back parking lot so there really wouldn't be a lot of lighting (inaudible)...

Comm. Matto commented about the lights - for getting in and out in the dark.

Mrs. Lipinski responded that when it is dark (inaudible)...

Chair Parkins asked if that utility pole directly outside the driveway was a light pole.

Mrs. Lipinski responded that she couldn't recall if it was a light pole.

Chair Parkins commented that then there is no light directly at the access point.

Mr. Ruffalo responded (inaudible)...there is a lamppost there at the end of the fence at the driveway (inaudible)...in their next phase they will be looking at a lamppost there (inaudible)...

Chair Parkins asked Mr. Ruffalo to repeat his comments with the microphone.

Mr. Ruffalo repeated that there is an existing lamppost, a residential lamp post at the end of the existing wooden fence there and they are going to be looking at, in the next architectural phase of this, about lighting in that area. He added that he doesn't think that the existing pole there, which he thinks it is a UI pole - he doesn't think that there is any light on it for the road.

Chair Parkins stated that she would be concerned about that – the fact that there is no light directly at that driveway; especially because it gets dark at 5 p.m. now and they are open until 6 p.m. People will be coming and going on a very busy road.

Mr. Panico added yes, especially then because it is commuter hour.

Chair Parkins restated that it was a major concern.

Mr. Ruffalo reiterated that there is a lamp post there and they will be looking at the lighting all through there for the winter hours, lighting the parking lot and everything with cut-off lights.

Comm. Matto stated that they were talking about lighting at the entrance for the most part.

Mr. Ruffalo responded yes, you still have to have the cut-off light.

Comm. Pogoda asked if there would be lighting on the walkway.

Mr. Ruffalo responded yes, they are probably going to provide the lighting off of the house to illuminate the land area.

Comm. Pogoda commented that it is quite a long way for youngsters to walk. He realizes that they will be accompanied by parents but still in bad weather and things like that; he hopes there is enough lighting back there.

Mr. Ruffalo responded that there will be and yes it is a long way – they will certainly get their exercise every morning and afternoon.

Mrs. Lipinski commented that most of the (inaudible)...

Mr. Ruffalo added that in the drawing, there are light posts in the parking area.

Comm. Pogoda asked if they were going to be enough to illuminate the walkway.

Mr. Ruffalo responded that the lighting for the walkway is going to come off of the house. They are going to put lighting and have it shine down from the house onto the walkway.

Comm. Pogoda asked if it was just going to be one light.

Mr. Ruffalo responded no, they have two or three along there.

Chair Parkins asked if he was talking about spotlights – like motion-type lights.

Mr. Ruffalo responded yes, spotlights, yes, probably motion type lights.

Comm. Harger asked if they have any provisions for outside garbage disposal containers or a dumpster.

Mr. Ruffalo responded that they don't have any large containers – he isn't quite sure with this program how that works in terms of disposable garbage and everything – whether it is trash cans.

Mrs. Lipinski responded that they do have a dumpster.

Mr. Ruffalo commented that he would imagine it would be a small dumpster.

Mrs. Lipinski responded that (inaudible)...

Mr. Ruffalo responded that they will have to work that in. It is probably just a 2 or 3 yard dumpster. From what he understands they do have a dumpster which they will place in there and it will be shielded in there.

Comm. Pogoda asked if the dumpster containment area or receptacle would be enclosed.

Mr. Shepard responded yes, enclosed.

Comm. Pogoda asked if it would have a door in front.

Mr. Ruffalo responded yes.

Comm. Harger asked to be shown the location for the proposed enclosed dumpster on the drawing.

Chair Parkins pointed out that it was located to the far right.

Mr. Panico asked Mr. Ruffalo if he could explain the movement of children between the house and the play yard.

Mr. Ruffalo asked Mrs. Lipinski to explain that.

Mrs. Lipinski showed the location of the play area on the site drawing and explained that there would be two ways that they would be able to access it. She indicated that there was an entrance out in the front in which they could get to the play area but they will most likely use the back entrance off of the ramp. She showed how the ramp will come back here and there will be a landing there and it will be open to the playground. The children will step down and get into the play area that way. She added that everything is pretty much toward the back. There is the another access but this would be their preferred way.

Mr. Panico asked if it needed to be a protected walkway or if the children are escorted to and from the play area.

Mrs. Lipinski responded that they are escorted and it would be because the ramp will have railings and it goes right off of the building.

Mr. Ruffalo commented that the ramp is almost at grade at that point so the step off area is going to float into it.

Chair Parkins asked if they could show on this drawing where the step off to the play area would be.

Mrs. Lipinski showed the location of the step off right behind here...

Chair Parkins asked for clarification that they come off that door, go down that first part and then step off into the play area.

Mrs. Lipinski responded yes.

Mr. Panico asked if it would be about where the landing is on the walkway.

Mr. Ruffalo responded yes and it is just about grade there.

Mr. Panico asked if the railing would need to have a gate or something.

Mr. Ruffalo responded yes.

Mr. Panico commented that the play yard fencing should tie into that at some point.

Mr. Ruffalo responded yes, gated.

Mr. Shepard reiterated that they need a gate. They have a detailing on the drawing. There should be a gate right there. It is set up to be a 219, here's the 218 and here's the 220 so they are right at 219 elevation right there. It was set up so that the kids could go right in there.

Chair Parkins asked how large the play area would be.

Mr. Ruffalo responded that he believes the play area is about 1500 square feet.

Comm. Pogoda asked if he said 1500 square feet.

Mr. Ruffalo responded yes.

Chair Parkins asked what type of material would be used to fence in the play area.

Mr. Ruffalo responded that they haven't totally decided upon that.

Mrs. Lipinski responded that right now at her current center they have a chain link fence.

Chair Parkins commented yes, so all of the apparatus is visible. She asked if that was correct, if all of her apparatus was visible.

Mrs. Lipinski responded yes it is but the apparatus that is in their playground - and she indicated she would show the Commission on a hand-out with photographs regarding her program.

Mrs. Lipinski provided hand-outs and explained that since 2007 they have changed their curriculum to a holistic and nature-based curriculum. There is information provided in the hand-out. Last year at her current center in 2012 they have worked toward Nature Explore Certification which is a program offered through the Arbor Day Society. She showed in the hand-out some of their current goals for their current playground, but of course, they are planning to move. She added that they have been working on this and referenced the photos showing the type of play area it would be.

Mrs. Lipinski referenced the last two pages of the hand-out which shows pictures of their current playground. She indicated that they have one last shed there but they have taken out all of the plastic and replaced it with wood, gardening areas and more natural-looking

things so apparatus wouldn't really be in that area. She indicated that they don't really do that plastic kind of climbing equipment with their program.

Comm. Flannery asked if there would be any swings.

Mrs. Lipinski responded that they don't have swings at their current center. Swings are dangerous because children get bumped with them so it is really an outdoor classroom that they are going for and that is what Nature Explorer is so it is play area that is broken up into a lot of different classroom areas such as water, sand, digging, gardening, and building. She referenced that different types of things that are shown in the photos of their current area.

Mrs. Lipinski stated that is what would be visible. It is chain-link fence and then they also have shading that can be added but it is hard to see in the pictures but they are little panels that they added which are made out of leaves and bamboo to close it in and get attached to the wire. She indicated that there are a lot of other creative ideas out there.

Mr. Panico asked if State Regulations require that the play area be accessible all year round. He asked Mrs. Lipinski what happens in the winter if they get a lot of snow.

Mrs. Lipinski responded that they just go out there. They put snow boots on the children and get them outside even if it is just for a short while. She indicated that they do have regulations if it is too cold, then the children should not be brought outside and they will then accommodate them inside.

Chair Parkins asked if she didn't have any Little Tikes playhouses or anything like that outside.

Mrs. Lipinski responded no, but she has a couple that are the last few things in her other center. They did half at a time so this was the half that was finished (inaudible) but no, she got rid of everything.

Chair Parkins commented that what they are saying then is chain-link, a vinyl type chain-link fence.

Mr. Ruffalo responded that he thinks that what Mrs. Lipinski was saying, a chain-link and the use of some natural materials and interweave or apply it through the links for a natural look without using wood.

Mrs. Lipinski commented that if it was required and they wanted a PVC that would close it in then they could do that so it can't be seen from the street but the chain link gives them the opportunity to add those things to it but they could do chain link around the back and close that part in.

Chair Parkins responded that their regulations require screening around outdoor recreation areas.

Mr. Panico asked if the sanitary manhole being in the center of their play area would be any type of a detriment.

Mr. Ruffalo responded that he does not think it will be but Alan probably wants to comment on that.

Mr. Shepard commented that as far as the sanitary sewer manhole there, he suspects that they may have to go to a rubber gasket manhole cover because it takes the whole lower Bridgeport Avenue to a pump station up through. He continued that when you have waste that goes to a pump station, a lot of times it goes anaerobic and you'll get that sulfur smell. He stated that he had been out there and he hasn't smelled any strong odors from it but because he deals with this stuff a lot, he knows that there could be a chance of it in the summertime. He added that he has not been out there in the dead of the summer but he suspects it will have to go to a sealed gasket.

Mr. Shepard explained that in that case they take off the regular manhole, put a sealed gasket which locks with a key and no child is going to be able to lift up a manhole cover with a lock/key, rubber gasket. He reiterated that he suspects that they may have to do that but other than that there is no other inherent problems with that.

Comm. Flannery asked if there would be anything around the pond so that the kids can't go in it.

Mr. Ruffalo responded that it isn't really going to be a pond where they have to fence it.

Mr. Shepard explained that it will be a dry detention area so that is not going to hold water normally. He added that yes, sure, if they have a 100 year rain storm event, there will be times when major storms will cause it to fill up a little bit but he does have the side slopes on a 3:1 side slope so it is like a lawn. Mr. Shepard indicated that he thinks if they have a fence – something around the parking area and something around the playground area, it is adequate because it is not a steep detention area or like a riff-raff slope. He reiterated that a 3:1 side slope is like a lawn area. He added that he wouldn't want to make a steep detention area.

Comm. Pogoda asked how deep it was.

Mr. Panico asked if it was detention or retention.

Mr. Shepard responded that this, the way he has it right now it is retention for retaining the water. He could change it into a detention ...

Mr. Panico commented that if it is detention then the water is not there very long. If it is retention then it could be there for days.

Comm. Pogoda added yes, then it ponds.

Mr. Shepard responded that he will have an outlet for it. First, he has it going into the 4x4 galleries – he has 104 feet? (inaudible) of 4x4 galleries. It has to fill that up first before it even gets to an open surface area. He commented that he has a pretty good size (inaudible) before it even gets there. He stated that he has opportunities with the outward control structure that he has there. If it drains, if these things drain more, if it stays there for more than two days, then he has a system for a perforated pipe on the bottom of it rather than stone and filter fabric and they can drain that out. It is a quick fix.

Mr. Shepard stated that in these drainage systems when they don't drain as well but he did a soil test out there. He did it by hand and the soil is pretty good out there so he thinks it will drain pretty well. He reiterated that he did take a look at that and he thinks the soil is surprisingly good.

Mr. Panico asked if by draining he means percolates.

Mr. Shepard responded yes, percolate. He stated that it actually surprised him so he does not think he will have that problem but if he does have that problem, he has a fairly easy solution to fix it.

Mr. Panico asked what happens if he has that problem in the wintertime and the ground is frozen solid. He asked where his fail-safe would discharge to if they all of sudden that get a heavy rain where they start retaining quite a bit of water.

Mr. Shepard explained with the site plan, that the first drainage is to the 4x4 galleries which has to fill up all the way.

Mr. Panico responded right, but let's say that it has gotten to the point with a heavy rain in the middle of winter with everything frozen.

Mr. Shepard showed on the site drawing that if it overflows to here, it goes to his outlet structure and he has a high level overflow. He showed an area there which he referred to as a flow spreader – he explained that he had a series of backward flow spreaders.

Mr. Panico responded OK, that was what he was looking for. He is going to put into a level spreader and then distribute it over the property line.

Mr. Shepard commented yes, and it is nice out here because he has little crests in the stone wall down there so by having these chamber (inaudible) it should equalize the flow. He showed his flow spreader stepping down into the chambers in between to make sure that they all get fed equally. He stated that because there is a little crest there it will kind of feather out into different directions.

Mr. Panico stated that he is sure that the City Engineer will have an opinion once he looks at his Engineering Site Plan.

Mr. Shepard responded yes and he will work that out with the Engineering Department. He indicated that this is generous enough that he can do detention or retention – whatever the City Engineer feels comfortable with. He can flip that outlet around one way or another. His sizes are generous.

Comm. Flannery asked if it would be good to have a fence around that area so no one can drown in there.

Mr. Shepard responded that he does not think that they need it but if the Board wants it (inaudible)...

Comm. Flannery responded that she could just see one 2-year old running away and getting lost there.

Mrs. Lipinski commented that her ultimate plan is to really secure it with a type of gardening fence.

Comm. Flannery stated but it could happen even when they are getting out of the car in the parking lot.

Mrs. Lipinski responded that she would prefer to make a safe place for them, through the woods and clear it, so that they can't get out even to the woods. She indicated that they have discussed that because it is always a concern with her as well so inside would be something almost invisible that would really close them in so if any of the kids got out, God Forbid, because there is a lot of property too and it is back where they wouldn't be using it. She stated that is probably the plan so it would be almost fenced in but it wouldn't be fenced in around it but they wouldn't have access to it. Mrs. Lipinski stated that it would almost like invisible within the wooded area. She stated that there would be fencing around the parking lot too.

Comm. Flannery indicated that she is concerned about a child getting out of the car and not waiting for their parent and running in the wrong direction.

Mrs. Lipinski responded yes, of course. There would be two protections back there. If that is what they prefer – she could put it around that if they prefer.

Mr. Shepard commented that with that being said, she is willing to fence off the area. She was planning to do it anyway.

Mrs. Lipinski responded yes.

Comm. Flannery commented that she is a teacher so she knows what kids do.

Mrs. Lipinski responded yes, and we thought of it too. It is a big area so, yes, it wouldn't be chain-link fence. She is looking for something that could serve as a barrier there so if

the child does run away and the parents run after them then they could get to it. As long as there is something stopping them, then they'll be OK.

Chair Parkins asked if she had any plans for expansion because it is an awful lot of area unused and not LIP zoned.

Mr. Ruffalo responded that he does not think that there are any plans for a structural expansion at this time.

Mrs. Lipinski responded that the plan is to preserve it. It is a nature curriculum and that is her draw to this location.

Chair Parkins stated that it is also an LIP zone.

Mrs. Lipinski responded that she understands that. Her plan is to preserve it. They would like to put safe walking trails in there; obviously, that is a law. They want to be there for a really long time so this is an area where they can safely go and they can identify trees and see natural wildlife with an outside area to support the program. She reiterated that she was kind of all about preserving it. She knows it is LIP but it is going to have her business on it.

Mr. Ruffalo commented that they have a lot of office parks with big lakes, walkways, trails and running areas. He added that he didn't see a big difference in this other than it is little kids now instead big people.

Chair Parkins stated that LIP and open (inaudible) ...are two different things

Mr. Ruffalo stated that is why over the last 25 years they have to this natural environment thing where we want these nice office parks and buildings with beautiful landscaping and everything.

Mr. Panico stated that one of the things that he thinks the Commission is wrestling with is that is an LIP zone and this is a prime site and to it suddenly become devoted entirely to a daycare center is troublesome.

Mr. Ruffalo responded that all sites, when you begin to develop them, as they grow, they always look at those things and he thinks that this would probably be very beneficial to the residential areas and the office areas around it for the children. He added that he thinks it is a good idea and a good site to develop in that way for Shelton in that area. He added that he understands the concerns of what the Planning Commission is looking for down the road. There is discussion, not immediate, to possibly (inaudible) will have to provide additional structure based on the (inaudible), what her limitations are. To say that there is going to end up a 5,000 or 6,000 square foot building on the site, that is not going to happen.

Chair Parkins asked if there were any further questions from the Commissioners. With no comments, she opened up the public hearing to the public. She asked if there was anyone wanting to speak regarding this proposal.

Michael Ulrich, 9 Allendale Court, Shelton, CT addressed the Commission. Mr. Ullrich indicated that he had a couple of questions. He stated that he was curious as to how this got this far without the A-2 Survey. The Engineer and nobody had it prior to the public hearing but it is part of their requirements for applications before they can go to public hearing that all required paperwork be submitted. They know as well that they are in a court case against them now but that is beside the point. He stated that they were curious as to why it got this far.

Mr. Schultz responded that he would like to answer that question. The City Engineer reported on the initial submission early on. The Applicant did submit it before the Legal Notice so it complied.

Mr. Ullrich responded OK.

Mr. Schultz stated that the Engineer chose to do an early on report which he did. Obviously, the Commission needs to have a follow-up report because there are storm water management issues.

Mr. Ullrich indicated that was going to be his next question because their requirements ask for specifics in site plans and he is guessing that they weren't there judging by the questions being asked and what is being put out there. He stated that led him to allude that it shouldn't even be at this point if all those questions are still being asked without the answers being part of the application.

Mr. Ullrich stated that secondly it is required by their regulations that water be City Water not well water installed there. He added that he heard "maybe" "possibly" from the owner which shouldn't be a "maybe" "possibly."

Thirdly, Mr. Ullrich asked about the sanitary sewer that runs through the property and if it was an easement or a right-of-way and/or is it allowable to be built upon an easement or a right-of-way, in respect to the play areas.

Mr. Panico responded that there appears to be a delineated right-of-way for it.

Mr. Ullrich asked if they were allowed, by law, to put anything on a right-of-way. He added that it was a clear right-of-way then.

Chair Parkins responded not a building or a structure.

Mr. Ullrich commented OK but they are going to put a playscape area and fencing over it so that restricts the right-of-way.

Chair Parkins responded no, because it is not permanent.

Mr. Ullrich stated that he just wants to make sure that the laws are followed as far as that goes because it is a clear right-of-way. He stated that those were his main concerns as far as that goes. He thanked the Commission.

Debra Ullrich, 9 Allendale Court, Shelton, CT addressed the Commission. Ms.

Ullrich indicated that her business, Apple Tree Daycare is located at 117 Long Hill Cross Road which is right up the road from this location. Ms. Ullrich stated that she obviously agrees with Michael Ullrich about the part that this application has gotten this far. She added that she has a couple of questions regarding things that were said tonight.

She asked about the handicapped access to the multiple floors. She added that she didn't really hear anything about that just about a handicapped ramp going up outside. She asked if there would be handicapped access to the multiple floors.

Ms. Ullrich asked about the Wonder Years plan for great landscapes and children walking on trails and doing all these things. She stated that she has owned her business, Apple Tree Daycare for over 20 years and children can't just "walk" around. She stated that children have to be in fenced in areas.

Ms. Ullrich indicated that it was discussed how the toddlers and infants weren't going to have any climbing structures but, as everyone knows, toddlers and infants can't do gardening. Toddlers need to have outside stimulation so they are going to need those climbers, little houses and things to play on. She added that she doesn't see how that is going to pertain to the younger children.

Ms. Ullrich indicated that it if was just a before and after program or just a pre-school, it would pertain to that but this program is for 6 weeks old to 10 years old. She thinks that Wonder Years is focusing on just the outdoor area with the older children and really not getting the (inaudible) to deal with the whole thing.

Ms. Ullrich commented that if you do drive over there and try to drive up Long Hill Crossroads, she unfortunately has some problems with the buses and her daycare is

located on a site which is flat. She indicated that there are some drivers that don't care to stop for the school buses. She indicated that she has had to have the police officers come and sit across the street watching people blow right through even with the bus Stop sign out and the bus lights flashing. Ms. Ullrich stated that the police have been out and looked into this situation and they are still helping her with it. She commented that she thinks that this site is very dangerous for incoming and outgoing traffic. She suggested putting their driveway in another location if they have to use this site. She added that putting the driveway on the other side of the house so that it is not just up the hill but on the other side. She reiterated that she thinks it is very dangerous.

Ms. Ullrich stated that she heard a lot of the word "probably" and "I don't think" and "most likely." She commented that those comments should send a lot of red flags and questions about the fact that they don't really know what they are doing with this site just yet. She stated that she thinks it needs to be fine-tuned before they put anything on this site. Things like lighting, parking spaces and things like that – everything looks good but until someone goes out there and sees how it going to flow with the neighborhood. She reiterated that she has been there for 20 years and she thinks that if someone puts in an application they should know step-by-step of what they doing and present it right up front. Ms. Ullrich stated that she thinks that this application should be tabled until further items are addressed for a better idea of what is actually going on to this site. She thanked the Commission.

Chair Parkins asked if there was anyone else in the audience who would like to speak regarding this proposal. With no response, she asked Staff what information was outstanding – from the City Engineering.

Mr. Panico responding that they still need to get (inaudible)...that is a significant report.

Debra Ullrich apologized and asked to speak again because she forgot to add one thing. Ms. Ullrich stated that everyone keeps saying that this is an LIP zone but she pulled the specs and it is actually an IA-2. She asked if that changed.

Mr. Schultz responded yes, it did change.

Ms. Ullrich asked when that had changed it because all of the maps and everything that she has still have it is an IA-2 so she just wanted to bring that up also.

Mr. Schultz responded it is an LIP.

Mr. Panico stated that they should recognize that the technical report will be coming in and asked Rick Schultz if he anticipated anything from the report (inaudible)...

Mr. Schultz commented (inaudible) because they want to participate.

Chair Parkins stated that if they (inaudible)...She commented that since there was no one else in the audience wishing to speak, she asked for a motion to continue this public hearing until their November 12th meeting.

Mr. Schultz stated that the public hearing will continue to November 12th, Tuesday so that they can get the City Engineer's Report updated and that can be made available to the public.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to continue the public hearing for Application #13-12 until Tuesday, November 12, 2013.

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:10 p.m.

Respectfully Submitted,
Karin Tuke, P&Z Recording Secretary