

SHELTON PLANNING & ZONING COMMISSION

April 23, 2014

The Shelton Planning and Zoning Commission held a Special Meeting on Wednesday, April 23, 2014, Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Nancy Dickal
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Frank Osak (alternate)
 Commissioner Anthony Pogoda
 Commissioner Jim Tickey (arrived 7:16 p.m.)

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

Tapes (2), correspondence and attachments on file in the City/Town Clerk's Office and the Planning & 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 7:02 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that they would be having three public hearings tonight and she briefly reviewed the procedures for a public hearing, sign-in for public wishing to speak and cell phone restrictions to be followed during the meeting.

PUBLIC HEARINGS

APPLICATION #14-4: JOSEPH GIAMEI FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (SIT-DOWN RESTAURANT WITH TAKE-OUT), 23-25 LONG HILL AVENUE (MAP 117B, LOT 128), CB-2 DISTRICT

P&Z Secretary, Commissioner Harger read the Call of the Hearing and applicable correspondence for Application #14-4.

***See attached correspondence dated 4/27/14 to Richard Schultz, P&Z Administrator from James Tortora, City of Shelton Fire Marshal.**

Joanna Giamei, 423 Irwin Street, Trumbull CT addressed the Commission. Ms. Giamei provided the proof of mailings to the Commission and a hand drawn site map. She stated that the purpose of this was for the relocation of Antonio's Pizzeria to their property at 23-25 Long Hill Avenue.

Comm. Harger asked if she was the Applicant.

Chair Parkins responded that she was the owner of the property.

Ms. Giamei stated yes, the owner of the property. Antonio's is moving to the property that they own, correct.

Chair Parkins asked if it would be the same hours of operation.

Ms. Giamei responded yes.

Comm. Pogoda asked where they would be locating the dumpster because he doesn't see anything on the drawing.

Joseph Giamei, 423 Irwin Street, Trumbull, CT addressed the Commission. Mr. Giamei stated that when looking at the building, the dumpster would be on the left hand side, where the

basement door goes (inaudible) there is plenty of room there. It is where they are going to put the dumpster.

Comm. Pogoda asked him to repeat his comments for clarification.

Mr. Giamei restated that it would be on the left hand side.

Chair Parkins requested that Mr. Giamei come up to the Commission table and point out the location to them on the site drawing.

Comm. Pogoda responded that there were all parking spaces there.

Mr. Giamei stated no, there is enough room to put a ...they can move the...He showed the location for the dumpster on the site drawing. He commented that this is what they figure (inaudible)...he showed the location of the door and indicated that they wanted to put a fence in front so that you (inaudible)...

Comm. Pogoda responded OK, and asked if he was saying and pointed out that they would not have that parking space or the other parking space that are shown on the drawing.

Mr. Giamei stated no, that is a door over here...this is (inaudible) in this corner over here. He added that they would only have one dumpster.

Comm. Pogoda stated that they are going to need an enclosure too. It has to be enclosed.

Mr. Giamei responded yes, they are going to put a fence around it with a gate.

Chair Parkins stated that if they allow for a parking space to be there though then they won't be able to allow for a dumpster.

Mr. Giamei responded what are they going to do? They've got to lose maybe one parking space – that's one in out of a (inaudible)...

Mr. Schultz stated that the whole parking has got to be formalized - that's the point.

Mr. Giamei responded that everything's got to be changed – the lines and everything... (inaudible).

Chair Parkins commented OK...

Comm. McGorty asked for clarification about the parking ratio.

Mr. Giamei stated that he feels this would be the best (inaudible)...they can put another (inaudible)...you may want some (inaudible) and they can put some (inaudible)...

Chair Parkins explained to the Applicant that it has to be closed in so that no trash can be (inaudible)...

Mr. Giamei responded that it would be with a fence and a gate so no animals get in and nothing gets away. If an animal gets in, it will make a mess.

Comm. Pogoda stated yes, they want it to look clean.

Mr. Giamei commented yes, so far he thinks that he keeps his place pretty clean.

Comm. Harger stated that, according to the drawing, the dumpster seems to be right in front of the building itself.

Comm. McGorty commented no, he said it is on the left side.

Chair Parkins stated yes, and showed Comm. Harger on the site drawing where it would be off to the left side and how he'll lose one parking space. She added that this drawing is not to scale so it is difficult to see that. She commented that they really have to submit more detailed plans to (inaudible)...

Mr. Schultz responded that if they direct Staff to because this is a parking lot that has never been formalized.

Chair Parkins asked how many spaces they need for 48 patrons.

Mr. Schultz responded 10.

Comm. McGorty stated OK so it is plenty.

Mr. Schultz asked the Applicant to explain what they have on the property because they have a two-family there and you need two parking spaces for that.

Ms. Giamei responded yes, they have a two-family home on the property and there are four parking spaces in front of the home for the people who live there. She added that there are plenty on the side. She commented that there is also a garage there that occupies their permit but there is a separate yard that is fenced in for parking for the garage so it won't affect the parking for the restaurant at all.

She stated that they have the parking area in front, two parking spaces on the side and as shown on the side, the parallel parks for the restaurant itself. Ms. Giamei indicated that they weren't sure how many parking spaces were required for the restaurant because they have never had a restaurant in the building before so they put in, per the Regulations, how many parking spaces but don't think that they need that many. She commented that as Mr. Schultz just said, it has never been formalized before.

Chair Parkins asked if they were going to designate a couple of them to take out parking only.

Ms. Giamei responded yes.

Comm. Pogoda asked about the gate going to the back on Long Hill Avenue. He asked if he was correct that the gate would not be used for patrons.

Ms. Giamei responded no, they have never used that gate; it has always been closed off.

Comm. Pogoda asked if Pepper Landscaping used that gate for their vehicles.

Ms. Giamei responded no.

Comm. Pogoda asked who had the key to that gate.

Ms. Giamei responded that they have the key to it.

Comm. Pogoda asked if anyone else had the key.

Ms. Giamei responded no, nobody else has the key.

Comm. Pogoda clarified OK, so nobody else has the key to open or close that gate.

Ms. Giamei confirmed that only they can open it. She added that of anyone who has ever rented the property, even when the two storefronts there were Lisa Rose and the Massage Parlor – nobody ever had a key to it. They only use that key for themselves.

Comm. Pogoda commented OK, then that will not be used for egress or ingress.

Ms. Giamei responded no, it won't be used and they have always used just Bridgeport Avenue for their entrance and exit. She added that they've owned the property for over 25 years. They have never used Long Hill Avenue as an in and out and always had the gate there.

Comm. Harger asked if there was a second entrance where it says "Parking Space #13."

Ms. Giamei approached the Commission table to review the site drawing and responded yes that is a separate entrance to the building so there is a door that goes in there and another door going in another location because it used two separate leased spaces.

Comm. Harger responded OK. She asked where the ordering of food, "Take Out" and everything is going to take place.

Ms. Giamei responded that what Antonio's wants to do – she pointed out on the site drawing where the cooking equipment would be located and the seating area location. She explained that essentially the one door would not be used. It would be an emergency exit if they needed one. She pointed out the location of another exit door going out to Long Hill Avenue.

Comm. Harger asked if the bathroom shown is for patron use.

Ms. Giamei responded no, it will be for the employees and showed the location of where there would be another bathroom for patron use.

Comm. Harger asked if there would be counter like the one Antonio's has existing right now with the showcase.

Ms. Giamei responded no, from what she understands he would just be doing the seating. She showed the location of the proposed seating.

Comm. Harger commented OK, the orders would be taken at the tables...she asked if there would be any type of maitre d' stand or anything like that.

Ms. Giamei responded no, and stated that she guesses that what he is doing is – customers would order their pizza and then sit and eat the pizza. She added that it was the same set-up he has now at the (inaudible)...

Comm. Harger stated OK, but she doesn't see how people would go up to a doorway between the dining room and the kitchen, stand there and order food.

Ms. Giamei responded that she thinks that what he is going to do is put a counter – she reiterated the two doors that won't be used – so she thinks he is putting an opening there with a counter. She asked Mr. Giamei if that was correct.

Mr. Giamei responded (inaudible) and reference the drawing (comments inaudible)...

Comm. Harger commented (inaudible)...

Chair Parkins asked if there were any members of the audience wishing to see what they are talking about here. She commented that they didn't provide any drawings for this presentation. She asked if there was anyone here who is interested in this Application. She invited them to come up to table, see the site drawing that's available and hear the explanations of what is going on with this. She noted that she realized that audience members were at a disadvantage being unable to see it.

Approximately three or four audience members approached to see the site plan.

Comm. Harger asked them to point out the proposed location for a low wall for ordering.

Ms. Giamei confirmed the location of the planned ordering counter.

Comm. Harger asked if there would be some kind of a closure in another location and added that it should really be an open doorway, a swinging type of door or low door or something like that because it cannot just be kept as an open doorway.

Chair Parkins commented that it was the door to the kitchen.

Comm. Harger responded yes, but you never see an open door into the kitchen.

Mr. Giamei commented that it was the door to the kitchen – it is all open there.

Chair Parkins asked if they were going to have swinging doors there.

Mr. Giamei responded yes, that they have to go in and out – to cook and to bring the food out.

Comm. Harger stated OK, then she asked about another location and if it was a full wall or a half wall for a counter.

Mr. Giamei responded no, they want to close it.

Chair Parkins asked if there would be a service counter. She asked where people would go to get their pizza if they ordered one and then came to the restaurant to pick it up.

Mr. Giamei responded that they have to put a counter right on top of this one here and open it like (inaudible).

Ms. Hong Dwong, member of public audience, asked where they would park when they come in.

Chair Parkins responded that she believes that they said they would provide a couple of designated “Take-Out” spaces.

Ms. Giamei responded yes, that’s correct.

Chair Parkins asked if they have decided which spaces they would be - #12 and #14 for Take-Out Only pickup.

Ms. Giamei responded that whatever spaces the Commissioners feel are the most approximate spots for the take-out. She added that is why they didn’t designate it yet because she assumed that they also have to put in Handicapped Spaces for the Regulations so they left that open for suggestions from the Commission as to where the spaces should be.

Comm. McGorty commented yes, (inaudible)...

Ms. Dwong asked if they would park on the street.

Ms. Giamei responded no, they would park in their parking lot.

Mr. Giamei added that they want to do exactly what the Commission wants.

Chair Parkins interrupted and stated that they can’t have a full discussion up here with all these different conversations going on for recording purposes. She reiterated that one person speaks at a time. She stated that at this time, the Commissioners are asking the Applicant questions first and would appreciate if the audience members would just listen for now. They will be given an opportunity to ask questions later but it is not open for public comments and questions yet.

Comm. McGorty added that anyone who speaks has to provide their name and address for the record too. Right now, they are just trying to decipher this. He asked about Space #10H and if it would be going away because it is the doorway to come in.

Ms. Giamei responded yes, that is correct.

Comm. McGorty commented that he would assume that, logically, the Take Out would be here. He pointed out the location for Take Out spaces.

Mr. Giamei responded yes because they are close to the door.

Ms. Giamei stated that they put an “H” on that parking spot because they assumed that would be for handicapped because it is closest to the door. She stated that there is a slab on concrete there that is a sidewalk. She added that essentially the parking space there could be an opening for handicapped access into the restaurant. She reiterated that there is a slab of concrete already there.

Mr. Giamei responded yes that there is a handicapped ramp...

Chair Parkins stated that they are going to have to meet Code with the Building Department.

Ms. Giamei responded yes, they know and that is why they didn't do it because they weren't sure what the Code was so they just left it there for the Commission to decide.

Comm. McGorty commented about what spaces could be designated for Take Out Spaces, the space that would be going away, and other patron spaces. He asked for clarification about something shown on the other side of the drawing.

Ms. Giamei stated that was the gate to Long Hill Avenue that is locked.

Comm. McGorty asked what the spacing was between and where the border would be.

Mr. Giamei responded about 15 feet to give people room to go in and out.

Comm. Harger asked for some clarification about the site drawing orientation and the location of some of the components including the angled spaces, the garage, the house next door, etc. She commented that it doesn't look as though there is any room on the side of the building for a dumpster at all.

Mr. Giamei responded no, they wouldn't be putting it on the side of the building – but right here – he pointed out the location.

Comm. Harger commented that it looks like it is kitty-cornered in the...

Mr. Giamei showed the location where the dumpster would be located.

Comm. Harger stated that for aesthetic purposes, if she was a patron coming in she would not want to see a dumpster right outside where the dining area is going to be.

Mr. Giamei stated no, no that it is the north side of the building where you go in (inaudible)...this is the separate (inaudible)...this is the entrance over here but the dumpster goes over there. There is nothing over there, no window there, nothing.

Comm. McGorty asked if he said that they weren't going to have any windows.

Mr. Giamei responded no windows. They have to close it and put a bathroom over there.

Chair Parkins stated that they are more than likely only going to get 5 or 6 spaces in this section here because you need 10 feet per spot. The most they get will be 6 spaces at most with only 75 feet plus the one space that will be allocated out for the dumpster

Mr. Giamei stated that he could put the dumpster somewhere else too.

Chair Parkins indicated that they would have to find a place where it is not going to obstruct traffic and it is not (inaudible)...

Mr. Giamei responded that if they don't want the dumpster there, he can put it somewhere else.

Comm. McGorty commented that it was OK there but he is going to lose that parking space and another one as well.

Mr. Giamei stated that he could put them on the other side.

Chair Parkins indicated that they still have enough parking for the space but they have to allocate where the best place to put (inaudible)...

Ms. Giamei responded OK that is fine. She stated that they just didn't want to put anything in because they didn't know how many spaces were required.

Comm. McGorty referenced the drawing and suggested a parking space that they might want to give away so that the dumpster is out of the way and then fence it in. He added that they could keep that other (inaudible)...

Mr. Giamei commented yes, that would be good to put the dumpster over there. He agreed that would be the best and the Fire Marshal said that he didn't decide where he wanted to put the (inaudible).

Ms. Giamei agreed that would be good because they don't use that in and out gate to Long Hill Avenue either so no one is going to be (inaudible).

Mr. Giamei stated that he can put it anyplace, if you want (inaudible)....

Comm. McGorty stated that they could have some spaces here and (inaudible) and they should have plenty.

Chair Parkins stated that Staff, Rick Schultz could work with them on the specifics on that. They just want to try and get a general idea.

Mr. Giamei stated that they will change anything the Commission wants changed. The Fire Marshal came over and he wanted to (inaudible) where he wanted to put handicapped. They will work with them – no problem. He stated that they can put the dumpster over there, put a fence around it and do anything they want – no problem.

Chair Parkins asked if any of the other Commissioners had any questions.

Comm. Pogoda asked if they would be having wine and beer – any liquor.

Ms. Giamei responded no.

Comm. Pogoda asked for confirmation that there would be no wine, no liquor.

Ms. Giamei responded no and added that as far as her discussions with Antonio, no wine and no liquor.

Comm. Tickey arrived at 7:16 p.m.

Comm. Pogoda stated that he had been down to the site within the last couple days and in trying to get out of the parking area onto Bridgeport Avenue is a dangerous situation. He added that the hedges that go along the front of the house are going to be growing out even further. He thinks it took him about 1 ½ minutes to get out with the cars coming by. He added that you can't even see the cars coming and they are coming pretty fast.

Comm. McGorty asked if it was a sight line issue.

Comm. Pogoda responded yes, it is a definite sight line issue.

Mr. Giamei asked what he had to do.

Comm. Pogoda indicated that he would recommend putting a Stop Sign there at the end.

Mr. Giamei responded no, what does he have to do... (inaudible)...

Comm. Pogoda reiterated that he would recommend a Right Turn Only.

Mr. Giamei stated no.

Ms. Giamei commented that they can't do that.

Comm. Pogoda stated yes, they can request that.

Ms. Giamei responded no, it is not going to work.

Comm. Pogoda commented that it may not work but (inaudible)...

Ms. Giamei asked if she could use her entrance/exit on Long Hill Avenue then because technically she has an entrance, an in and out there.

Chair Parkins asked about the houses and the tenants living there.

Ms. Giamei commented, yes exactly, her tenants (inaudible)...

Mr. Giamei stated that he wanted to explain something to them (inaudible)...

Chair Parkins indicated that (inaudible) ...a left and a right hand turn...you can't do...

Comm. Pogoda stated that they were asking for trouble coming in and out of that parking lot.

Ms. Giamei indicated that they've owned this property for 25 years and there has never been an accident in front of there. She understands that it is difficult to get in and out there but there are a lot of businesses on Bridgeport Avenue and nobody has a right turn only. She added that the Ice Cream Shoppe doesn't have a right turn only and they are allowed to go in either direction as well as a lot of other places too. She commented that it was Bridgeport Avenue – it's a main street.

Comm. McGorty asked if it would help the situation if the sight line was improved with the hedges he was talking about there.

Mr. Giamei responded yes (inaudible)...

Comm. Pogoda stated that it was a little grade coming down too and he suggested that Comm. McGorty take a look at it himself.

Comm. McGorty responded yes, he knows the location but never tried to go in and out of the parking lot.

Comm. Pogoda commented that you don't see a car until it is no more than 25 feet away from you and the cars are coming at 30 -40 mph when you are trying to come out of there. He added that he did it twice there.

Mr. Giamei asked if he could say what he would like to do. He indicated that he has to call the State again and ask to take out the hedge...He's got the fence inside so he's got the privacy with the fence. One time he took the hedge out and cut it about three feet high and didn't have the problem anymore.

Ms. Giamei indicated that they have been on the State about that hedge, about trimming it back and they are fine with taking it out because they have a good fence behind that hedge.

Comm. McGorty asked if it was their hedge.

Ms. Giamei responded yes that there is a long hedge down there and it is the State's property.

Comm. McGorty asked again if she said that the hedge belonged to the State and if the hedge was on State property.

Mr. Giamei added yes, it belongs to the State. They ask them to cut it down but they don't want to come out and trim... (inaudible)...

Ms. Giamei clarified that the State basically told them that they don't want to take care of it.

Mr. Giamei commented that he has a brand new fence (inaudible)...

Chair Parkins questioned that it was the State's property.

Ms. Giamei responded yes it is State property; it is a State Road – Bridgeport Avenue.

Chair Parkins asked if it would be a State Road all the way up to Center Street.

Ms. Giamei responded yes so what happens is – you can't see because the hedges are there- but if you pull into the parking lot and look into the back parking lot there is a wood fence right behind the hedges. They just redid the fence this year.

Mr. Giamei commented (inaudible)...

Ms. Giamei stated that they fixed it because it was falling apart so if they take the hedges off, you still have that barrier and you will be able to see – she added that this has always been their complaint about the hedges.

Comm. Pogoda stated that then you would be able to see further – it is the hedge that (inaudible)...He added that he would assume that in the summertime the hedges would grow out. Right now it is (inaudible)...

Mr. Giamei commented (inaudible)...

Inaudible comments (multiple conversations)...

Chair Parkins requested that only one person speak at a time for recording purposes.

Comm. Harger asked Rick Schultz for clarification of the property address identification numbers. She indicated that according to the Assessor's Map the two buildings are numbered #21 and #23 and then #25 and # 27 are for the garage.

Mr. Schultz responded no, that is erroneous. It is #23 to #25. He clarified that it used to be multiple tenants but now it is a single tenant. He commented that she should not refer to that.

Chair Parkins asked if there were any other questions.

Comm. Dickal commented that she, Tony and the rest of them at that end of the table were having difficulty understanding what they were pointing to and what was going on.

Mr. Schultz explained the changes discussed on the site drawing for the Commissioners at the other end of the table.

With no other questions from the Commission, Chair Parkins asked if there was anyone in the audience wishing to address the Commission on this Application.

Hong Dwong, 271 Beaver Street, Shelton, CT addressed the Commission. Ms. Dwong stated that she has one of the (inaudible) on Long Hill Avenue. Her concern is about the parking. She stated that usually every day they have a hard time parking there already and especially in the wintertime it is the worst. She added that sometimes there are people who are walking at night because they can't find a place to park. She understands that this restaurant has parking on

Bridgeport Avenue. She asked how spaces they have for parking on Bridgeport Avenue. She asked if they could tell her how many spaces they would have.

Chair Parkins responded that it is curb side parking when it is downtown property.

Comm. McGorty added that there weren't too many.

Mr. Schultz stated that there is none on site.

Ms. Dwong commented that they have only a few parking spaces and if the employee who is working over there has to park there and the owner has to park there then they have not many spaces left for the restaurant. She added that they have to park on Long Hill Avenue and they know that Long Hill Avenue from #9 to the Bridgeport Avenue there is only one side of the street parking. Most of the houses there are multi-family, 3-family or 4-family and they all park on the street.

Ms. Dwong stated that she wonders where there is space on the street for customers who come in. She asked where they would park. It is very (inaudible) a day they have a hard time parking already and now she thinks that the restaurant parking, the curbside parking is not acceptable. She added that if you take a trip to Long Hill and Bridgeport Avenue on the end there is only one side parking on the street. Owners don't have the garages. Most of them are multi-family, 3-family and 4-family so she thinks that they should look at it before making decision. She thanked the Commission.

Al Gardella, 31 Long Hill Avenue, Shelton addressed the Commission. Mr. Gardella indicated that his main concern, as the previous lady just said, is about the parking on Long Hill Avenue. He stated that there are six houses from the corner including part of the restaurant being proposed; there is a one family, two-family, two-family, three-family, three-family and another two-family. He commented that there are basically 13 apartments multiplied by 2 cars each for 26 parking spaces. Mr. Gardella indicated that there is only parking on one-side of Long Hill Avenue... There are only 12 spaces from that corner up to this property right now.

Mr. Gardella stated that with only one side of the street parking, the parking is horrendous especially this past winter. Center Street Social has parking; they rented a spot on lower Long Hill Avenue. They can't even park in the empty lot now overnight. Between Center Street Social, the other Bar, and now Antonio's...if you come around the corner on Thursday, Friday and Saturday nights from Bridgeport Avenue and around, there are people parking all over the place and it is very congested. They are parking all the way up to his house, #31 and he is just one house past this property. just past their garage. Mr. Gardella indicated that he came home last Friday night at about 8 p.m. and people were parking in front of his house.

Chair Parkins asked if he had any off-street parking, a driveway or anything in the back of his house.

Mr. Gardella responded no.

Chair Parkins asked if he had a driveway, a garage or anything in the back of the house.

Mr. Gardella responded that he has a garage which is attached to the house. He stated that he has signs in front his garage saying "do not park" there; it is reserved for tenants. The woman next door also has a driveway with cars in the driveway and people sometimes park right in front of her driveway and the cars have to be towed. He added that the parking is horrendous right in that area. He commented that maybe from not having Antonio's down the street and having his parking in the lot then maybe it will be better. Mr. Gardella stated that there cannot be any access from Long Hill Avenue from the gate...He added that he didn't even know where the door was on the Long Hill Avenue side. They can't enter there because they would be parking on the Long Hill side...they have to go in there and pick up deliveries. He reiterated that the parking was his main concern and no access from Long Hill Avenue. He thanked the Commission.

Antonio Xhokola, owner of Antonio's Pizza, 196 Division Avenue, Shelton addressed the Commission. Mr. Xhokola stated that he was the owner of Antonio's Pizza.

Chair Parkins clarified that Ms. Giamei owns the property and Antonio owns the restaurant.

Mr. Xhokola responded yes, correct. He stated that he would probably be better off explaining what is going on than the property owners.

Chair Parkins agreed.

Mr. Xhokola stated that the layout is almost what has been explained. He indicated that it was his mistake because he delayed with the design a little bit because for him, it has to be – it has to work. In order to move from where he is right now is yes, exactly, the congestion is becoming worse in Center Street from parking and all that. He is forced to move, not because he wants to spend a few more dollars to go to Joe's place. The thing is that he understands that it is the biggest place and it is not the best place but they have some parking there. The space is like 400 square feet bigger than what he has right now on Center Street.

Mr. Xhokola indicated that it would be pretty much similar to what he has right now. It will be about 300 square feet extra which is going to be used more for pizza and stuff. His main concern is actually for people to come and pick up the food and go. It is a nightmare on Center Street. People cannot come down – they call on Friday night and can't find a place to park so they go home and call back asking for it to be delivered. He commented that was the main concern and (inaudible).

Mr. Xhokola indicated that he heard the question as far as beer and wine. He responded that he didn't have beer and wine at Antonio's right now and they have been there since 2001. He indicated that if the space would be available to have beer and wine, the State would require two bathrooms and they have to be handicapped accessible and all of that. If they have the space in place, if he has room enough based upon what they have designed, they might consider beer and wine. He indicated that he was not looking for a big crowd in the place; it is no more than 30 to 36 seats. Based upon the design that they have, they need a bigger kitchen. He stated that he wants a bigger kitchen. He wants people to be able to come in and pick up the food.

Chair Parkins stated that he can accomplish that by limiting the number of tables.

Mr. Xhokola responded yes, exactly. He asked if he could show them on the drawing there.

Chair Parkins stated yes and indicated that she would pin this drawing on the board so that everybody in the audience can see it.

Mr. Xhokola showed on the drawing where they are planning to have one door. He explained that they are going to close the door there right now and another one that is there. There is an opening that actually has sheet rock that closes this place with this side. He stated that they are planning to put all the equipment in this direction. He explained the location of the two stoves (at Antonio's right now) and the direction of the hoods. All of the equipment in this outside wall facing Joe's garage away from the building and the apartment. He explained that the wall would basically be the working site and the planned location for the walk-in cooler against the wall. He showed the location of other coolers, dishwashers, prep tables and right in front where people would walk in and pick up their food.

Mr. Xhokola explained the door that people picking up the food would exit from. If they want to come in and sit down, he showed the location for seating. He indicated that the part of the building shown as a long room is all part of the kitchen. He pointed out the planned location of the two bathrooms at the end. He showed the table location along the wall and added that it wouldn't be many tables – about 36 seats.

Comm. Pogoda asked if he was saying that the bathroom was going to be where location 1 and 2 are.

Mr. Xhokola responded 4 and 2 – some areas where (inaudible). He showed where, if they are lucky, would be probably be an “L” shaped area and they were thinking of putting beer and wine if they can. He reiterated that it is State regulated and they have to apply for it but right now he doesn’t have any of that. It isn’t a must but he doesn’t want to eliminate the option for it. He added that he didn’t know if that bothers anyone though- a beer or a glass of wine. He has the other option (inaudible)...

Comm. McGorty asked about the kitchen on the right, where he would have the ovens up against the wall – he asked where they would be vented – through the roof or through the wall.

Mr. Xhokola responded that for the oven it will go outside through the (inaudible)...

Comm. McGorty indicated that he is going to have parking spaces there so the cars are going to be pretty close to the building so that may not work.

Mr. Xhokola responded that they are high up (inaudible) or he can go through the roof. He pointed out the location of one vent that would be higher because the building is higher there. He explained that the hood has the mushroom fan from the cooking stoves which is the most important one and it will be higher anyway and nowhere near the cars. He indicated that they have a gas line very close to the building so they cannot go there anyway because it is a gas line so they have to be a few feet away from the building anyway.

Comm. McGorty stated that his concern is with loosing those spaces. He added that there aren’t a lot of extra spaces so if he feels (inaudible)...

Mr. Xhokola responded that he can go up and (inaudible)...

Mr. Giamei commented that they are going to put the dumpster over there so they can put the (inaudible)...

Comm. McGorty stated (inaudible)....

Mr. Xhokola responded yes, they can put the dumpster there and it’s not an issue and (inaudible)...He added that it was purposely done like that because if they go like this, there are apartments over there and they are close to other houses but this way they are separate from everything but Joe’s buildings over here. He indicated that is why they chose that wall for cooking.

Chair Parkins asked if there were any residents near that.

Mr. Xhokola responded no, just Joe’s garages.

Comm. Harger asked Antonio to go over something again about the room identified as having the 12 tables. She asked if the location of Tables #4 through Table #8 was where he said he was putting the dishwashers and other prep stuff.

Mr. Xhokola responded that this room, in the picture it is like one square building and then the other one. They have about 12 or 13 feet in width straight down and that will be part of the kitchen because there is not enough room.

Comm. Harger stated OK but it is where Table #4 – Table #8 is marked.

Mr. Xhokola responded no, on the other side. They did it their way but he is going to do it this way.

Chair Parkins asked if it is correct to say that it is very unrealistic that there will be 12 tables in there.

Mr. Xhokola responded correct, the most people would be close to 36. He commented that he blames himself because he has the design on his computer that was done. They measured everything and played around with where they would put everything.

Chair Parkins stated that it would have been very helpful if he had brought that with him.

Mr. Xhokola commented that he could probably go and try to print it out but he didn't want to hold them up here.

Comm. Pogoda asked how many employees were going to be working there at any one time.

Mr. Xhokola responded that right now, it is himself and his wife. He has a pizza guy and delivery guy so about 4 to 5 people.

Comm. Pogoda asked where they were going to be parking. There are 10 spaces that will be allotted but he needs...

Mr. Xhokola showed the location across from (inaudible) where he has been told to park. He has a parking lot where he and his employees but not customers can park (inaudible)...

Ms. Giamei stated that they wouldn't be parking on the street.

Mr. Xhokola commented that they are not going to occupy the spots that are for customers.

Comm. Pogoda stated that he is worrying more about seeing them park on the street. Secondly, (inaudible)...

Mr. Xhokola stated that he can't park on the street because he and his workers have to be close to the place. They are not... (inaudible)...so they can stick their cars in there.

Comm. Pogoda stated that was his concern because he doesn't want to see them taking parking away from the customers or people coming to pick up food.

Mr. Xhokola commented that in the end this is an investment and if that investment doesn't work for him – if he is going to end up with only three parking spots than it is not worth it for him to move there. It is part of their deal, as employees that can put their cars someplace and the people can go there. He isn't so crazy about attracting people to come inside. His goal is for people to call, come get the food and go.

Comm. Tickey asked to see the entrance again where customers would walk in.

Mr. Xhokola showed the entrance location under the porch.

Comm. McGorty stated that they said it was near Parking Space 10H.

Mr. Xhokola responded yes, and showed the entrance under the porch into the dining area. He added that there would be a big 8 foot opening and that is where the countertop would be set up so basically people got to walk in and get...like he has Antonio's right now, walk into the kitchen area, get the food, turn around and go.

Comm. Tickey asked if he said there was a porch on the building.

Mr. Xhokola responded yes.

Comm. Tickey asked if there would be any seating out on the porch.

Mr. Xhokola responded in the summer if they put it but that isn't really a concern.

Chair Parkins stated that if he does, they request that he come back before the Commission and explain his plans for any outdoor dining. They have concerns about trash blowing around and those types of things so he would have to come back if he wants to add that additional seating.

Mr. Xhokola asked if it was better for him to say yes right now so that they can decide now because it would be better than going back and forth.

Chair Parkins responded that honestly, she thinks that he should wait and see how the business does.

Mr. Xhokola reiterated that the porch wasn't really one of his concerns.

Chair Parkins responded that additional seating, meaning additional people, would require additional parking so it could escalate into an additional problem. As long as his lease stipulates that he will have parking for his employees and possibly the delivery people in a private lot that won't be accounted for in these parking spaces than she doesn't see it as being a problem.

Comm. Pogoda agreed because he was concerned about just four employees taking any of those 10 slots.

Chair Parkins indicated that he has to insure that his employees are parked in that private lot so it has to be a part of the lease.

Ms. Giamei stated that it is a very unique property because it is a mixed use property and it has always been that way. They have a gated yard that they gate off and put a key and lock on because when people come in, they don't want them in that area because that is their own area. It is open space, it is graveled out and there is plenty of parking there but she doesn't want to open it up to public parking. They told Antonio that he and his workers should park in there but they don't want to open that area to anyone else.

Chair Parkins commented that was understandable – they understand that.

Comm. Pogoda stated that they have to make sure that they do give him that permission.

Ms. Giamei responded yes, definitely

Mr. Xhokola commented that on Center Street (inaudible)...

Ms. Giamei stated yes, they (inaudible)...

Comm. Osak asked Mr. Xhokola if he had any dedicated parking in the location that he is at right now.

Mr. Xhokola responded no, none.

Comm. Pogoda stated that it was all curbside.

Comm. Osak asked how many he would have here.

Chair Parkins informed Comm. Osak that she couldn't allow him to participate in the discussion as an alternate.

Comm. McGorty asked about the lot that they were going to be able to use as a part of the lease and if it was a part of the garage or another business.

Ms. Giamei responded that it is part of the garage. They always kept it separate because they kept their equipment there so they always locked it up and left it separate.

Comm. McGorty asked if it was just a garage for storage and stuff – and it is not a business building.

Ms. Giamei responded yes just a garage but attached to the garage there is a gate and then you go into an empty parking lot.

Comm. McGorty stated that he understands that but was just curious if it was attached to some sort of ... where there could be business or something. He explained that if the parking is built into the lease, and this was a leasable building, then it could affect whatever you plan on doing

there in the future as long Antonio is there. The Commission would make that a part of this just to make sure that (inaudible)...

Ms. Giamei responded that it was not attached to any business; it was just for their personal use. They blocked it off so that people weren't randomly parking there.

Comm. McGorty stated that was fine (inaudible)...

Chair Parkins stated that she wants them to understand their concerns because they've never, at least as long as she's lived in Shelton for 35 years, had a high traffic volume business in there. They have had a hair salon...

Ms. Giamei responded yes, they had the hair salon...

Chair Parkins stated that there hasn't been anything high traffic in there and this business has the potential to be high traffic. It already is - Antonio's has a good business and a very good reputation.

Mr. Xhokola responded thank you.

Chair Parkins added that they just want to make sure that it is safe for everyone and does not create any traffic problems. She asked if there were any other questions.

Comm. Harger asked Mr. Xhokola for some assurances on the entrance between the room with the tables and the area with the cooking equipment because it just looks like an open doorway. She wants to know that will not be the case because she is sure that Valley Health is not going to like having people walking into the kitchen.

Mr. Xhokola responded no, it is going to be a countertop. He referenced the wall he has right now at Antonio's - it will be a wall like that which will turn into an "L" shape where the entrance door, a swinging door, would be as far as people could go. They won't allow anyone in the kitchen.

Comm. Harger asked about the vent behind Parking Space #13 which looks like a doorway. She asked if that was going to be a doorway because they are talking about pizza ovens.

Mr. Xhokola stated that his intention is to close that door because he doesn't have room to leave that open. He pointed out a door that he hopes and thinks will remain open as their second exit.

Comm. McGorty asked if that would be their Emergency Exit.

Mr. Xhokola responded yes, exactly so this door won't interfere - he showed location of one entrance door and one exit door. He reiterated that the building would have two exits.

Comm. Pogoda asked if he was saying that the rear exit would be an Emergency Exit.

Comm. Harger responded yes, in the kitchen.

Comm. Pogoda asked for clarification that it would not be used by the patrons.

Mr. Xhokola responded no patrons - only in case of fire.

Comm. Pogoda responded OK.

Comm. Osak asked if he could direct a question to Staff.

Chair Parkins responded yes.

Comm. Osak asked Mr. Schultz if they were hearing this tonight to approve an Application for Certificate of Zoning Compliance.

Mr. Schultz responded yes through a Special Exception to the Site Plan.

Comm. Osak stated OK, but it is an Application for Certificate of Zoning Compliance so after the project is finished they will issue a Certificate of Zoning Compliance. He asked Rick if this drawing was sufficient enough for him to audit to testify that he's met the requirements of the application.

Mr. Schultz responded no, the Applicant is going to submit more detailed information.

Chair Parkins asked if they should vote to keep the public hearing open for that to happen.

Comm. Pogoda responded (inaudible)...

Mr. Xhokola asked if, with 14 parking spots available as he counted, and all the employees parking in the other parking lot and with about 36 seats inside, do they think they could have tables on the porch. He asked if it would require a second meeting because now the parking spots are 10 (inaudible)...

Chair Parkins stated that it wouldn't require another public hearing; it would just require that he come back before the Commission to let them know what his plans are.

Mr. Xhokola responded OK.

Comm. Pogoda stated that he needs to understand, and as it was brought out before that with the 75 feet over you need 10 feet so you may lose a spot or two over here. He asked if that was where he wanted to put the tables because they also have parking there.

Mr. Xhokola responded no, no it is not a porch in there. He doesn't want to put tables outside of the building. There is a porch that is about 6 to 8 feet.

Ms. Giamei added that there was also an overhang.

Mr. Giamei stated that has a light and everything there...not the parking lot, no...

Comm. Pogoda responded OK, he thinks he can recall that.

Comm. McGorty commented that there is nothing out there right now.

Comm. Pogoda stated no, there is nothing out there right now but he has to come back for that.

Chair Parkins indicated to Antonio that he needs to get an idea of how this flow is going to work and if there are going to be any parking issues.

Comm. Tickey asked if the Applicant submits a revised rendering will the Commissioners be given a copy of that.

Mr. Schultz responded yes, absolutely.

Chair Parkins asked if there were any other comments.

Al Gardella, 31 Long Hill Street, Shelton addressed the Commission again. He commented that there were two exits – one where the kitchen is located and another door to the left of it. He asked if that door would be blocked off too or will it be another exit.

Chair Parkins stated that she thinks he just explained that would become an Emergency Exit door.

Comm. Pogoda responded yes that it was going to be an Emergency Exit.

Mr. Gardella stated that there are two doors in the back though.

Comm. Pogoda asked if there were two doors in the back.

Comm. McGorty asked for the two doors to be pointed out on the drawing.

Mr. Gardella stated that there is access now because of the apartment on Long Hill Avenue. He pointed out the door and the second one with a porch there right now. He asked what they were going to do (inaudible)...

Ms. Giamei responded no, that is blocked off – that is not even an operable entrance. There is a window there that is blocked out.

Mr. Giamei stated no, no that's (inaudible)...

Mr. Gardella stated that he didn't want them to access from Long Hill Avenue because if they park there, it is ...

Comm. Pogoda stated that they will make sure of that. It will be an emergency exit as stated on the record.

Mr. Giamei responded (inaudible) they don't want

Chair Parkins asked if there were any other questions or comments.

End of Tape 1A 7:50 p.m.

James Murphy, 24 Bridgeport Avenue, Shelton addressed the Commission. Mr. Murphy stated that he owned a home at 24 Bridgeport Avenue for about 8 years and he has become fully aware of the activity, traffic and so forth that the businesses have been getting there. He has never found any activity beyond a 5:00 p.m. or 6:00 p.m. time frame. His concern is a pizza place is going to be generating a business after 8:00 p.m.; 9:00 p.m. or even 11 p.m. on a weekend and it is going to be a detriment to the harmony and quality of the lifestyle he has at that property. Mr. Murphy indicated that was his biggest concern right now. There is a big parking lot and cars will come in, turn around and he'll have to deal with car lights shining through his windows up until 11 p.m. at night with young children at home.

Comm. Pogoda asked Antonio what his hours of operation would be.

Mr. Xhokola responded 10 a.m. to 10 p.m. for now.

Comm. Pogoda asked if it would be 7 days a week.

Mr. Xhokola responded no, on Sunday they would open at 4:00 p.m. to 9:00 p.m.

Comm. Pogoda restated that it would be 10 to 10 with the exception of Sundays.

Mr. Xhokola responded yes.

Chair Parkins thanked the previous speaker. She asked if there were any further comments from the public or the Commissioners. With no further questions or comments, she requested a motion to close the public hearing.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #14-4.

APPLICATION #14-7: JAMES R. SWIFT, P.E. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #35 AND DETAILED DEVELOPMENT PLANS (PATIO ENCLOSURE FOR IL PALIO RESTAURANT), 5 CORPORATE Drive (MAP 28, LOT 8), R.D. SCINTO, INC.

P&Z Secretary, Comm. Harger read the Call of the Hearing. There was no applicable correspondence.

Robert Scinto of R.D. Scinto Inc., One Corporate Drive, Shelton addressed the Commission.

Mr. Scinto stated that he owns the restaurant Il Palio in the Office Park. He's had the restaurant for approximately 13 years and they have never built or had a room large enough for 100 patrons. He added that many of their corporations have a need for service of about 100 people. There are a lot of occasions such as Bat Mitzvah's and things like that which they can't do on weekends. Mr. Scinto stated that they have always struggled with trying to put an addition on this building; they could never figure out how to do it and make it look good and that was their number one concern.

Mr. Scinto stated that he was at Lincoln Center in NYC where they have a restaurant called the Lincoln and it is located in a glass box building – all glass. He indicated that he was sitting in it eating before an (inaudible) and he looked at all the glass. It came to him that is what he would like to do for his building in Shelton because you could actually sit there and look out across the street where there is all that open space. He commented that it will be a beautiful setting and it will be an addition that will add a lot of class to the building. Mr. Scinto stated that he asked Jim Swift to put together this application. He turned the presentation over to Jim Swift.

James R. Swift, P.E. and Landscape Architect addressed the Commission. Mr. Swift indicated that this was a very simple application for the basic reason that when the original plans were developed, this was an outdoor eating patio at the time. He referenced a site drawing and indicated that the dark red area would be where the glass addition is proposed to go. Basically, they aren't adding any more intensive use. They aren't adding any more staff or changing any of the basic function of the facility itself except to cover in glass what was previously an open patio area.

Mr. Swift stated that as far site design or engineering or anything like that there are no changes to speak of. The patio exists and they are just going over the top of that so drainage and all of those things are really moot in this type of a situation. He indicated that they are just building over the patio which was seating before.

On another drawing of a side elevation of the building, Mr. Swift explained the location of the lower patio and to respect the aesthetic of the original design of the building, the glass section comes off again in that lower area to go over the patio.

Mr. Swift commented that to get technical, in the Statement of Uses and Standards, because they are a few feet closer to the road – both Enterprise Drive which is private and Commerce Drive which is public, in order to give the Commission some comfort that they aren't changing the setbacks of the PDD, they tailored the modification of the PDD that fits just this sort of an application. It limits it to one story and that sort of thing. The setbacks that allow this type of structure to go in are separate and independent of the setbacks for the full size rest of the building. He offered to answer any questions from the Commission.

Comm. Pogoda asked if this was the same square footage as the patio – as the tent.

Mr. Scinto responded yes, it is about the same square footage of the tent.

Comm. Pogoda asked if there was going to be a roof on there – a flat roof.

Mr. Scinto responded no, an angled roof.

Comm. Pogoda asked if it would be just as it is shown there – angled.

Mr. Scinto responded yes.

Mr. Swift added that it actually pitches backward so you get a nice clean line to it.

Mr. Scinto stated that as you walk in, your eye would go straight up and you get a better vista of the view. He indicated that they were going to put a beautiful wooden ceiling in and limestone on the floor so it should really be a gorgeous room.

Comm. McGorty asked if the room would be used for special functions only.

Mr. Scinto responded yes, it won't be used for regular dining. It will be for those types of functions.

Comm. Pogoda asked if there would be an entryway.

Mr. Scinto responded that there will be two entrance ways into it from the outside.

Mr. Swift stated that they have a handicapped ramp accessibility area that goes down to it from upstairs.

Comm. Pogoda responded yes, he recalls that was the original idea in getting up to the top.

Mr. Swift stated yes and that is still there.

Mr. Scinto commented that for Code, you need two means in and out.

Comm. Pogoda asked if this is just for special parties, people would just be going to that room. It won't be used as a (inaudible)...

Mr. Scinto responded no.

Chair Parkins asked if there were any other questions from the Commission. She asked if they had submitted a Statement of Uses.

Mr. Swift responded yes.

Chair Parkins asked if there was anyone in the audience wishing to speak regarding this proposal. With no public comments, she requested a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #14-7.

APPLICATION #14-5: PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS TO MODIFY STATEMENT OF USES AND STANDARDS FOR PDD #27 AND DETAILED DEVELOPMENT PLANS (ROOF-MOUNTED TELECOMMUNICATIONS FACILITY), 695 BPT. AVENUE (MAP 29, LOT 1)

P&Z Secretary, Virginia Harger read the Call of the Hearing for Application #14-5. There was no applicable correspondence.

She referenced that on the Notice of Public Hearing the PDD is referenced as PDD #32 and it should read PDD #27.

Atty. Ken Baldwin, Robertson & Cole, 75 Eugene O'Neill Drive, New London, CT addressed the Commission. Atty. Baldwin indicated that he was present tonight with Sandy Carter who is a Regulatory Manager from Verizon Wireless in this application for the installation of a rooftop facility at the Hampton Inn on 695 Bridgeport Avenue.

Atty. Baldwin stated that the Call of the Hearing described pretty aptly what the proposal is that is before them this evening. He stated that Verizon Wireless has a need for improved wireless service, in particular, improved capacity to its network here in Shelton given the nature of

development, traffic and residential development in this area. There is a significant need for additional call and data capacity which he will discuss a little bit.

Atty. Baldwin stated that this facility will alleviate some of the capacity problem that they are experiencing right now. The proposal calls for the installation of a 12' x 30' equipment shelter in the northern portion of the roof of the building and then the installation of 12 antennas on top of that shelter. Those antennas would essentially be around the outside of the top of the shelter. Verizon Wireless proposes to enclose those antennas in a screening structure which would also be on top of the shelter. The screening structure would be designed along with the shelter, and the screening structure would be designed with an architectural treatment on the top to match the existing architectural features for the Hampton Inn building. He stated that was something which was very important to the Hampton Inn and very important to Verizon Wireless.

Atty. Baldwin indicated that this type of rooftop facility, the use of existing structures, the screening of the antennas and the equipment shelter itself is something that your telecommunications regulations recognize as the number one site preference. He stated that it is something that Verizon Wireless likes to do as at many cell sites as possible so that they can, basically, hide them as much as possible. He commented that they aren't going to totally hide these facilities because someone is going to look at it and say "what's that?" so they never think that they can completely hide them; however, they like to screen them and make them blend in with the existing use as much as possible.

Atty. Baldwin indicated that in their application package they have included some photo simulations that their consultant has done. Based upon those photo simulations, they may see how that shelter and how those screening devices will blend in with the existing architecture of the building.

Atty. Baldwin stated that those simulations show a sort of "before" and "after" from a couple of different locations around the Hampton Inn so they can get an idea of what this structure and facility would look like. He reiterated that the shelter which would be located on the lower portion of the installation would maintain a finish consistent with the Hampton Inn. It would be the same for the screening panels up on top which would hide the antennas. No antennas would be visible from outside of the structure.

Atty. Baldwin commented that in order to make this facility consistent with PDD #27 and the regulations that have been adopted, they are asking for certain amendments which have been outlined in the Call for the meeting. First of all, to allow for the use of the facility for roof-top wireless communication antennas and facilities; to allow the antennas that are installed behind screening panels to exceed the 5 foot requirement that is otherwise a part of Section 48.5B of their Zoning Regulations; allow for the roof-top installation and the screening panels.

Atty. Baldwin added that as long as they were talking about a screened installation; it is an installation that is designed to blend in with the existing use to extend up to 15 feet above the height requirement in the PDD. This facility extends 12 feet above the height of the existing parapet walls, the middle of the Hampton Inn building. The existing height limit in the PDD #27 district is 70 feet. The top of their screening wall would extend to a height of 78 feet, 6 inches. He added that even though the regulation discusses 15 feet, they are only extending 8 ½ feet above the current height restriction in that district.

Atty. Baldwin commented that he would stop there and answer any questions that the Commission might have regarding the facility for Verizon Wireless's operations.

Comm. Pogoda asked how long the enclosure would be.

Atty. Baldwin responded that it would be 30' length x 12' widths.

Comm. Pogoda stated that in looking at the drawings provided he asked how close it was the front of the building, to the parapet.

Atty. Baldwin responded that he is looking at Sheet #Z2 of the plans and it sits in the center portion of the roof. It looks as though it is equidistant from the back and the front wall of about

10 to 15 feet. He added that he did not have a scale but approximately 10 to 15 feet from the front and rear portion.

Comm. Pogoda commented that you would see this depending on any position (from Bpt. Ave. or across the street at Split Rock) but asked if there was a possibility that it could be moved totally to the back (inaudible)...putting it closer to the back portion thus eliminating some of the sight of that tower from the street. He reiterated that this will be seen from the street and there is no doubt about it. It is higher than many of their other roof-top mounted units; he's seen some...there is one at Huntington Point and other ones. He asked if it could be pushed back about 10 feet to eliminate some of this visual.

Atty. Baldwin agreed that yes it would decrease the view a bit because it is pushed back another 10 feet or so but they looked at that and the problem that they have is that this shelter, the weight of the shelter, has to be distributed evenly on the roof. He indicated that it would actually be sitting on a steel platform and that steel platform has to tie into the existing steel supports of the roof of the building itself.

Atty. Baldwin indicated that structural engineers have determined that it needs to be in the center of the roof in order to take advantage of that ability to tie into the existing structure of the building. He added that getting too close to the edge, because of the way the building is designed, takes that opportunity away. As he understands it from the structural engineers, if they start pushing it back, now they are in between the structural members of the building so they are sitting it where they are on the roof to distribute that weight. It is pretty heavy (inaudible); they are trying to make sure that it works structurally for the roof of the building.

Comm. McGorty asked if the structural orientation was front to back and if it could be rotated 90° and then pushed back because he thinks that in that orientation that 10 feet isn't going to buy you much and you are still going to see it. He commented that perhaps if it was turned 90° and then pushed back and took advantage of the supports to distribute that weight. He asked if that possibility was reviewed.

Atty. Baldwin responded that he didn't know the answer to that question. It is something that they can certainly ask the structural engineers. The concern that he thinks they had though, because of the location of Bridgeport Avenue, they are trying to keep the narrow portions of the building facing Bridgeport Avenue from a visibility perspective to avoid the...

Comm. McGorty stated that maybe if you turn it 90° and pushed it back it would be a moot point.

Comm. Pogoda agreed and commented that he would think so.

Comm. Harger asked if there was any thought given to making this into two – splitting it – making each smaller and having it balance the rooftop. She added that she thinks this is a monstrosity.

Chair Parkins stated that there is a generator underneath that so it is stacked on top of it.

Atty. Baldwin responded that the shelter itself is a single unit that is 10 feet high and sitting on a steel platform in order to handle the load of the building. He added that that shelter would include a 12' x 20' section for all the radio equipment associated with the facility and then a 10' x 12' generator room. He indicated that the antennas on top of the building allow the antennas to be at a specific height which is needed in order to provide the service in the area. Atty. Baldwin indicated that you need to maintain that same height for the antennas – so if you split the two you are ending up with a structure at the other side which is of equal height. He thinks the thought was that they would try to minimize the overall development on the roof. They worked with the landlord to try to utilize only one portion of the roof rather than two.

Chair Parkins commented that one of the things that concerns her is this trend that is beginning to develop now with these cell phone towers for Verizon, Cellco, AT&T. She added that pretty soon all of their corporate offices and buildings along Bridgeport Avenue are going to have these facilities. She added that they just seem to – obviously, there is no need for approval from the

Citing Council for these types of facilities. She asked if that was correct – or if it was just the towers. She commented that she wasn't sure if the Citing Council was even aware of these additional ones which are being put out there.

Chair Parkins indicated that one question she had is about Verizon, back in 2005 they extended a tower on Oliver Terrace from 100 feet to 140 feet and in 2013, they just installed a new 120 foot tower on Lane Street. She asked why this one was needed. She commented that it seems as though there is a competition brewing out there that AT&T applies and then Verizon has to apply then Cellco has to apply and it just seems to be generating competition which she just doesn't understand.

Atty. Baldwin responded that he thinks that the competition is there. He explained that what these facilities do, based on the needs that have been established by what the customer is demanding, is really what is driving the development of these sites.

Atty. Baldwin explained that with respect to the Citing Council, he clarified that they are required every year to file a listing of all of their sites not only their tower sites. Even though the Citing Council only has jurisdiction over towers, every year in September they file an updated list of all non-tower sites as required by Statute. The Citing Council has a full listing of every site that they've developed because even when they go in for a tower site, they are going to be asking the same questions. Questions such as "why you do need this site here?" so they spend a lot of time talking with them about where the existing sites are and why sites need to be there.

Atty. Baldwin stated that he mentioned earlier that this primarily provides Verizon Wireless's network with capacity. He explained what "capacity" meant by discussing the initial development of the system in the late 80's and 90's - it was all about "coverage." They wanted to get as many sites as high as they could to provide a coverage footprint as large as they could so that when people use their phones it will work in particular locations. He indicated that was the whole concept of coverage. It is simply a footprint around a cell site of anywhere from 1 ½ miles to 2 miles where you will have adequate signal strength to make a call or send a text message or receive a call or text.

End of Tape 1B 8:40 p.m.

Atty. Baldwin stated that in an area like this in Shelton – the Corporate Park, Route 8, Bridgeport Avenue – high traffic areas – no one has just a phone that they use for just calls anymore. Everyone has a Smart Phone; some have I Pads, I Phones, etc. Most people now have Smart Phones that are used for a lot more today than just voice services and are used for downloading from the Internet and sending e-mail. People are using them to work from home, using WIFI etc. Voice services are just one piece of this story. The data services as they develop, and they have developed very quickly over the last couple of years as they know, those data services use so much more capacity of a site like this that these sites get exhausted very quickly.

Atty. Baldwin indicated that none of these sites – tower sites, rooftop locations- none of them have an infinite capacity. The FCC has only given Verizon Wireless a certain amount of radio spectrum in the frequencies that it is licensed to operate within the frequencies that it is licensed to operate. The radio equipment itself only has the ability to handle so many calls, so many data transmissions because it only has so many channels in each of these cell sites; that is just the nature of the technology. He explained that when the immediate surrounding sites, whether they are tower or rooftop installations start to reach those capacity limits, the only way to increase the capacity of the network in those areas is by adding another cell site somewhere roughly right in between the two, three or four cell sites that are reaching the capacity limits. It is called cell splitting – you end up taking an area that used to be covered by a single cell site because all you are looking for is coverage. As you start to reach those capacity limits, the only way to provide that additional capacity is by installing another cell site in the same general area.

Atty. Baldwin stated that if you look at it on a coverage map, a lot of those coverage footprints overlap a lot. It is that overlapping area where there is additional increased capacity that you are looking for. It is really the way that the industry is going now because of all these different services, far beyond the voice services that they were used to in the 90's and early 2000. These data services in particular are using so much more capacity. Right now, AT&T, Verizon and T-

Mobile to a lesser extent are really focused on these capacity sites. They are building sites all over the State of Connecticut which are primarily and sometimes designed exclusively to increase capacity and not necessarily to increase coverage. He stated that is what this is. There is a Corporate Park here and they have so many customers in the Corporate Park – people there on a daily basis moving in and out, traffic on the roadways and all these people are trying to use the network at the same time – for voice services, data services, texting, Internet access – it is putting so much pressure on the network that the only way that they can relieve that pressure is by adding more sites.

Comm. Harger asked if there were any other locations on Bridgeport Avenue that were investigated.

Atty. Baldwin responded that he doesn't think there were any other locations that satisfied the objective.

Comm. Harger stated that the Courtyard by Marriot across the street is up on a hill. The elevation from the street is much higher. She would think that something like this could be screened a lot better that way.

Atty. Baldwin responded that it is a balance. It needs to be – well, in the infancy of this industry, the idea was to try to get these sites up as high as possible to get that large coverage footprint; with these type of capacity sites and what they are seeing now is these new sites – these capacity sites coming in are a lot lower to the ground because they don't need a large coverage footprint. All they need to do is overlap with the adjacent cell sites in order to provide them with additional capacity. Height of the structure is not as important of an issue; in fact, it is detrimental sometimes when trying to satisfy a capacity objective vs. a coverage objective.

Chair Parkins asked why they couldn't take the top off and place it down lower. She asked why they had to stack it. She commented that this was a high visibility area, very high and as she was sitting in Focaccia's the other day having lunch, she looked right at the hotel and thought how ugly it was going to look. She reiterated that it is a high visibility area. She stated that she thought Comm. Harger's comment about the Marriot which sits up much higher and doesn't have the view shed from either the Corporate Park or the Split Rock area would be a much better site. If height is not the issue than she would say take the tower off of that, split it in two and put them side by side so that it doesn't have such a visual impact.

Chair Parkins stated that they just had an application before us about two weeks ago with the same situation and it is really not acceptable to start putting these monstrosity things on top of these buildings that are so visible.

Atty. Baldwin responded that he did not know the answer to the question of whether an antenna height which he guesses would be ... (he referenced his drawings)...

Chair Parkins commented that if you take the antenna part off and put them side by side with the generator then it would look more like a mechanical rooftop which is commonly seen.

Atty. Baldwin asked if she was talking about taking off this top piece ...

Chair Parkins stated ...either put it side by side or move it to the (inaudible)...

Comm. McGorty commented that you could put it in the back. They'd have to look at the load bearing where they could and if they rotated it, pushed it back; it could probably eliminate it from sight on Bridgeport Avenue. It may be seen from Old Stratford Road.

Chair Parkins stated that this is 30 feet long and it will be seen from anywhere on Bridgeport Avenue – you would see it coming down, you are going to see it from Split Rock.

Comm. McGorty responded no, not if they push it all the way back.

Chair Parkins commented that they would have to take it down split that into two (inaudible)...

Comm. McGorty stated that the angle is pretty good from Bridgeport Avenue. In the current location you would definitely see it but if you rotate 90° and push it all the way to the back of the building, he thinks it will be at a steep angle and you won't see.

Comm. Pogoda added that you might see it, but just a small portion of it.

Atty. Baldwin stated that he would like to continue this discussion and make sure that they are fully understanding of all the issues and questions that they have. He requested that they keep this public hearing open for them to come back with some answers to those questions because he doesn't have all those answers tonight. He indicated that he could talk to the structural engineers and see if they have explored the possibility of turning the building and pushing it to the back as they have suggested. He stated that is certainly something that they can look at. It certainly would change the views and they can have their consultant look at those same view sheds with a photo simulation to see what that does because they can simulate what that is going to look like.

Comm. McGorty stated that it is 12 feet wide so in the back versus the 30 foot length you are pretty tucked in the back there.

Atty. Baldwin stated that the other concern that he had with respect to taking these and setting them adjacent to (inaudible) – he doesn't think that they are talking about something this tall. They were talking about taking these down and putting them up at a level about the same height as the shelter. He asked Chair Parkins if that is what she meant.

Chair Parkins responded the mechanical systems up on the roof.

Atty. Baldwin stated that the other thing that they need to be concerned about there is that reduction in height which would be either 6 feet or so down from where they are now and if it would have an impact on the ability to provide the service that they are looking for. He indicated that they'll have to take a look at that.

Comm. McGorty asked if any of this could be accomplished by co-locating with an existing site and with the proximity of the one on Lane Street and one on Oliver Terrace which is ½ mile and a mile away. He asked why they just can't co-locate where they are already at and increase the capacity on the existing sites.

Atty. Baldwin responded that the simple answer is that they are already on those sites and that is how they have identified the capacity problems here. The Lane Street tower site and the Oliver Terrace site are the ones that they were having problems with from the capacity perspective and that is what prompted them to go here.

Comm. McGorty asked if they are basically creating a new site with more antennas on it, correct.

Atty. Baldwin responded yes.

Comm. McGorty asked if that is all there is and then the power source. He asked if there would be any gated compression happening there. He commented that this is just basically a new site with extra antennas

Atty. Baldwin responded yes.

Comm. McGorty asked if they could put more antennas on the ones they already have.

Atty. Baldwin stated that you still have the limitations given the locations of the facilities. He stated that he would come back and provide the Commission with some additional information, some coverage maps showing where those adjacent sites are and how they fit within the network as well as why this site was selected. He indicated that they will be able to see on a map where this site is and the proximity to those other sites. He said that the problem you have when talking about the more distant sites is that, as you get farther from those sites, the signal strength starts to fade; it is just a natural occurrence. He reiterated that in the "coverage days" if you want to call them that when there was one cell site here and another cell site there, then they have the two sites that overlaps a small distance; that was the way that the system was designed to travel from

one coverage area, to an area of overlap into the next coverage area, where the call is handed off to the next site.

Atty. Baldwin indicated that now they are trying to not only make sure there is a hand off in the middle but they need to increase the capacity between those two sites. Increasing the number of antennas doesn't give them more frequency or more channels. It is still the same number of channels. There is a finite number of channels that they have today and they can't increase the number of channels at these adjacent sites because they are maximized now and the FCC's limitations on their license frequencies don't allow them to go beyond what they have at those sites right now.

Atty. Baldwin concluded that the problem that they have is that they can't increase the capacity for the area in between by boosting signals and increasing channels on these adjacent sites. The only way to do it is by adding another site in the middle that provides them with additional channels providing service to essentially the same area thereby increasing the capacity between those two cell sites.

Chair Parkins commented that as the capacity need keeps growing - they have an additional 800 people who will enter the Corporate Park - and with their success rate they hope to continue to grow along Bridgeport Avenue; she asked if they are going to see more and more and more of these. She asked if that was what he was basically telling them.

Atty. Baldwin responded that it has taken them this long - 25 years, where they have started to worry about capacity in this area. As they add additional sites, he thinks it will be a little more time before they see the need for additional capacity but he thinks that it is fair to say yes. In what form, he commented that he didn't know; what Verizon Wireless is doing and what AT&T is doing also is that they are trying not to build more than they need - not as far as the numbers of sites but the types of sites. He added that while there might be a future need for additional capacity in the Corporate Park, it might be handled by in an "in-building system" so that the folks in a particular building in the Corporate Park are losing capacity because they are on the fringe of one of those coverage areas. In that case, instead of putting another one of these sites in that area to provide the additional capacity, they would install in in-building distributed antenna system.

Atty. Baldwin stated that what they are starting to do now is identify different types of sites, different types of facilities that can provide the same functionality, the same capacity but not all the same type of macro cell like they are talking about here.

Chair Parkins asked about co-locating on utility poles such as the new electric line that UI is putting in. She asked if that was an option. She added that she realizes that the company needs to find a tenant that is willing to house this. She understands, obviously, the Hampton Inn must be benefitting from this in a monetary way.

Comm. McGorty commented that it is probably pretty lucrative.

Chair Parkins responded yes, exactly.

Atty. Baldwin stated that it is not as lucrative as they might think, but yes, certainly they will benefit from it. As far as the utility line structures go, they are very quickly becoming something that - it is something that certain carriers used in the past but not as much anymore, primarily because it becomes a real conflict. He stated that they may know from their experience that utility companies such as UI, CL&P etc...on their transmission lines they provide transmission systems; utility companies don't want to deal with them and frankly, they don't want to deal with the utility companies, primarily because in order to get up on that utility system and install antennas or cables and more importantly, to maintain those same facilities over a period of time becomes a nightmare from a maintenance perspective. Getting CL&P or UI to shut down a 345kb transmission line just does not happen.

Chair Parkins stated that she asked because she noticed that in Orange where they put the line through...she added that she is beginning to see these antennas pop up in the most creative locations. She happened to spot one up on the post and thought that maybe now they will start

occupying on utility lines. She stated that she really didn't know if that was CL&P's communication for themselves but she definitely noticed the antennas up there.

Atty. Baldwin stated that with CL&P sometimes it is wireless carriers and the Citing Council recognizes, because they have jurisdiction over the transmission lines also. He indicated that using those transmission power lines is very difficult also. CL&P doesn't come right out and say that they can't use it but they make it very clear they don't want it because it is primarily for the reliability of the electric grid and they don't want them messing with it and they don't want to deal with them. Frankly, they don't want to deal with the issues that come with mounting on the transmission line towers. It is problematic and it always has been. Atty. Baldwin added that he thinks that they may have one or two sites throughout the State that are on transmission line towers and there have been a number of applications recently that the same question has been asked and CL&P has responded, especially in relation to the new transmission lines that just they built in the last couple of years - they aren't interested in letting anyone get on those towers.

Comm. McGorty asked for clarification that if they have a tower at say Oliver Terrace and then another tower on Lane Street and this one is in the middle – he asked if the differentiating factor was that this one was at a different frequency.

Atty. Baldwin responded no, the same frequencies.

Comm. McGorty responded OK. He commented that it goes back to his point of co-locating, if it has the same frequency as those other towers, and there are overlapping zones, what tells it to go to that one. He asked if it is based just on signal strength.

Atty. Baldwin responded that it was based on signal strength and what other channels might be available. He referenced how he discussed the “old system” about just coverage and that small area of overlap. He explained that if you pick up your cell phone to make a call, that cell phone searches for the strongest signal from the closest cell site. As you transfer out of that cell site, that call would then transition over to that next cell site because of what is called the “dominant server.” The signal from the adjacent cell site becomes stronger and the call switches over.

Atty. Baldwin indicated that what capacity relief does is it provides more dominant server opportunities in between those two existing cell sites; thereby, increasing the capacity. Therefore what the call or the data transmission might do in that area will search for a dominant server and the protocol might be to go to the closest cell site which might be Oliver Terrace. He continued that if there is not a channel available on Oliver Terrace then the protocol would require it to switch to the next closest cell site, maybe it is the Hampton Inn. If there isn't a channel available there then it looks for the next available strong channel which might be the Lane Street tower site. It is always looking for the next available channel. He added that was the problem with the capacity of the network because right now with the sectors pointing toward the Hampton Inn is that the available channels, even if you are in that area where there is overlap, are being used up on a very regular basis. He reiterated that given the nature of the development in the area with the Corporate Park, the traffic in the area, a lot of daily traffic in that area, they are finding that these surrounding sites have a capacity that gets exhausted very quickly especially during the work day.

Chair Parkins stated that it would certainly be her preference to see that chopped in half in some sort of (inaudible) even if they have to run a conduit from the generator and/or station over to the other side. She added that she just really thinks it will present too much of a visual impact in that area. She indicated that she thinks it is going to be a trend that they are going to see on all of the buildings considering the fact that this is the second one that they have entertained in the last month.

Comm. Dickal commented that down the road there is an application for it to be located somewhere else because now they need a fourth one.

Comm. McGorty stated that they are a lot of other companies though.

Comm. Tickey commented that he agrees with what has been said so far but it bears repeating. It is so unsightly as you are at Split Rock looking across the street but also as you drive down

Bridgeport Avenue it looks as though something has landed on the hotel. He thinks that what the Commissioners are saying is that the explanations he has provided have been very insightful but when he comes back, maybe he can see if there is any other way it could be done whether by splitting and dividing it in two as Chair Parkins suggested. Comm. McGorty's recommendation to rotate it and push it back would alleviate what it looks like as well. Comm. Tickey stated that he understands what has been said about the structure of the building but there has to be ways to be creative in which they can work together.

Atty. Baldwin responded that in the past rooftop installations have taken on different looks and the antenna configuration can be split up sometimes on the roof but the problem that they run into is something called "cable loss." The goal is to try to keep the antennas as close to the equipment as possible so that you can avoid the cable loss – the loss between the actual antenna itself and the equipment so that is something that has to be taken into consideration. It doesn't stop them from separating the antenna on those occasions from the shelter some distance.

Atty. Baldwin clarified that they want them to look at the possibility of taking the building; rotating it and pushing it back toward the back of the building and see what that does for visibility. Additionally, they would like them to consider relocating the antennas down onto the roof, the lower portion of the roof, so that they are more consistent with the top of the equipment shelter so they aren't talking about something that is twice as tall but perhaps shorter in two different locations.

Comm. Harger asked if they could consider an alternate site altogether instead of Bridgeport Avenue.

Atty. Baldwin stated that he is sure that there are other sites that the real estate folks had taken a look at. They have been working with the Hampton Inn folks for about a year now. There is a leasing process and it was a difficult leasing process – not so much with the Hampton Inn but with some of the financial institutions who have a financial interest in the property.

Chair Parkins commented that she thinks the Marriot is a more ideal location because it has less visibility.

Comm. Dickal added that it was elevated a little bit but isn't elevated so bad.

Chair Parkins commented that there is an apartment complex being built right next door to it but she doesn't think it will have much effect other than having another 250 people who will need cell phone service.

Comm. McGorty stated that it may have been investigated already and it may just be a different deal.

Atty. Baldwin responded yes.

Chair Parkins commented that the bottom line is that Verizon wants to be located somewhere.

Comm. Harger indicated that there was also a hotel behind TD Bank and Chili's.

Atty. Baldwin stated that obviously they don't have the power of eminent domain so they are dependent upon finding a willing landowner. They will get some additional information on some of the alternatives that (inaudible). They will ask about the Marriot and the other locations mentioned. He knows that, again, when they have a willing landowner they like to pursue those. There might be a better location and they have been in that instance before – better locations where the property owner just isn't interested in dealing with them, at which point they don't have much of an option.

Comm. McGorty stated that he personally likes a rooftop versus a pole and they are inundated with those applications lately it seems.

Comm. Dickal added that they also want something on the roof that looks aesthetically pleasing.

Chair Parkins commented that 30 feet long is not ...this original... (inaudible) really minimizes. It is going to be a huge visual impact.

End of Tape 1B 8:40 p.m.

Comm. McGorty commented that it is great that it is screened but they could probably do better pushing it back and maybe rotating it if it can support that weight back there.

Comm. Pogoda stated that it would definitely minimize the visibility from the street – at 90° and possibly moving it back.

Comm. McGorty commented that up at Split Rock you are going to see it but coming down Bpt. Avenue you'll probably see it a little less.

Comm. Harger indicated that they want to get some sort of an idea – she referenced the length of the ceiling tiles that would measure 30 feet.

Chair Parkins commented that it would be huge.

Atty. Baldwin stated yes, it is the size of the standard shelter. They'll find that at the Lane Street and Oliver Terrace site. It is the shelter that Verizon and AT&T use on a regular basis. It is the industry standard. It is a big shelter.

Chair Parkins commented that it is not something that you typically see on top of a roof.

Atty. Baldwin responded that they have these shelters on the roof tops all over the State and they are dealing with a lot in Fairfield County right now.

Comm. McGorty asked if he had a list of some other locations.

Atty. Baldwin responded yes.

Comm. Dickal asked if he had photographs.

Comm. McGorty asked if they could have some address locations.

Comm. Pogoda commented that he would go and look at them. He asked if he knew where Huntington Point is located off of Route 8 and commented that right before the Langanke's Floral shop there is a gold building right before it with a structure on the roof that has been painted to look like bricks; it was done about 15 years. He commented that it is nowhere near 30 feet long. It is high but you don't know it is for communications. Comm. Pogoda added that he just said that they are all 30 feet or bigger but this one is much smaller. He asked if that was because it is older because it isn't even 15 feet.

Comm. McGorty stated that it would depend upon what it is doing though.

Atty. Baldwin responded that he wasn't sure; he knows that when these shelters are housing both the equipment and a generator room. Verizon's goal is to get generators at every site for obvious reasons to make sure that communication systems remain active if commercial power/facilities are interrupted for some reason. He reiterated that was for the 12' x 30'; occasionally, if there is no generator involved...he thinks AT&T only just recently started installing generators on all of their sites and their shelters are 12'x24' without a generator but even now AT&T is installing generators at all of their sites. He doesn't know which one he is talking about...

Chair Parkins stated that it was an AT&T Wireless that has 9 concealed roof top mounted antenna and support equipment for cell phone service.

Comm. Pogoda added that it was an older one and may not have a generator in it. He doesn't really know but it is nowhere near that size. It is visible, as visible as this one, but you would never know because the building is shaped like a block and the painting was done to make it look like part of the building.

Atty. Baldwin responded that is consistent with what they are trying to do here but also what they've done in another of other different locations where the shelter maintains a brick finish to match a brick building, sometimes a stucco finish to match a stucco building, clapboard siding for fitting in at a building such as that so they have done a lot of different things to get these facilities to blend in as much as possible.

Atty. Baldwin indicated that he hears their concerns about the height at this particular location and the overall size. He'll take a look at bringing that structure down, balancing out the roof or keeping it close to the shelter. They'll look at that orientation of the building to see if they can't push it back to make those views less obtrusive as seen from Bpt. Avenue and adjacent areas. Those are things that they can certainly look at and consider as far as the design goes. He thinks that the goal would be the same – they are trying to get it to blend in with the existing building. He doesn't know if that is the Hampton Inn's concern.

Chair Parkins responded yes, it is going to blend in but it is going to stick out like a sore thumb – that's the problem. It is a very highly visible location. It is probably the most visible location that they could pick on Bridgeport Avenue.

Comm. McGorty asked again for the addresses of a few locations where Verizon has some structures right now.

Comm. Pogoda asked for some photos as well for some of the Commissioners who can't get out to see them.

Comm. Harger asked if the locations and photos could be emailed to Rick Schultz and he'll send them out to everyone. She stated that she knows that they've done a lot of hard work on this but speaking for herself, she doesn't get the warm fuzzy feelings for this at all.

Atty. Baldwin stated that for this application, for the nature of the application and their discussions with Rick, they wanted to get them the basic information on this proposal. It looks like they do need to do a little bit more work and get them some more information to address some of the concerns that have been raised tonight. He will come back and present the additional information and bring their structural engineer with them to talk specifically about the location. He pointed out that any changes to this structure that they propose will have to be run by the folks at the Hampton Inn to make sure that they are on board. Atty. Baldwin indicated that he'll explain to the Hampton Inn that the changes being considered are due to concerns made by the Commissioners. They have an interest in seeing this facility approved so if they make certain changes and accommodations to the facility it will have to be explored with them as part of the process.

Chair Parkins responded that they have dealt with the Commission so they know their concerns. It took them a while to get their slide in.

Mr. Schultz informed Atty. Baldwin that the next meeting would be May 28th which is the 35th day to conclude the hearing.

Atty. Baldwin responded that he knows that they already have another hearing that night in Waterbury but OK, he will work it out the scheduling with Rick, if they need to extend the process in order to get to another date.

Mr. Schultz commented that if he needs to extend it, he'll have to give the Commission an authorization.

Atty. Baldwin responded yes, OK.

With no further questions from the Commission and no one present in the public audience, Chair Parkins requested a motion to extend the public hearing.

Atty. Baldwin thanked the Commission.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to keep the public hearing open for Application #14-5.

OLD BUSINESS

APPLICATION #14-4: JOSEPH GIAMEI FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (SIT-DOWN RESTAURANT WITH TAKE-OUT), 23-25 LONG HILL AVENUE (MAP 117B, LOT 128), CB-2 DISTRICT

Chair Parkins stated that there is a parking issue down there but all of downtown has parking issues and they just have to be managed. Their property does abut Long Hill Avenue so they have a right to park some cars there; it is street parking and it is not reserved parking. Until the City implements, if it ever would, some sort of reserved, permit parking only, where residents there could get permit parking. She referenced the type of permit parking presently available near the train stations because commuters were clogging up all the streets near the train station.

Chair Parkins indicated that she feels for these people not being able to park especially at night. She added that Downtown is getting very busy, Center Street, etc. but Antonio's is already there. It is already generating a lot of traffic.

Comm. McGorty commented yes, that it will free up some spaces on Bridgeport Avenue.

Chair Parkins added that they can't forget that if Antonio moves out than something else will move in.

Comm. Pogoda stated that he thinks that if they limit that gate being closed, he doesn't think anybody will park on Long Hill Avenue; they'd have to walk all the way to the corner and come all the way back. He thinks that will eliminate the concern that some of these people have about that area. As long as that gate remains closed, and there is no reason for it to be open... Rick had mentioned that sometimes Pepper Construction may want to take a trailer out and it would be easier for him to get out through the gate...he added that he doesn't know exactly what they have stored over there but he has three garages and he may want to use Long Hill versus trying to get out to Bridgeport Avenue. They have the key to open it and close it right up. He reiterated that it would alleviate anything going to the back.

Comm. McGorty commented yes, that would probably be the exception rather than the rule.

Comm. Pogoda stated that as far as the exit door, it is for emergency use and not for patrons.

Chair Parkins stated that she is concerned, as Comm. Osak pointed out, the drawing provided to the Commission was so inadequate.

Mr. Schultz responded that they are finalizing an as built; they were unable to complete it in time for the meeting. He added that they are going to submit that.

Comm. McGorty commented OK.

Chair Parkins stated that they are going to have to rely on Rick to make sure, working with the Building Dept. that the parking issues are taken care of and the tables will be limited. She asked if he would be drawing up a resolution.

Mr. Schultz responded yes, they aren't going to act on it tonight because they have to refer to it.

Chair Parkins indicated that she thinks that in concept they are in favor of the building, the location of the restaurant has some work that needs to be done.

Comm. McGorty stated yes, that there is some relocation work that needs to be done.

Comm. Pogoda added a lot of work.

Chair Parkins agreed that for the restaurant some work needs to be done so they can garner that consensus and direct Staff work with the Applicant and draw up a favorable resolution.

Comm. Pogoda stated that 90% of the drawing that they received is totally erroneous so that is really (inaudible)...

Comm. McGorty commented about the number of exits shown (inaudible)...

Comm. Tickey added that very little of it was accurate.

Chair Parkins asked if they should make a motion to direct Staff to prepare a resolution.

Mr. Schultz stated it would be for the May 13th meeting.

Comm. Harger indicated that she would not be comfortable voting on it unless those revised plans come in and they that are not going be submitted with "that wall they're going to do this here instead of that..."

Mr. Schultz responded oh, yes, absolutely. They wanted to have it tonight.

Chair Parkins stated that they need to realize that the public hearing has closed so no new information can come in that they can comment on. She stated the Commission can't comment on any new information that comes in because there was a lawsuit because of that once before.

Comm. Pogoda commented that it has to be basically what was presented to us tonight.

Comm. McGorty stated that it is has to be the same thing but basically more clear on a drawing.

Comm. Harger responded that he did state different things though.

Chair Parkins stated that they can't say to him "no, you can't do that..." The Applicant has to work with Staff; he can't work with this Commission to make any changes. The Commission is in no position to make any changes on what he brings in so it will be up to Rick. She stated that they can see it but Rick has to be the one to work with him. She added that the Commission can't voice their opinion because then the public is being left out of the process.

Comm. Harger stated that one of the questions she has was if the dumpster does get located on the side would there be enough room for Pepper Construction to be able to exit through the rear gate.

Comm. Pogoda responded that it's a pretty wide gate. He was there twice as he mentioned before.

Chair Parkins commented that he has to close the gate after he exits. She asked what he would do, leave his truck in the middle of the road and go close the gate.

Comm. Pogoda responded that he assumes that he'd have another person there to close it for him or pull over to the right and go to close it. He could ingress from Bridgeport Avenue but if he has a truck or trailer he thinks it would be difficult.

Chair Parkins stated that she thinks that they are going to (inaudible) and she thinks that they will need to limit the occupancy right now until they see how it goes.

Comm. Pogoda agreed.

Mr. Schultz indicated that Staff knows what it needs to do.

Comm. Osak stated that all they've really done is told him that they agree with his concept to ahead and design it and that is what he has to do now. When he designs it and brings it in to Staff, they will critique it, give it back to the Commission and then they will approve that.

Chair Parkins stated that they are voting to approve a Special Exception.

Comm. Osak responded that was all they did.

Chair Parkins stated that they haven't done anything yet.

Comm. Osak stated that even for a Special Exception and concept this drawing is a sorry excuse for coming here.

Comm. Pogoda agreed.

Chair Parkins stated yes, absolutely.

Mr. Schultz stated that they tried to get it done.

Comm. Harger commented that they have to be very careful that they don't slide in some tables outside. He seemed very (inaudible)...

Comm. Dickal agreed that they had that big "if."

Comm. Pogoda responded that they already told him he had to come back.

Mr. Schultz indicated that the resolution is going to be very clear about that.

Chair Parkins asked Rick if he could send them that resolution so that they could all make comments on it before the meeting.

Mr. Schultz responded OK, May 13th.

With a favorable consensus, Chair Parkins requested a motion to direct Staff to prepare a resolution for May 13th.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to direct Staff to prepare a favorable resolution for Application #14-7 pending the receipt of required information to Staff.

APPLICATION #14-7: JAMES R. SWIFT, P.E. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #35 AND DETAILED DEVELOPMENT PLANS (PATIO ENCLOSURE FOR IL PALIO RESTAURANT), 5 CORPORATE Drive (MAP 28, LOT 8), R.D. SCINTO, INC.

With no questions or comments, Chair Parkins asked for a motion to approve #14-7 and take a roll call vote.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously roll call voted (6-0) to approve Application #14-7 Modification of Statement of Uses and Standards and Detailed Development for PDD #35, Il Palio Restaurant at 5 Corporate Drive, subject to adherence to the requirements of the Fire Marshal, effective date May 9, 2014

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Jim Tickey it was unanimously voted to adjourn at 8:50 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary

