

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, January 13, 2015 at 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 (via teleconference)
 Commissioner Jim Tickey

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

Tapes (2), attachments and correspondence are 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/ ROLL CALL/PLEDGE OF ALLEGIANCE

Chair Parkins called the January 13, 2015 Regular P&Z Meeting to order with the Pledge of Allegiance and a roll call of members present. She indicated that P&Z Consultant, Tony Panico would be joining the meeting via Skype and Comm. Tony Pogoda would be listening via conference phone.

Chair Parkins indicated that there would be two public hearings on the agenda tonight and she reviewed the procedures for public hearings for those in attendance, procedures for people wishing to speak and requested no cell phone use. She asked the P&Z Secretary, Virginia Harger to read the Call of the Hearing for Application #14-26.

PUBLIC HEARINGS

APPLICATION #14-26: PETITION OF CT COMMERCIAL INVESTORS, LLC FOR MODIFICATION OF PDD #24 INCLUDING STATEMENT OF USES AND STANDARDS (SIT DOWN RESTAURANT) AND REVISION OF DETAILED DEVELOPMENT PLANS, 705-711 BRIDGEPORT AVENUE (MAP 28, LOT 22).

Comm. Harger read the Call of the Hearing for Application #14-26 and two pieces of applicable correspondence.

***See attached correspondence dated January 8, 2015 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

Comm. Harger commented that in the last paragraph in the Fire Marshal's correspondence there was wording from a previous letter used to cut and paste this one. She added that the letter refers to Paragraph #4 but there are only two enumerated paragraphs.

Chair Parkins responded that they will have to get clarification from the Fire Marshal.

***See attached correspondence dated January 2015 to Richard Schultz, P&Z Administrator from Robert Kulacz P.E., City Engineer.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant. Atty. Thomas approached to distribute some exhibits to the Commission. He indicated that the first exhibit was two photographs of the posting of the property and the notices of the Public Hearing that were sent out and the return notifications from all of them.

Atty. Thomas stated that he would present a map which all of the Commissioners should have received and added that he also took a blow up of the map and will provide it to them on 11 x 17 paper to show the building itself as large as possible so it would be clearer, without destroying the integrity.

Additionally, he distributed some photos of the Five Guys patio down the road on Bridgeport Avenue. He explained that he was doing that because they've submitted a patio plan for this restaurant and he'll be discussing what would be on it and how it will be enclosed. One of their proposals is to do the patio similar to the patio at Five Guys.

Atty. Thomas refreshed the Commissioners about the 2013 P&Z Commission approval of the amended and updated Statement of Uses and Standards and the 3,000 square foot building on this site. He commented that at that time, they presented extensive evidence of the fact that there are no parking issues – none whatsoever – and because of the type of Sears Hardware customer - even on a Black Friday and through Christmas Eve - there were never any parking problems in that portion of this parking lot. Atty. Thomas reiterated that the Commission approved that but at the time they didn't have potential tenant. This Commission indicated that it would not be approved without a specific tenant for a food service establishment.

Atty. Thomas commented that this relates somewhat to the City Engineer's letter; at that time there was a discussion about the loss of the 11 or 12 parking spaces and based upon the parking information provided it was found to be suitable subject to the Applicant coming back in when they had a specific tenant for the property.

Atty. Thomas commented, as Comm. Harger mentioned, that in the Fire Marshal's letter number #1 and #2 are favorable and approved. There is no #4 so they don't know what he was referring to either. He attempted to call the Fire Marshal in regard to this issue but had not gotten a response. He added that he is assuming that it was an error because there are really no issues with this building.

Atty. Thomas commented that it was probably the worst kept secret in the City at this point because they weren't supposed to reveal who this tenant was specifically so the worst kept secret is that it is Chipotle.

Chair Parkins responded that he just let the cat is out of the bag.

Atty. Thomas stated that it is important to know who it is because it is one of the reasons that they are shrinking because this is their standard sized building. The patio at Chipotle is similar

in business-style, not food, to Five Guys where there is a combination of eating in and taking out.

Atty. Thomas reiterated that the point would be to have a similar patio and the developer is willing to put a patio with the type of planters that are in Five Guys. Chipotle is the type of restaurant that generates some people sitting in and some people taking out. There is more than sufficient shared parking and they would certainly have a lunch crowd and a dinner crowd but it really wouldn't conflict. The Sears Hardware really doesn't have a lot of parking as they presented a year ago with pictures from the Sears parking lot at various times of the day. He added that a lot of the people going to Sears are just going in and coming right out – it is a hardware store and they really aren't spending a lot of time inside. The other businesses in the area have no issues with parking. The other businesses on the other side of the driveway there is Sikorsky Federal Credit Union, a nail salon and FedEx Office. He added that FedEx was another type of place where people come in and go quickly so there haven't been any parking issues. The architecture will be similar to the architecture that exists on the site and the architecture that Five Guys and the Hair Salon has down the road on Bridgeport Avenue.

Atty. Thomas reiterated that in order to do this they had to modify the plans and shrink the building but it will have the same landscaping that the Commission approved a year ago for behind the building. He added that they have done an amended Statement of Uses and Standards for the restaurant use. A year ago the Commission approved the additional sign in the front when they got a new tenant and that hasn't changed. Subject to clarification from the Fire Marshal, Atty. Thomas stated that he didn't have much more to present. He indicated that the developer was here to answer any questions.

Chair Parkins asked if this would be food service only with no bar service.

Atty. Thomas responded no bar service, but added that there are Chipotle somewhere that have it but the local ones around here don't have a bar service.

Chair Parkins commented that she brings up the issue of alcohol because with the parking, people tend to stay longer or hang out on the patio longer if they are drinking.

Atty. Thomas agreed and commented that in doing the research, there were some Chipotle restaurants that will serve beer or wine with the meal but none of them have a destination bar and that is the thing that would create that. He stated that the other advantage of this location is that it gives that side of the street, the Hampton Inn guests an option for someplace to eat where they don't have to walk across Bridgeport Avenue.

Comm. Harger commented that the agenda states that this is a Revision to the Detailed Development Plans. She asked about the map he just handed out and where the dumpster would be located.

Al DaSilva, 1 Brae Loch Way, Shelton and representing CT Commercial Investors, LCC addressed the Commission. Mr. DaSilva responded that the location would still be the same.

Comm. Harger asked for clarification if there would be a driveway in the back.

Mr. DaSilva responded no but there is an existing driveway into the hotel which will stay there.

Chair Parkins asked if there would be a driveway around the building.

Mr. DaSilva responded no.

Atty. Thomas reminded them about the plantings that are there and added that the parking spaces that are leased to the hotel site are for hotel use even though they are on this site.

Comm. Harger responded OK.

Chair Parkins asked if restaurant parking would not be allowed there since it is leased to the hotel.

Mr. DaSilva responded that they have a cross easement so (inaudible)...

Chair Parkins commented OK, so it is more like shared parking.

Mr. DaSilva responded yes, exactly.

Chair Parkins stated OK so nobody is going to get towed if they are in the restaurant and park there.

Mr. DaSilva responded yes, correct.

Atty. Thomas commented that the concerns with Sears last year were taken care of in regard to some of the things that they were storing in the parking area. They were removed and put back by the loading docks.

Mr. DaSilva stated that if they recall where the building is right now, they used to store stuff in there; obviously, this will take all of that away.

Comm. Harger asked for clarification that this was a one-story building.

Atty. Thomas responded yes; it is similarly designed to Five Guys.

Comm. Pogoda commented about the patio and asked if there would be china dishes or paper plates.

Mr. DaSilva responded that there is no china.

Atty. Thomas added that he doesn't think that they use china at Chipotle's.

Chair Parkins indicated that typically for outdoor establishments, they require that there be linen napkins so that garbage isn't blowing off of the patio. She commented that could occur with paper napkins, and if it is a windy day it blows off the patio.

Atty. Thomas responded that they've never had that problem at Five Guys and they've been open for two years now.

Chair Parkins stated that is one of the things that they look for with outdoor dining that it be enclosed similar to what they are showing.

Atty. Thomas responded that whatever the Commission's preference and Staff's preference is – in other words, either the planter type patio which has shown to be successful at the Five Guys site or the Applicant has talked about the black aluminum type...

Mr. DaSilva responded that they preferred to do the planters because they work well at Five Guys with the plants there. He said his office is next door and there has never been an issue and he has never had to go over there and ask them to pick up anything.

Chair Parkins stated that she has only been in two different Chipotle in Milford and in upstate New York and it has been a type of self-service buffet where you get your own food and sit down. She added that there is no table service. She asked what the mechanism be for cleaning up outside and if there would be trash receptacles on the patio.

Mr. DaSilva responded that they have trash receptacles outside just like Five Guys and they have someone going out to pick up.

Chair Parkins asked Comm. Pogoda if that answered his question.

Comm. Pogoda responded yes.

Chair Parkins asked Comm. Pogoda if he was familiar with the Five Guys patio.

Comm. Pogoda responded yes, he has been there. With no further questions from the Commission, she opened the public hearing up for public comments or questions.

Michael Marques, General Manager of the Hampton Inn, Shelton addressed the Commission. Mr. Marques requested to see a map indicating the location of where this restaurant would be located compared to where the Hampton Inn is. He knows that the parking – again, if this is a fast food restaurant and with Sears not having that much traffic he doesn't really see a concern. However, at night, it gets busy with the hotel parking and he wanted to know what the Chipotle hours would be a night. Mr. Marques commented that during a sold out night during the week, their parking lot is busy so he just wanted get an idea of the location and the parking issues.

Chair Parkins responded that it was good to hear that his hotel was that full at night. She asked if his hotel guests were using that additional parking.

Mr. Marques responded not really; the only thing that they see, with permission, is if they have a large bus group coming in. Buses sometimes park on the side over by Sears to accommodate the other hotel patrons because the bus can take up more than a couple of parking spots. He added that usually happens on the weekends.

Chair Parkins asked if there was anyone else in the audience wishing to speak. With no further comments, she asked Atty. Thomas what the Chipotle hours would be.

Atty. Thomas responded that from what he understands that they are open until 8 or 9 o'clock at night; however, their busiest time period is lunchtime. Secondly, even though Sears is open until 8 or 9 p.m. their parking lot is virtually empty. The FedEx store is open late but the Nail Salon closes early and the Credit Union is closed so there is an abundance of parking at night. The only parking that people would be doing at the Hampton Inn is in the easement, shared parking area but he doesn't think there will be a need for that.

Atty. Thomas added that they have approved landscaping so that parking is on the other side of the landscaping so people would park more on the Sears side which is empty at night. He commented that he didn't think that there would be any interference with the Hampton Inn.

Chair Parkins commented that she would imagine that they would be open until at least 10 p.m. on Bridgeport Avenue. She asked if most of the restaurants on Bpt. Avenue were open until 10 p.m.

Atty. Thomas stated that the hours depend upon the business but Chipotle has a very heavy lunch business.

Comm. Harger agreed and asked if their planned time to open would be around 11 a.m.

Atty. Thomas responded yes he believes that it is 11 a.m. from what he saw in their information.

Comm. Harger asked if it would be open 7 days a week.

Atty. Thomas responded yes.

With no other questions or comments, Chair Parkins asked for a motion to close the public hearing.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to close the public hearing for Application #14-26.

APPLICATION #14-29: DOROTHY DEMARCO FOR RE-SUBDIVISION APPROVAL (WABUDA SUBDIVISION: 2 LOTS), 209 BIRDSEYE ROAD (MAP 143, LOT 8), R-1 DISTRICT

Chair Parkins asked the P&Z Secretary to read the Call of the Hearing for #14-29 and any applicable correspondence.

Comm. Harger read the call and three pieces of correspondence.

***See attached correspondence dated December 16, 2014 to the P&Z Chairperson from the Gary Malone, Chief Sanitarian, Naugatuck Valley Health District.**

***See attached correspondence dated December 5, 2014 to P&Z Chairperson Ruth Parkins from Shelton Conservation Commission Chairman, Thomas Harbinson.**

***See attached correspondence dated January 9, 2015 to Richard Schultz, P&Z Administrator from Robert Kulacz P.E., City Engineer.**

Tracy Lewis, Licensed Land Surveyor, 260 Main Street, Monroe, CT addressed the Commission on behalf of the Applicant, Dorothy DeMarco addressed the Commission. Mr. Lewis submitted returned mail receipts and photographs of the public hearing posting per the regulations.

Mr. Lewis presented a site map of the property and highlighted the original subdivision in yellow. He said it was approved and filed in 1969. He indicated that Lot #1 is the lot that they are

proposing to re-subdivide tonight. It was a part of a four lot subdivision. He indicated that there were two smaller lots that were cut out and they would like to divide the larger one. A remaining portion, Lot #4 is located in the back; it is a large track of land owned by the Aquarion Water Company.

Comm. Harger commented that they don't have that plot plan available to them.

Chair Parkins responded that they do; it was given to them in the package at the last December meeting. She added that it would be more helpful though, especially for anyone who doesn't have it, if Mr. Lewis approaches the large map on display and just points out the areas that he is referencing.

Mr. Lewis showed the large lot and pointed out that it was highlighted in yellow. He showed the location of Birdseye Road, the Aquarion Water Company property that is approx. 13 acres in size belonging to Aquarion. Mr. Lewis indicated that they went to the ZBA and got approval to split Lot #1 into two lots.

He presented another rendering of that same lot now shown as Lot #1A and Lot #1B. He stated that Lot #1A conforms to the Zoning Regulations in regard to area, square and all of the other requirements. He indicated that for Lot #1B they went to ZBA to get approval for the location of the square and the lot frontage reduction. Mr. Lewis restated that it was approved by ZBA.

He indicated that on the plans that he's submitted, they've shown that Lot #1B will support a single-family residence. He added that Mr. Swift is present tonight and he designed the septic area for the lot, a single residential home and an access driveway.

Mr. Lewis indicated that Lot #1A will remain the same and has a driveway, a well, and a septic that will all remain the same. He indicated that for Lot #1A, the DeMarcos have started refurbishing the old house, the original house. He reiterated that on this plan he's shown Lot #1B a single family residence, a driveway accessing it, septic areas and a private well. He indicated that there are no City sewers or City water there. In the correspondence received by Staff, it has been indicated that the lot conforms to the Naugatuck Valley Health Code and City requirements.

Mr. Lewis indicated that the Conservation Commission had mentioned the stone wall locations. He showed the location where they would lose a portion of the stone wall in the front and they will relocate that stone wall to the southern boundary along the Aquarion property. He showed where they would put a short piece of wall utilizing the stones being removed to create the driveway. He added that all of the stones will be used until they run out of them.

Mr. Lewis concluded that Lot #1A is 40,382 square feet and Lot #1B is 42,471 square feet so they meet the R-1 regulations.

Chair Parkins asked for clarification that Lot #4 belongs to Aquarion.

Mr. Lewis responded yes, Lot #4 belongs to Aquarion and it is vacant.

Chair Parkins asked if the garage, as indicated on this drawing, would be removed.

Mr. Lewis responded yes, the old garage and some other out buildings, a shed in the back will be removed so they won't need any variances and there are no violations to the setbacks on the properties.

Chair Parkins indicated that she agrees with Chairman Harbinson's letter regarding the stone wall. It is a scenic road; she commented that she actually had a house built on that road years ago in a new subdivision. She commented that she bought a corner lot with a beautiful stone wall on it but much to her disappointment, when the house was being built, the developer took the stone wall down. She was heartbroken and suggested that the stone wall be preserved to the greatest extent possible.

Mr. Lewis responded that they have no need to touch any of the stone walls here except for, obviously, to get access in that one location for the driveway. They are fine with doing that. Chair Parkins indicated that she just wanted to reiterate that concern to the developers before a backhoe goes in there.

Comm. Harger asked about the topography of the land.

Mr. Lewis responded that the topography gently slopes to the rear. Birdseye Road is lower and the lot is a little bit higher slightly. It goes up about 10 feet from the road to the back.

Comm. Harger commented that she was concerned about run-off.

Mr. Lewis stated that one of the remarkable things on this lot is that they had fantastic testing; for the septic they have well-drained soils on the property. The test holes were amazing; it is really good ground so he doesn't think that will be an issue. He indicated that they have to submit an Engineering Site Plan for the new house so it will be addressed in that process.

Chair Parkins commented that it looks like a fairly large house. She asked if 6000 square feet is what she is reading because she didn't have her glasses.

Mr. Lewis responded no – this has a garage in the back and it is somewhere in the area of 2000 to 2500 square foot house.

With no other questions from the Commission, Chair Parkins opened the public hearing to anyone in the audience wishing to speak about this proposal.

Faith Laton, 199 Birdseye Road, Shelton addressed the Commission. Ms. Laton stated that she received the notice but wasn't quite sure how this was going to impact her property. She added that she lives right next door and she didn't understand how things would go in regard to space. The water company property is also located behind her property and the right-of-way to the back lot is right next door.

Chair Parkins asked if facing this property she was on the left.

Ms. Laton responded that going up Birdseye Road, she is ahead of it, the next one up.

Comm. Harger asked if she meant past it.

Ms. Laton responded yes, past it.

Chair Parkins asked if she meant in coming from #110.

Ms. Laton responded yes, coming from #110, passing it and located on the same side.

Mr. Lewis pointed out Ms. Laton's property on his rendering.

Ms. Laton commented that she didn't know if it would be located behind her house, if she would have a view close to her house...She wanted some clarification because she didn't understand the location. She added that she isn't really good with maps so she doesn't understand where her property is compared to this property.

Chair Parkins asked Mr. Lewis to show her the approximate location of her home.

Mr. Lewis showed the location on the map and added that he believes that as you come by the proposed lot, she is the next house to the left. He pointed out the right-of-way in the back and the approximate location of her house. He showed the approximate distance of the proposed house to her property. He added that the proposed house could only be built in one location because it is not wide enough on other portions of the lot.

Ms. Laton asked if she would still have some driveway.

Mr. Lewis indicated that she would have a good 200 or 300 feet to this house from her lot. As he recalls, her home is about 100 feet off of the road.

Chair Parkins asked how wide the right-of-way, the strip is.

Mr. Lewis responded that it was 50 feet.

Chair Parkins asked if there were trees.

Mr. Lewis responded yes, all wooded.

Comm. McGorty commented that was a pretty good buffer.

Ms. Laton asked if she would see this driveway when it goes in.

Chair Parkins commented that if she notices, the driveway kind of goes up and follows the other property line.

Mr. Lewis agreed that it goes up and kind of curves away from her property.

Ms. Laton asked if that means that she'll still have some woods and privacy going in.

Chair Parkins responded absolutely and she won't even have any headlight impact either.

Comm. Harger suggested that Ms. Laton walk up closer to take a look at the map.

Mr. Lewis provided further clarification in regard to her location and the proposed house and driveway. He added that her house is additionally separated from this property line so there is a good 100 feet there.

Ms. Laton thanked the Commission.

Chair Parkins asked if there was anyone else in the audience who would like to address the Commission on this proposal. She asked about the 50 foot right-of-way and what the purpose of the right-of-way was and if it was access to the back lot for Aquarion or Open Space or something privately held which could be sold. She asked if he knew what the deal was with the Aquarion property.

Mr. Lewis responded that he believes it is privately owned by Aquarion. It is a 50 foot right-of-way that can be developed later on – he added that was his assumption.

Chair Parkins asked if they had a right-of-way to access something in the back besides the rest of the lot.

Mr. Lewis responded that there is nothing back there. There are just fields and they don't even use them. There are no roads or anything in there right now; it is just vacant land.

Comm. Osak asked how big the Aquarion property was in acreage.

Mr. Lewis responded that it was 12.8 acres.

Comm. McGorty commented that if it was behind this property than it was access.

Comm. Harger asked him to point out the location of the access on the other page.

Mr. Lewis pointed out the location of the access adjacent to the lot.

Chair Parkins commented that it is in between the house and they're giving access to the back lot.

Comm. Osak asked if Aquarion was (inaudible) could it support residential development.

Mr. Schultz stated that he was referring to his report dated today, January 13, 2015. He read that

- Item #3, Inland Wetland Commission determined that there are no regulated activities associated with this re-subdivision.
- Item #5, public water is located within 200 feet from the Subject property and that is why private onsite is being proposed.
- Item #7, Staff has inspected the subject property and has decided that sidewalks are non-existent for this neighborhood. Birdseye Road is designated as a scenic road.
- Item #9 there is no anticipated blasting for this development. If blasting is necessary, pre-blasting surveys will need to be provided for properties within 250 feet of the blast area. Additionally, notification of blasting shall be sent to property owners within 500 feet of the blast area.
- Item #10, the Applicant is requesting that the Open Space Set Aside and/or Payment in Lieu of Open Space be waived. The Conservation Commission is recommending this waiver subject to the retention of the existing stone wall along Birdseye Road and the re-use of the stone displaced for the driveway in Lot #1B.

Chair Parkins clarified that the stone wall be retained to the extent possible and that the stone be (inaudible). She noted that Tom Harbinson said in his letter that by moving this stone,

whatever stone is removed, should be put along the border of the property to delineate the new lot from the Aquarion Centennial Watershed State Forest which it is currently designated as. She added that she wasn't quite sure what it was.

Mr. Schultz responded that he would get some clarification on that.

Chair Parkins commented that they should do that even though it has nothing to do with this application.

Mr. Schultz stated that the State might have bought the Conservation Easement on it.

Comm. Osak asked if Aquarion would have given the Conservation Easement.

Mr. Schultz responded yes, as part of the State program.

With no further comments, Chair Parkins requested a motion to close the public hearing for Application #14-29.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to close the public hearing for Application #14-29.

AGENDA ADD-ON

Chair Parkins asked for a motion to add an item to the Agenda under Old Business, Applications for Certificate of Zoning Compliance for a new business on Center Street.

On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to add an item to the Agenda under Applications for Certificate of Zoning Compliance: Separate #0197, David Simons, 97 Center Street for a retail business.

Brief Recess 7:57 p.m. – 8:02 p.m.

Chair Parkins resumed the meeting at 8:02 p.m. with Applications for Certificates of Zoning Compliance.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0188: AHOLD USA RETAIL, INC., 900 BRIDGEPORT AVENUE, EXTENSION OF HOURS

Mr. Schultz indicated that this is for the Stop & Shop Gas Facility and Atty. Steve Bellis is present. They are requesting to extend their hours by one hour on each of the following days: Monday through Saturday, 5:45 a.m. to 11 a.m. and Sunday, 6:45 a.m. to 10 p.m. which is still before the Stop & Shop closing at midnight.

Chair Parkins asked if they were open prior to the opening of Stop & Shop at 5:45 a.m.

Atty. Stephen Bellis, Pelligrino Law Firm, New Haven, CT representing the Applicant addressed the Commission. Atty. Bellis responded that he wasn't sure of that.

Comm. Harger noted that that Stop & Shop is not open 24 hours.

Atty. Bellis responded that he didn't know how early Stop and Shop opened.

Comm. Pogoda asked if Atty. Bellis answered her question about the time Stop & Shop opens.

Chair Parkins commented that he was not sure. She thinks that they open at around 6 a.m. so if it is not the same it is very close.

Comm. Harger agreed.

Atty. Bellis commented that he couldn't recall if they listed any hours when they had this approved. He called Rick Schultz about this because he wanted to give the Commission a heads up about them wanting to do this. He added that he couldn't find anything in his files as to what hours they were approved for, if any.

Chair Parkins responded that she is certain that the Commission asked about the hours. It's probably in their minutes somewhere.

Atty. Bellis stated that he was sure they did too but he couldn't remember what he told them.

Mr. Schultz commented that the fact remains that they wanted to extend them.

Atty. Bellis responded yes, they want to extend what they are doing right now and decided to come before the Commission. It will be 5:45 a.m. – 11 p.m. Monday through Saturday and 6:45 a.m. to 10 p.m. on Sunday so that is one hour on the end of the day from what they are currently doing.

Chair Parkins commented OK, so the opening hours are the same.

Comm. McGorty and Comm. Harger commented that they had no issue. The other Commissioners agreed.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #0188.

SEPARATE #0190: VISION DESIGNS, 600 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this is for the WinBath Showroom and he presented sign renderings of the existing sign and the proposed sign.

Comm. Harger asked if this was by Well's Hollow Farm.

Mr. Schultz responded lower Long Hill Cross Road.

Comm. Pogoda requested that Comm. Osak vote on his behalf for the sign applications because he can't visually review them.

Chair Parkins responded yes, Comm. Osak will sit in.

Comm. Pogoda added that it would be for the next three applications for signage.

Comm. Harger asked why they want to change it.

Comm. McGorty commented that he had no issue.

Mr. Schultz responded just to modernize it and probably for better visibility. The existing sign is blue and the proposed has white behind it. This is for the first building on the right facing Bridgeport Avenue. It is Honey Cell – they had space in the front.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve signage for Separate #0190. Comm. Osak voted at alternate for Anthony Pogoda.

SEPARATE #0202: ABC SIGN CORP., 27 WATERVIEW DRIVE, SIGN

Mr. Schultz stated that Pitney Bowes on Waterview is changing their signage. He presented renderings of the signage and added that there is a new president and there is a new logo.

Larry Borque, representing ABC Sign Corp. addressed the Commission. Mr. Borque stated that they haven't announced their new logo yet; it is still under wraps.

Chair Parkins asked if they were actually looking at secret documents tonight.

Mr. Borque responded that they are one of the first to see it.

Chair Parkins commented that it was nice looking and clarified that it would be a monument sign, sign above the front façade at the top...

Mr. Borque clarified that they were replacing an old monument sign with an updated version and adding their name and logo to the building which did not previously have a sign.

Chair Parkins responded OK, she didn't realize that they didn't have one there. She asked for a motion.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve signage for Separate #0202. Comm. Osak voted as alternate for Comm. Pogoda.

SEPARATE #0196: ABC SIGN CORP., 781 RIVER ROAD, SIGN

Larry Borque, ABC Sign Corp. addressed the Commission. Mr. Borque indicated that this sign was for the donut shop and added that they recently installed the sign next door to it for the Last Call Wine & Liquor store which is now in operation. He added that the Commission previously approved Rita's Ice for a sign and this sign completes that building with the sign for the donut shop.

Comm. Harger asked if this was the building across from the Sports Center.

Mr. Borque responded yes.

Comm. Dickal asked if the donut shop opened yet.

Mr. Borque responded no it hasn't.

Chair Parkins showed the rendering and commented that it would be called Donut Crazy.

Comm. Dickal responded yes, she knows that and her husband will be the first one in line.

Mr. Schultz asked if ABC Sign did two out of the three signs there.

Mr. Borque responded yes – this sign and the Last Call Wine & Liquor.

Chair Parkins commented that it is nice that they are using local sign companies that know their regulations.

Mr. Borque responded yes, they try. He added that the donut shop also has a business in Stratford that is their original location.

Comm. Tickey asked if they had done any colors on the other two signs there.

Chair Parkins commented that it was Rita's Ice.

Comm. Tickey asked if that was with color.

Comm. Dickal commented that this yellow might conflict with the others but she didn't know for sure.

Chair Parkins asked Mr. Borque if he did the Rita's Ice sign.

Mr. Borque responded no.

Comm. McGorty stated that they had colors in that (inaudible)...

Comm. Harger commented that it was green, red and white and "limited" something (inaudible)...

Comm. McGorty stated that they took off some of the picture.

Comm. Dickal stated that then this will have yellow.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve signage for Separate #0196. Comm. Osak voted as alternate for Comm. Pogoda.

SEPARATE #0089: R. D. SCINTO, 4 CORPORATE DRIVE, BUSINESS

Mr. Schultz stated that this occupancy was for a plastic surgeon leasing 4,062 square feet, 3 employees, hours of operation Monday through Friday, 9 a.m. to 5 p.m. at 4 Corporate Drive.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #0089.

Chair Parkins indicated that Comm. Pogoda would be returning for further voting thanked Comm. Osak for sitting in.

SEPARATE #0197: DAVID SIMONS, 97 CENTER STREET, RETAIL STORE

Mr. Schultz indicated that this was the previous Italian Ice shop, 500 square feet, 2 employees, hours of operation Monday through Friday, 10 a.m. to 8 p.m. Mr. Schultz asked the applicant if he would be open 7 days/week.

Mr. David Simons addressed the Commission. Mr. Simons responded that they weren't sure if they would be open on Sundays yet.

Comm. Harger asked what the nature of this retail would be.

Mr. Simons responded it would be a vape shop for electronic cigarettes and related products.

Mr. Schultz commented that it was for e-cigarettes like the one on Howe Avenue.

Comm. McGorty asked if that other one was still there.

Comm. Harger responded yes, there are signs there. She asked if this was for just the business or has he submitted any signs.

Mr. Simons responded that they have an overhead sign and decals.

Mr. Schultz asked if he planned to stencil the windows.

Mr. Simons responded that they were a lettering type.

Chair Parkins stated that they do have regulations regarding window coverage percentages and that sort of thing. She asked him to work with Rick Schultz on their Sign Regulations to make sure that he is in compliance.

Mr. Schultz commented that when he stops by to pick up the Zoning Permit he will go over them.

Comm. Harger requested that any renderings be shared with the Commissioners via email.

Mr. Schultz responded yes. He told the Applicant that if he decides to have a wall sign, that would have to come before the Commission.

Mr. Simons asked if he meant the outside, overhead sign.

Mr. Schultz responded yes, that is regulated.

Chair Parkins reiterated that he would have to come back before this Commission for the sign.

Comm. Harger asked if this business would be 10 a.m. to 8 p.m., Monday through Friday.

Chair Parkins responded Monday through Saturday and possibly Sunday.

Mr. Simons stated that he would like to request Sunday too but the hours might be shorter.

Chair Parkins asked if there would be any neon lights in the windows or that sort of thing.

Mr. Simons responded no.

Chair Parkins indicated that she asked him because there are people living on that street and they try to be mindful of them. With no further questions, she asked for a motion.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #0197.

SEPARATE #0198: A SECONDINO & SON, 100 TRAP FALLS ROAD, BUSINESS

Mr. Schultz indicated that this is a 14,494 square foot space of which 294 square feet area is office space. This is warehousing and office product line for Red Bull, Inc. and this is the Old Bassett building.

Comm. Tickey asked if it was Red Bull the energy drink.

Chair Parkins asked if it was storage for Red Bull.

Comm. Harger commented that Secondino & Sons is a construction company though.

Mr. Schultz responded that they were doing the interior renovation.

Comm. Harger stated OK, they filled out the application.

Mr. Schultz stated that they've gotten that building occupied.

Chair Parkins asked if Red Bull was a non-alcoholic drink.

Mr. Schultz responded yes.

Comm. Harger asked if they had any signage for the building.

Mr. Schultz responded not at this time. The owner is C. H. Trap Falls Management.

Chair Parkins asked if they are just using it for the storage of product or if they are going to have any walk-ins. She added that she is assuming it isn't a walk in business.

Mr. Schultz stated that there will be 6 employees in the office portion.

Comm. Harger asked if there were loading docks in the back and what kind of vehicles would be used and if they were tractor trailers.

Comm. McGorty responded yes, they can accommodate all of that.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #0198.

SEPARATE #0199: GLEN RO SPIRIT SHOPPE, 528 SHELTON AVENUE, BUSINESS

Mr. Schultz stated that this is Huntington Village Shopping Center in back of Webster Bank.

Comm. Harger stated that there is a liquor store there right now.

Chair Parkins commented that it was just new owners.

Mr. Schultz indicated that the previous tenants were (inaudible). The store is 1,060 square feet, 3 employees, hours of operation Monday through Saturday, 8 a.m. to 9 p.m. and Sunday, 10 a.m. to 5 p.m.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #0199.

APPLICATION #10-16: REQUEST FOR ONE YEAR EXTENSION ON SUBMISSION OF FINAL SITE DEVELOPMENT PLANS FOR THE RETAIL SHOPPING CENTER (FORMERLY CRABTREE DEALERSHIP) AT 405-407 BRIDGEPORT AVENUE, PDD #70.

Atty. Stephen Bellis, Pelligrino Law Firm, New Haven, CT representing 714, LLC, Shelton addressed the Commission. Atty. Bellis indicated that this was PDD #70 as stated and there had been a zone change back in 2011. There had been an extension to file the Final Site Development Plans on 2/11/13 and that two year extension was granted. He indicated that date is coming up again on 2/11/15. The good news is that 714, LLC has found a potential buyer and they sent him over some contracts; however, they are concerned that they don't have enough time to get their Detailed Development drawings in by the deadline of February 11th.

Atty. Bellis stated that he was here again to request another extension. They have asked for one year this time.

Comm. McGorty responded that he's got it.

Atty. Bellis commented that the only thing that he could tell them is that the old STC which is now OSTA approvals are good through May 2016 so he is asking the Commission to extend this another year and make it 2/11/16 which is kind of in correlation with what the State Traffic Commission has done.

Chair Parkins responded that she didn't have any problem with the extension; however, she asked if he could give them any idea of when he might be visiting them regarding this proposal.

Atty. Bellis stated that there was a due diligence period where the main part of it is that they can secure a national tenant. If that falls through then he wouldn't be coming back to see them very soon. If that does happen, they are looking for three months to get their architectural drawings done, negotiate a lease with that tenant and then he will come see the Commission.

Chair Parkins asked if that could be 6 to 9 months.

Atty. Bellis responded that it is all contingent on whether the national tenant agrees to come to that site. He added that he does not even know who the national tenant is.

Chair Parkins commented that it was another secret tonight.

Atty. Bellis responded yes, apparently because he doesn't even know.

Comm. McGorty asked for clarification of what the extension date would be.

Atty. Bellis responded that he was requesting an extension from February 11, 2015 to February 11, 2016.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve the request for a one year extension (until 2/11/16) on submission of Final Site Development Plans for the Retail Shopping Center at 405-407 Bridgeport Avenue, PDD #70.

APPLICATION #14-24: PETITION OF S&G OF SHELTON, LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLANS APPROVAL (26 UNIT CLUSTER RESIDENTIAL DEVELOPMENT) AND APPROVAL OF REVISION TO LAND USE CATEGORY OF THE POCD, 88 AND 94 PERRY HILL ROAD (MAP 116, LOTS 37 AND 38), R-2/R-1 DISTRICTS (PUBLIC HEARING CLOSED ON 11/12/14)

Chair Parkins stated that at the last meeting they had a discussion and there was a consensus to move forward with a favorable resolution. They asked Staff to prepare that and all the Commissioners should have received a copy. She asked the P&Z Secretary to read the Draft Resolution because it might be difficult to hear Tony Panico read it over Skype.

Comm. Harger read the Draft Resolution for Commission consideration of P&Z Application #14-24.

***See attached P&Z Report dated January 10, 2015 regarding Application #14-24 Petition of Attorney Dominick Thomas on behalf of S&G of SHELTON, LLC for Conditional Approval of Initial Development Concept Plans, Adoption of revision to the 2006 POCD changing the Future Land Use designation from Residential Low Density to Multi-Family/Group Quarters and Adoption of PDD Zone Change for a consolidated residential development consisting of single family clustered homes on fee simple lots on a site fronting on Perry Hill Road and currently zoned in part R-1 District and in part R-2 District.**

Chair Parkins requested a motion and a second to accept the resolution for discussion.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the Resolution Report for Application #14-24 for review and discussion.

Chair Parkins asked the Commissioners if they had any comments.

Comm. Tickey responded that he thinks it addressed what they talked about - the 26 homes in the original plan going to 20. He thinks that it explains well that if this were a subdivision there would only be about 10% Open Space and under this plan there is nearly 50% and with the PDD they have control over it. He added that these would be private roads with private waste collection; whereas, the alternative would be public roads. Comm. Tickey commented that he hopes the character of the land is maintained as well as the streams and the landscape which were discussed. He pleased to see the elimination of the entryway to Walnut Avenue.

Chair Parkins commented yes, she guesses that was kind of a benefit that they didn't realize.

Comm. Dickey stated that he thinks that with less homes, hopefully, less blasting, less traffic and less construction and they don't have that entryway.

Comm. Dickal commented that she still feels strongly that she opposes this development and thinks that it is still a little bit too dense. She added that they have to start realizing that there are too many changes of the Planned Development District. She thinks that they sometimes don't look down the road at what kind of an impact it is. They certainly aren't consistent since there have been over 70 changes in the Planned Development District and that is where her concern is. She thinks it is an improper and an abuse when they are dealing with Planned Development District. Comm. Dickal stated that even though it might be limited blasting. Blasting is always a concern for residents who have wells. She wouldn't want to impose anybody to be inconvenienced and have to go to what happened to that gentleman...she knows that was a cliff. There is no certainty that someone's well might be disturbed and ultimately having to end up hiring an attorney to represent them to get the matter corrected.

Comm. Harger asked Rick Schultz about any bonding.

Mr. Schultz responded that would be the next step.

Chair Parkins asked Comm. McGorty if he had any questions or concerns.

Comm. McGorty responded he did not.

Chair Parkins asked Comm. Pogoda if he had any comments.

Comm. Pogoda stated that he was good.

Chair Parkins indicated that with a motion, she would take a roll call vote. All were in favor with the exception of Comm. Dickal.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was roll call voted (5-1) to approve the resolution for Application #14-24. Comm. Dickal voted in opposition.

NEW BUSINESS

APPLICATION #15-1: STEVE BELLIS ON BEHALF OF HAWKS RIDGE OF SHELTON, LLC FOR FINAL SITE DEVELOPMENT PLANS APPROVAL (PHASE 1: RESIDENTIAL DEVELOPMENT), LONG HILL CROSS ROAD (MAP 39 AND 51, LOTS 7 AND 17), PDD #77: ACCEPT FOR REVIEW

Chair Parkins stated that they would be accepting this for review; however, she believes that there will be some discussion.

Atty. Stephen Bellis, Pelligrino Law Firm, New Haven, CT representing the Applicant, Hawk's Ridge, Shelton, LLC addressed the Commission. Atty. Bellis commented that he thought it might be helpful if he walked them through some things and he has the Project Engineer, Alan Shepard, P.E. here to answer any questions.

On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to have a discussion regarding the acceptance of Application #15-1.

Atty. Bellis stated that as they may recall, they had the Initial Concept Plan approved and the Zone Change adopted on June 27, 2014. They are now submitting the Final Site Plans and so that they are clear, he wanted to point is that what they are submitting are Final Site Plans of four, what he would call, the residential portion consisting of the single family homes and the multi-family homes which they delineated as duplexes and fourplexes – the condominiums.

Atty. Bellis indicated that they are not acting tonight on the Final Site Plans for what they indicated would be the third portion which is the Assisted Living area. He clarified that there is nothing wrong with that under the Regulations. Final Site Plans can be submitted under Section 34-10 in stages and even in the Resolution that the Commissioners passed, it was stated that they could come back later with the Assisted Living as a separate Detailed Development Plans. He will explain that further in a minute.

Atty. Bellis stated that they are submitting is what was approved for 54 single family homes which were in the Initial Concept Plan. Under their Final Site Plans that has been reduced to 50 single family homes. He added that the lots are shown and will be owned in fee simple on those 50 single family homes. There is going to be an addition, 57 multi-family units were approved so at the time of the Initial Concept Plan that would have been a total of 111 units. On this particular plan, they have reduced some of the single-family homes and split up some of the condominiums to make more duplexes as opposed to six units of six or units of four. So, in the end, there will be 60 units that are in the condominium area for a total of 110. Atty. Bellis stated that they have actually reduced the project under their Final Site Plan from 111 to 110.

Atty. Bellis indicated that there were two reasons for that. One reason was to help protect the wetlands, to get some more area around the wetlands and that is why they reduced the single family homes. Secondly, it was to make it more desirable not to have a six unit building for a condominium. He reiterated that those were the two reasons.

Atty. Bellis pointed out that the Final Site Plans that they filed meet all the regulations under 34-10 - that being that they submitted the Final Plan, Architectural Plans for the buildings, a Landscape Plan and a Site Lighting plan. As far as the submitted Engineering Plans, he pointed out the Engineering Plans that is a part of the approval for the Initial Concept Plan and they had suggested some improvements to Long Hill Cross Road. Alan Shepard has provided them with Detailed Development Plans and the improvements to be made along Long Hill Cross Roads.

As far as the legal documents are concerned, there were two things that he wanted to show the Commission. Atty. Bellis stated that one would be a Subdivision Map. He indicated that typically with these kinds of projects, they file a Subdivision Map. He put it up on the board and commented that he would walk them through it.

Mr. Schultz asked Tony Panico and Comm. Pogoda if they were OK with the maps and they responded that they were.

Atty. Bellis showed a page of the Subdivision Map with the 50 single family lots so while he is filing a Subdivision Map and explained that these lots would be owned in fee simple by the owners. He indicated that they have also phased the project. He pointed out that Phase 1 is

shown in the middle of the map and showed the locations of Phase 2, Phase 3 and Phase 4 which are more for construction purposes. He added that, obviously, they can't build a project of this size all at once.

Atty. Bellis stated that what they would do is come back – right now they are submitting the Subdivision Map so there would be a Phase 1 where they would start or have started and then they would file and submit it for these next bunch of lots.

Atty. Bellis commented that the other reason he wanted to show them the Subdivision Map is because they have the 50 lots that they talked about. The 51st lot would be the whole entire area for the condominium complex and it would include some of the Clubhouse, all the buildings shown and it would be considered a subdivision lot. They would have their own Condominium Association as they are aware so it is considered a subdivision lot.

Atty. Bellis stated that the third lot is along the Iroquois Pipeline area roughly; it was like a natural division. It was called Lot 52 and that would be the 11 acres that would be for the Assisted Living.

He commented that the other legal document that they have to address is – and he approached the Commission – regarding the neighbor, the Honey Cell Manufacturing Company. He recalled that they had agreed to a land swap with Honey Cell so that they would have a buffer. It is what Honey Cell had requested near their project so he has negotiated that with their attorney. He explained on a rendering that they would be taking a little triangular piece highlighted in yellow out of their project and giving it to the neighbor, the Far Mill Honey Cell group and that comprises a little less than an acre (.91 acres) and in exchange they are going to be swapping and giving them .91 acres off of their property. He reiterated that Honey Cell wanted this as a part of a buffer and they had discussed that.

Atty. Bellis indicated that he wanted the Commission to be made aware that he will be filing a Land Swap Map on the Land Records with a deed so that they will get their piece as promised. He concluded that those were the legal type of components.

Comm. Harger asked Atty. Bellis to indicate what the new piece they're getting would be used for and if there would be roadway access.

Atty. Bellis responded that they are probably going to give it to Nate Wells who owns the farm next door and deed it to him.

Chair Parkins commented that it was more of a good neighbor type of trade.

Atty. Bellis responded yes, it is not needed.

Chair Parkins commented that it might not be useable either.

Atty. Bellis responded that he really didn't know but he can use it for cows, for pasture. He stated that was the legal end of it for the Subdivision Requirements. He indicated that there were two more things that he wanted to bring up and then he can get into some specifics, if they have any questions.

Atty. Bellis stated that under the Final Site Plan Development area, under the Resolution that was passed, it gives them one year to file the Final Site Plans. He referenced Paragraph #6 of

the Resolution. It was also a sentence in there, and he asked them to be aware when they draft the resolutions that they don't get to see them or comment on them before the Commission vote...He added that his comment was no indictment on Tony Panico because he does a good job but it was put in there that they had 90 days if they staggered their Final Site Development Plans so if they filed one today than they would have to file the Assisted Living Final Site Development Plan within 90 days. He commented that wasn't really realistic so he is requesting that there be an extension on that or a waiver on that particular clause of that sentence.

He commented that it is typical and he's seen it in all of the Commission's resolutions that they have one year to file it but as far as the Assisted Living portion is concerned, there had been great interest by the person who came before the Commission for the Initial Concept Plan. He had a pretty grandiose agenda of what he wanted to do on the property and, unfortunately, he could not get the financial backing needed to do it so he has dropped out of the picture.

Atty. Bellis stated that the property is still being marketed for Assisted Living and there is a lot of interest; however, he can't tell them they he has a contract or has a Letter of Intent because he doesn't at this point. He asked the Commission to change the 90 days in which to submit Detailed Development Plans for the Assistant Living and perhaps put it out for one more year so that he doesn't have to come before them again to file Detailed Development Plans on what he is calling Lot #52.

Lastly, in regard to bonds, he pointed out that in this particular case and under their Regulations for Final Site Plans there could be a Performance Bond for the public rights-of-way. He stated that these are private roads so they don't need a bond. There is no public right-of-way. All of the roads inside this complex are going to be privately owned and privately maintained. They won't be deeded over to the City. They wouldn't need a bond for the Erosion Control which is a separate cash bond for the installation to prepare sediment erosion controls. Atty. Bellis stated that normally, someone would give him a number – he wasn't sure if it was Rick Schultz or the City Engineer's Office – he could come up with one but he didn't know how they wanted to handle that. He indicated that they know that they would have to post a bond but no one has given him anything.

Mr. Panico commented about the bond being for the reconstruction of Long Hill Cross Roads.

Atty. Bellis responded that it is a part of their approval process so he was assuming that if they didn't do it then there wasn't going to be the issuance of some Certificate of Occupancy on the lots, on the condominiums. From what he understands from the developer, he is going to hire a company to start with those improvements first and those will be the first things that would be underway.

Mr. Panico asked what guarantee they would have that it gets done.

Atty. Bellis responded that you wouldn't give him a CO on a house.

Mr. Panico commented that he doesn't want to give him a permit.

Atty. Bellis asked if he said that he didn't want to give him a permit.

Mr. Panico responded by asking why you would build a house if you can't occupy it.

Comm. Osak commented that if they issue a CO as occupant in the house but the road isn't finished and they complain to P&Z ...he asked what they would do then.

Atty. Bellis responded that was the whole point of it. He commented that they could talk about it and asked if maybe they could have a Staff Meeting about the improvements along Long Hill Cross Roads.

Mr. Panico asked why that is any different than if it were a subdivision. If it that were in a subdivision they would be getting a bond to guarantee that the road was there when the house needed to be occupied.

Atty. Bellis responded that he agreed.

Mr. Panico stated the he's telling him that he wants to proceed with building all of these houses but don't want to give the City a guarantee that Long Hill Cross Road's construction work will be done in a timely fashion.

Atty. Bellis responded that isn't what he said though. He stated that he said that he doesn't need to give a bond for the interior roads.

Mr. Panico commented that he knows that but ... (inaudible)

Atty. Bellis indicated that he raised the question about the bond for the improvements to Long Hill Cross Road and they can discuss that.

Chair Parkins commented that they are both talking at the same time and neither one of them is listening to each other.

Atty. Bellis commented to Tony Panico that they can discuss that bond. He just wanted it to be clear that they don't need a bond for the interior roads and that was what he was trying to point out.

Mr. Panico responded that he agreed with him, he didn't disagree with him at all; however, before the Commission gives Final Site Approval for those lots that he can then go and get permits for, the guarantee for the work on Long Hill Cross Roads has to be in place.

Atty. Bellis responded OK and they can have someone look at that too. He's OK with that.

Mr. Panico commented that he just wanted to make sure that he understands.

Atty. Bellis responded yes, they are on the same page. The bonds that he's talking about are the Erosion Control Bond and a bond for the improvements to Long Hill Cross Roads that they agreed to do. He also reiterated that he did not have those numbers yet.

Mr. Panico stated that the only bond that they would be looking for there is depending upon when they were looking for their first CO and what remains to be done on those roads in order to gain reasonable access to those units.

Atty. Bellis stated that he thought that was what he had said – OK.

Mr. Panico commented that at that point in time, if all of the site work is finished then there very may well be a bond.

Atty. Bellis commented OK, he thought that's what he said and added that they were saying the same thing. It must be getting lost from here to Florida but they are actually saying the same thing. He pointed out that they received Wetlands approval for the Final Site Plans. An application was filed with the WPCA but he doesn't think that they acted on it at their last meeting so it will probably come up this month. He concluded that was an overview but if they have specific questions about the site then he'll refer them to Alan Shepard.

Atty. Bellis stated that those were the things that they were looking for. He thinks that under the Statute they can have 65 days to act on this Final Site Plan so he doesn't know if they have to have any meetings. He didn't know how Tony wanted to handle any technical concerns; otherwise, he thinks that they given everything needed to act on the Final Site Plans for the 50 lots and the 51st lot which is the condominiums.

Comm. Harger asked if this is a modification of what was presented before.

Atty. Bellis responded that it was not a modification. This is the second phase.

Chair Parkins commented that this was the Final Site Plan.

Atty. Bellis indicated that under their PDD Regulations they have the Initial Concept Plan and then come back with Detailed Plans that they are locked into.

Comm. Harger responded yes she knows that but the layout on this is different than what was presented before, she believes...because she doesn't remember two access roads from Long Hill Cross Roads. She recalled that there was only one road at one point in a previous design.

Chair Parkins asked if the Commission received these... (Inaudible).

Mr. Schultz responded (inaudible)...it is a lot to digest...

Atty. Bellis indicated that he would ask Alan Shepard about that.

Alan Shepard, P.E., Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton addressed the Commission. Mr. Shepard stated that they had talked about having one road or two roads but they ended up with the two roads. He reiterated that at the end they had the two roads. The Detailed Plans include all of the drainage, profiles and road geometry and in some of the lots they tweaked around a bit but it is basically the same layout that they had.

Atty. Bellis stated OK so it does match the Initial Concept Plan.

Comm. Dickal commented that on the new plan that they have here it says 26 duplexes and asked if that was condos/townhouses.

Atty. Bellis responded yes that is what a duplex is.

Comm. Dickal asked what the fourplex was.

Atty. Bellis responded that they put four of them together instead of two.

Comm. Harger stated that the count comes out the same though – as he presented.

Atty. Bellis responded that it comes out to one less unit than they approved.

Comm. Dickal asked where the fourplex was planned.

Atty. Bellis asked if she meant architectural or where they are located.

Chair Parkins responded that it is a separate lot.

Atty. Bellis indicated that they were down on the bottom.

Comm. Dickal commented that there was a piece of property over there for the Assisted Living and even though nothing has been proposed yet, she asked what would happen with that if nothing happens with that. She asked if there were intentions to do something else with that.

Atty. Bellis responded that they have already approved – the only thing approved on Lot #52 right now is an Assisted Living Facility. He believes it was 196 units.

Comm. Dickal responded yes, correct.

Atty. Bellis stated that was all that could be built there right now. They have to come in and show them where that building is going to be located on the lot, the parking location, the landscaping, the lighting just as they are doing here. Atty. Bellis restated that he has asked the Commission for an extension because they can't do that in the next 90 days. He has requested that they get rid of the 90 day requirement and let him come in at a different time. He has a year to do the Final Site Development Plan but he's asking for an additional year to cover himself because the year comes up in June 2015.

Atty. Bellis reiterated that nothing could be done there but an Assisted Living Facility on that land now because that is all that the Commission approved.

Comm. Dickal responded OK.

Chair Parkins stated that it was a major component.

Comm. Dickal commented that it was major to have it there.

Chair Parkins stated that it was the whole thing – it was package deal.

Comm. Dickal agreed and added that was why she was 100% for this.

Chair Parkins indicated that it was one of the key big selling points that this is an adult style community phased so that you could downsize, remain in the same area and could move into the Assisted Living. She commented that now – who knows if the Assisted Living will ever materialize.

Atty. Bellis stated that was all that was approved.

Comm. Osak asked that, if the Assisted Living isn't a part of what this discussion is right now, should they re-hear this with the Assisted Living out.

Chair Parkins commented that was a good point.

Atty. Bellis responded no because (inaudible)....

Comm. Dickal stated that was how she feels...

Chair Parkins stated that the Commission has that right...

Comm. Osak commented that the Assisted Living is kind of a tax producer and it balances the costs in the residential portion.

Atty. Bellis responded that he doesn't know if he was here when they had their presentation of residential costs but basically these are designed for individuals who are downsizing (inaudible)...

Comm. Osak commented that he was just telling him that the Assisted Living was the driving force, at least when he heard it, to approve the project. Now it is here without the Assisted Living which is a substantial difference from what they heard when the project was voted on (inaudible)...

Atty. Bellis responded that he understands what he is saying but the way that this project was approved...He read the Resolution which states that you could do this in phases and come back to do the Assisted Living because of the topography and the natural delineation of the Iroquois Pipeline that you could come back to the Assisted Living with different Detailed Development Plans. He clarified that they weren't doing anything that the Commission didn't already approve and tell them what to do.

Chair Parkins commented that there was a reason for the 90 days and it was to make this a joint project.

Atty. Bellis responded that it is still a joint project.

Chair Parkins stated that it was dependent. He has no proof of that. He has no proof that it is going to move forward that way.

Atty. Bellis responded that the only proof he has is that it is the only thing that is allowed there.

Mr. Schultz told the Chair that they have to authorize two extensions.

Comm. McGorty commented that he didn't know if the acceptance of this project was predicated upon an Assisted Living. He thinks that it was one of the advantages of this subdivision; it was a place for folks in town that wanted to downsize, move to a smaller place – it wasn't the Assisted Living – it was these houses that were smaller with a smaller lot size and easier to manage. He reiterated that he didn't think the big selling point was an Assisted Living; although it is nice to have it up there.

Chair Parkins responded that she had to disagree and added that there was a lot of talk about job creation.

Comm. Osak stated that it was their selling point to them.

Chair Parkins stated that it was a major selling point with the construction, the jobs it was going to create.

Comm. McGorty asked if she was talking about the Assisted Living alone.

Chair Parkins responded yes.

Atty. Bellis commented that he would have to disagree with that. He thinks it had both (inaudible)...

Comm. McGorty stated that the bulk of the construction jobs are on the subdivisions and the duplexes.

Chair Parkins commented it was job creation – not temporary jobs – permanent job creation for the facility.

Atty. Bellis responded that he couldn't argue that it was both but he doesn't think that one was predicated upon the other at least that is not what was approved. He stated that right now, there is nothing else that they can do there because it is what is approved.

Comm. Harger commented that she thinks she had asked at one point during a prior meeting what kind of stages they would be doing this in and if it would be some here and a little bit there.

Atty. Bellis responded that is why he has given the phases now – the probable phases – for the residential component. He thinks that they will start all of the interior roads and then – he added that you can only build so many houses at one time – so many of the houses and so many of the condos. If they get a contract with an Assisted Living Facility, he is going to get Detailed Development Plans and come back in. He added that he doesn't know if it will be the same number of units because he can't say for sure.

Chair Parkins stated that there is no real impetus except that the land is vacant – they can build 100 units of housing and not worry about it.

Atty. Bellis stated that the contract that they have with their Seller there is a deadline and a hefty multi-million dollar payment that has to be made to the Seller so there is an impetus.

Chair Parkins responded that they are going to be building. They are going to be building the housing development.

Atty. Bellis commented that he was only talking about the Assisted Living portion.

Comm. McGorty stated that it is for Assisted Living. They can't build homes there.

Atty. Bellis responded yes.

Chair Parkins commented yes she knows that but it could stay vacant.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT addressed the Commission representing the Seller. Atty. Thomas clarified that what Atty. Bellis was attempting to say is that there is a provision in the contract that after a certain number of months, regardless of whether or not it is sold to an Assisted Living, there is a substantial payment due so (inaudible)...

Comm. McGorty commented that it behooves them to build the Assisted Living.

Atty. Thomas continued that there is a tremendous motivation to continue to work with the Assisted Living. He added that as a matter of fact, the Wells family was contacted by an Assisted Living entity for the possibility of building a CCRC – a Continuing Care Retirement Community that would incorporate this parcel of property. He reiterated that he thinks that what Atty. Bellis is trying to say is that there is a motivation for them not to let it lie fallow because if they do, the requirements for the closing and the requirements for the documents of funding would require a sizeable payment in a relatively short time.

Chair Parkins commented that if she had her crystal ball in front of her, they will be back saying that there is no longer a market for Assisted Living, it is oversaturated in Shelton and they need to re-zone this for something else.

Atty. Bellis asked if he could borrow her crystal ball. He added that he hadn't heard that yet but as they know, markets go up and down.

Comm. McGorty commented that he thinks with the aging population, he thinks it is going the other way and it is not contracting. He doesn't think it is saturated in the market yet.

Atty. Bellis agreed that he hadn't heard that yet.

Atty. Thomas commented that in doing studies on Assisted Living, they are looking at the top of Baby Boom generation. He added that he is a '46 baby and he isn't really ready for Assisted Living or a CCRC. People that are in Assisted Living and CCRC's which are going to become a lot more popular up here, there are a few of them...In fact, one that died in an adjacent town during the recession is now being brought back in. If they are familiar with CCRC's it is where people pay a lump sum and the family actually gets funds back. If they do studies of it, he is at the top of the generation and he's nowhere near – the Assisted Living Boom – the head of the Baby Boom generation (46', 47', 48' to 50') are going to need Assisted Living in about 10 years. There is no downswing in Assisted Living. The question is when they want to start increasing it substantially to accommodate the head of the Baby Boom generation – hopefully 20 years from now.

Chair Parkins responded that it is all speculation – just like her crystal ball.

Atty. Thomas stated that it is. but the market across the board, he's never heard anybody say that there is a saturation but what Comm. McGorty just said – how are they going to accommodate it – but not in the traditional fashion of assisted living but in the form of CCRC's.

Comm. Osak asked for clarification as CCRC was.

Atty. Thomas explained that it was Continuing Care Retirement Community. It would actually be a development, some of which was proposed by the Applicant, so you would actually go into the site and they would having independent living apartments all the way through a skilled

nursing facility on one site. The unusual nature of it is the type of thing where a family would sell something like a large house, pay in money with a monthly fee and when the person passes away or leaves the facility, 80% to 90% of those funds come back to the family so it is an interesting concept and very popular in some other states. Atty. Thomas indicated that he did a proposal that was going to go into Derby and Woodbridge but it fell apart as a result of the recession. He understands that it is being resurrected.

Chair Parkins asked Rick Schultz to give them some options here.

Mr. Schultz indicated that Staff has provided a copy of the Resolution for this project. He referenced Page 11, Paragraphs #2 and #6. He said that tonight's submission is predicated upon two extensions that must be authorized by the Commission. He indicated that the first one is in Paragraph #2, an extension is needed on the submission on the Modified Concept Plans for the Assisted Living and the conditions required a submission by September of last year. Obviously, the Applicant is saying in good faith that he needs more time. He thinks that the Applicant is asking the Commission for one year to September 1, 2015. He asked Atty. Bellis if that was fair to say.

Atty. Bellis responded right that was one of the ones he was talking about and the other was in Paragraph #6.

Mr. Schultz commented that the second one, as Atty. Bellis pointed out, after tonight's acceptance, they are obligated to submit within 90 days and they are asking for one year instead of 90 days. He summarized that these two extensions are needed to process the application. He reiterated that it was Paragraphs #2 and #6 in the Resolution. One is to extend the September 1, 2014 to September 1, 2015 so they would need to get a consensus on that.

Chair Parkins commented that his first request was to eliminate this all together.

Atty. Bellis responded yes, or eliminate it.

Chair Parkins commented that #2 is for the Assisted Living area.

Mr. Schultz stated that it was for the Concept – not Detailed Plans – just the Concept. He recalled how broad based it was when it was submitted.

Chair Parkins commented that it was basically a 9 month extension for that.

Mr. Schultz responded yes to September 1, 2015.

Chair Parkins stated that there are 9 months left.

Atty. Bellis commented that it does say Concept Plans.

Chair Parkins indicated that means that they have a buyer.

Atty. Bellis responded yes...Paragraph #2 is a little odd...he's kind of thinking out loud here but they did pretty detailed Concept Plans and he doesn't know why it says that. Architectural design...the guy came in with everything.

Chair Parkins read that it was “Revised Preliminary Development Concept Plan for this area must be submitted for Commission Approval prior to proceeding with Detailed Development Plans for this area.”

Atty. Bellis stated that normally they wouldn't come in with Modified Concept Plans they would just come in with Detailed Plans and their Regulations say that if it is substantially different than what they approved then they would have a public hearing on it.

Chair Parkins responded that because his clients weren't the ones looking to sell the property to have it developed by somebody else, whatever they proposed was probably not what was going to be the plan for whoever was going to build it. She thinks that is what they were thinking in terms of the Modified Concept Plans. So he brought in the Concept Plans but whoever was going to build it would modify those plans; those Modified Concept Plans are what they were expecting by last September so they have to give him an extension on that.

Atty. Bellis stated that makes sense because in Paragraph #6, it talks about Final Detailed Plans being submitted within 90 days and this was approved in June 20, 2014. He commented that makes sense and he understands that now. He wanted not only Detailed Development Plans but probably a Modified Concept Plan within 90 days.

Chair Parkins stated that it was a just-to-know, kind of proof that that phase was going forward.

Atty. Bellis responded that at the time, it was.

Mr. Panico stated that the emphasis was to try to keep the whole project moving forward together.

Atty. Bellis told Mr. Panico that he understands it. If he had a buyer, he would have come in with Detailed Development Plans.

Mr. Panico stated that when they wrote that, they thought he had a buyer.

Atty. Bellis responded that they thought so too.

Mr. Panico commented that he was told by more than one person that unless that property did get conveyed, they didn't know if he had the financial resources to go ahead with the whole project anyway. It was crucial to dispose of that piece of land to the Assisted Living developer.

Atty. Bellis responded right.

Mr. Panico stated that apparently that is not true anymore.

Atty. Bellis responded that it is still true but Lot #52 is still owned by Hawk's Ridge. It hasn't been sold and they are marketing it to Assisted Living facilities and usually, it is typical in the business that they come in with their own plans. Each of them have their own plans already, a prototype like Benchmark had and they just like to repeat what they have had. They don't like to reinvent their projects. They usually come in and tell him that these are the plans and tell him to get them approved.

Chair Parkins commented right and that would have been the Modified Concept Plans.

Atty. Bellis responded yes.

Mr. Panico added correct.

Atty. Bellis indicated that is probably what will happen when they come in with a plan. He'll come and show the Commission what it looks like. It has to be fewer than 196 units because that is all that they've approved.

Mr. Panico stated that the problem is that the timeframe is going to lag the rest of the development significantly.

Atty. Bellis responded that he didn't know, he thinks that building 50 single-families and 60 condo units is going to take the five years that they'll allow them to do it. They are allowed five years to build this out without coming back saying that they need more time. He added that he didn't think it was going to substantially lag.

Chair Parkins asked what the drawback was to accepting this.

Mr. Schultz responded that the Commission has to feel comfortable that the Applicant is fulfilling the conditions of approval.

Chair Parkins commented that this was to "accept for review."

Mr. Schultz explained that it was predicated upon these two extensions: the Concept Plan from September 1, 2014 to September 1, 2015 and then the 90 days on the submission of the Detailed Plans from tonight for the Assisted Living. He asked Atty. Bellis if he wanted another year now.

Atty. Bellis responded yes, that is what is asked for.

Mr. Schultz indicated that the Commission has to come to terms with those two extensions.

Comm. Dickal asked if it was a full year, there are only 9 months left because they are in 2015.

Mr. Schultz responded yes, condition two is for 9 months. They have already exhausted a couple of months. The 90 days start tonight.

Chair Parkins stated that they would expect to have Modified Concept Plans for the Assisted Living by September 1, 2015 followed by, in 90 days, Final Detailed Site Plans for the Assisted Living.

Atty. Bellis responded that it is up to the Commission if they can do that.

Comm. Pogoda asked her to repeat what she just said.

Chair Parkins repeated that under #2, the Modified Concept Plans would have to be submitted by – it would be a one year extension because three months have already passed. They would have to submit Modified Concept Plans for the Assisted Living by September 1, 2015 and 90 days following that they would have to submit Final Detailed Site Plans for the Assisted Living. She indicated that they would have 90 days after September 1, 2015 to do that.

Comm. Pogoda responded OK.

Atty. Bellis commented that they could do that but he asked for more but ... (inaudible) he isn't going to push it. He stated that he would leave "unless further extended by the Commission..." in there though. OK, so they are just going to change the date...

Mr. Schultz stated that a motion is in order for those two extensions.

Comm. Tickey motioned for the changing the date from September 1, 2014 to read September 1, 2015 in Paragraph #2 of the Resolution. He asked if they wanted to do them separately.

Chair Parkins responded that they should do them together.

Comm. Tickey continued that in Paragraph #6, he motioned that (inaudible)...

Chair Parkins commented that they have a motion on the table to accept this for review so they should do something with that before they start another motion.

Mr. Schultz responded OK, it was seconded but it should be predicated upon these two extensions first.

Chair Parkins commented that they can make a motion to accept for a review...so it is a part of the discussion...she added that she was a little confused by this one.

Atty. Thomas stated that he thought they accepted it.

Chair Parkins indicated that it was a motion and a second for discussion.
Mr. Panico suggested that they withdraw that motion.

Atty. Bellis commented that he didn't want to confuse or mess up their motion but he wanted to point out to the Commission that in #6, it states that "all Final Detailed Site Plans should be submitted for Commission approval within a period of one year from the effective date of the PDD adoption."

Mr. Schultz stated that he is fulfilling that by coming in with Phase 1 – it is just the Assisted Living part. If he had come in with everything he'd be fine.

Atty. Bellis responded OK.

Chair Parkins commented that raises a point here though because it says "in view of the natural division of the site, Final Detailed Site Plans can be submitted separately for each area. If submitted separately, all Final Detailed Site Plans shall be submitted within 90 days of each other."

Atty. Bellis reiterated that is the part that he had trouble with – he told them that when he first started. He pointed that out and then it said that all final plans – he had one year to get them approved.

Comm. Tickey commented that would be 90 days from September 1, 2015 instead of 90 days from each other.

Atty. Bellis stated that he can't have the 90 days in there - unless he says in his motion that...

Chair Parkins indicated that he's looking for Final Detailed Development Plan approval for this phase.

Atty. Bellis responded yes.

Chair Parkins stated that according to this, within 90 days of them approving that, he would need Final Detailed Development approval for the Assisted Living.

Atty. Bellis responded yes, that's right. He would have to come back.

Mr. Panico commented that he needs relief from that.

Mr. Schultz agreed that was correct.

Atty. Bellis commented that he's allowed to do it in phases so he's OK with that. He stated that he was being up front with them in saying he was not going to be able to come within 90 days with a Detailed Development Plans.

Chair Parkins responded that she knows and the way that they are proposing this motion is not going to need that requirement.

Atty. Thomas commented no, it is and asked if she means the way that the motion was made.

Chair Parkins responded no, it won't.

Atty. Thomas stated that the motion was for 90 days after September 1st.

Comm. McGorty added that it was September 1, 2015.

Mr. Schultz stated that she was right the first time.

Comm. McGorty commented that you extend it out by the 9 months and then it is 90 days from that September 1st...

Comm. Tickey stated that was what he was trying to say...

Mr. Schultz indicated that it was consistent with the logic.

Atty. Thomas stated that Comm. Osak suggested that they withdraw the motion and make the motion to accept for review with the two extensions all in one motion. He asked Comm. Osak if that was correct.

Comm. Osak commented that they can do whatever they want...

Chair Parkins indicated that she knows that there was a motion on the table and they can't just keep building on it - you can't do that. She commented that there is a motion to withdraw the previous motion.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to withdraw the previous motion.

Chair Parkins stated that they just took the motion off the table that they had started for discussion purposes. The beginning of Comm. Tickey's motion was never even counted as a motion because they were in the beginning of the previous motion. She concluded that now there are no motions on the table right now. Clean slate.

Comm. Harger asked if anyone wanted to take a stab at the next motion.

Chair Parkins stated that she needs a motion to accept with modifications ...

Comm. Tickey responded... to modify Paragraph #2 in the final line "such Modified Concept Plans for the Assisted Living Facility shall be submitted by September 1, 2015 unless further extended by the Commission and in Paragraph #6 the second to last sentence "if submitted separately, all Final Detailed Site Plans shall be submitted within 90 days from September 1, 2015.

Comm. McGorty commented that he nailed it.

Comm. Pogoda asked about it saying the Final Development Plans...he asked what Final Development Plans and if it was just for the Assisted Living.

Chair Parkins responded yes, so if separately, all Final Detailed Site Plans shall be submitted within 90 days of the September 1, 2015 date.

Comm. Pogoda commented OK.

Chair Parkins indicated that technically the Final Site Plan could be approved for this Phase and then they need Final Detailed Site Plans approved for the Assisted Living 90 days from that point – so by December 1st.

Mr. Schultz added unless authorized...

Mr. Panico stated that they should put a couple of findings in their minutes to the effect that marketing constraints have caused delays in prosecuting the Assisted Living component and therefore, the time constraints that are set forth in the Resolution need to be overcome with clarification – and then, simply put down what it is they want to do. He stated that they shouldn't go back and try to amend his paragraphs in the Resolution.

Mr. Panico indicated that they want to do two things. They want to basically separate the Assisted Living Facility from the balance of the development with respect to time constraints. He asked if that was correct.

Chair Parkins responded yes.

Mr. Panico stated OK, then the first thing that they want to do, having separated those two, they now want to establish a time constraint for the Assisted Living Facility, which as he understands it, is to get Conceptual Plans submitted by September 1, 2015. He asked if that was correct.

Chair Parkins responded correct.

Mr. Panico indicated that they should take that action with the 90 day follow up for the Detailed Development Plans and then go on and take an action for the balance of the development to extend the time for Detailed Development Plans to some current date and go forward from there because as he understands it, they have a submission of Detailed Development Plans for the balance of the site. He asked if that was correct.

Chair Parkins responded correct.

Mr. Panico reiterated that it was for the single family, multi-family, recreation area, etc. and asked if that was correct.

Chair Parkins responded yes, correct.

Atty. Bellis added that he filed that and it is before the Commission.

Mr. Panico stated that they should separate the Assisted Living, establish its own time limits, irrespective of what the Resolution says and then accept the fact that the submission that they are accepting tonight is made in a timely fashion.

Chair Parkins asked if he was saying it should be two separate motions.

Mr. Panico responded correct. It is impossible to keep these two married together if they don't have an Applicant for the rest of the development.

Chair Parkins stated that there has to be some mechanism to kind of keep them tied together because they were tied together.

Mr. Panico responded that he knows but...

Chair Parkins added that they can make the rope longer but they can't cut the rope.

Mr. Panico responded (inaudible)...the only thing that they have...well, they have two things at their disposal. One is that they can void all the actions taken with respect to the Assisted Living Facility or number two; they can void the whole project.

Atty. Bellis commented that he disagreed with Mr. Panico. He thinks that he has a Resolution and he filed his plans. He could, theoretically, come back in 90 days and submit Detailed Development Plans but he is just being honest with them that it is just not going to happen.

Mr. Panico asked Atty. Bellis if he wasn't supposed to file the other Detailed Development Plans three or four months ago.

Atty. Bellis responded no, he has a year to do that.

Mr. Panico stated OK, so he's within time on that.

Atty. Bellis responded yes, absolutely within time.

Chair Parkins stated that Modified Concept Plans for the Assisted Living was supposed to be submitted by September 1, 2014.

Atty. Bellis responded yes, but Tony asked if he was in time to submit his Detailed Development Plans for this portion and he had one year from June 2014 and it is only January 2015.

Mr. Panico asked if a one year extension was granted to all of the time constraints. He asked if that was what he was hearing.

Atty. Bellis responded no, he is asking for an extension on the Assisted Living for one year.

Mr. Schultz added that it was just that component.

Mr. Panico asked Atty. Bellis what was done in the past.

Atty. Bellis responded that it says that Final Detailed Plans shall be submitted for Commission approval within a period of one year from the effective date of the subject PDD. The effective date of the subject PDD is June 27, 2014. He stated that he filed, in December, Detailed Development Plans and that is within a year – it is within six months.

Mr. Panico commented OK, (inaudible)...

Atty. Bellis added that it says that he could do it in stages.

Mr. Panico asked if (inaudible) on everything except the Assisted Living then.

Atty. Bellis responded right, he did not file Detailed Development Plans for the Assisted Living, correct.

Chair Parkins added – or Modified Concept Plans.

Atty. Bellis agreed – yes, or Modified Concept Plans.

Mr. Panico commented that he thinks the Commission's motion needs to be, as he said to extend the date for submission for Revised Concept Plans for the Assisted Living Facility to September 1, 2015.

Comm. Tickey stated that is what he did...

Chair Parkins added yes, that is the motion that is on the table.

Atty. Bellis responded yes, that is what they put on the table and he thinks that works.

Mr. Panico stated that secondly, to give him relief from having to submit Detailed Development Plans for that portion – the Assisted Living portion of the Development – within 90 days of this submission... (inaudible)

Atty. Bellis responded right, and his motion was to do it within 90 days of September 1, 2015.

Comm. Dickal commented yes that's correct.

Mr. Panico indicated that they should say something to the effect that, notwithstanding the time constraints set forth in the Resolution, the following shall apply – and then state their new constraints.

Chair Parkins asked if the Commissioners were fine with that.

Comm. Tickey responded that he was OK with adding that to the motion.

Chair Parkins asked Mr. Panico to repeat his wording again for the record.

Mr. Panico responded notwithstanding the time constraints set forth in the Resolution of the adoption of the PDD, the following shall apply - and then go into the motion that is already on the table. He commented that they should state what they are – the Conceptual Plans for the Assisted Living Facility shall be submitted on or before 9/1/15 and to be followed by Final Detailed Plans within 90 days of the date of approval of said Conceptual Plans.

Mr. Panico commented that they can't just blanket it and take 90 days because suppose the Commission takes 2 months to approve the Conceptual Plans - then how could he do the Detailed Plans.

Atty. Bellis responded OK.

Mr. Panico stated that the Detailed Plans have to reflect the approval of the Conceptual Plan.

Chair Parkins indicated that it would be within 90 days of approval of the Conceptual Plans.

Mr. Schultz said he had it and commented that it gives them more flexibility.

Mr. Panico commented that they could go on to say...well, that is probably all they need to say because it would obviously override Paragraph #6. He asked Rick Schultz if he agreed.

Mr. Schultz responded right.

Chair Parkins agreed.

Mr. Panico commented that Paragraph #6 is not needed anymore because he is submitting it all as one big phase; in other words, this whole development is only going to have two phases. He asked Atty. Bellis if that was correct.

Chair Parkins responded no because then it goes on to say that “all Detailed Site Plans shall be submitted for Commission approval within a period of one year from the effective date of the PDD adoption.”

Mr. Panico responded yes and that one year is coming up and he will not be able to fulfill that because he doesn't have an Assisted Living developer and that is why he's saying that they have to ignore the time limit and set what is realistic for the Assisted Living portion of it. He commented that he thinks it is just important for the Commission to say now what it wants to have in terms of time limits irrespective of what that Resolution says.

Chair Parkins commented that if you continue reading on in #6 it says “should the Applicant fail to adhere to the above time limits or any approved extension thereof, the Commission at its sole

discretion, may schedule a public hearing to change the zoning of the site or some portion thereof back to the previously existing zone or to another appropriate zone.

Mr. Panico responded correct.

Chair Parkins commented that if you've already started building houses on it then you aren't changing the zone back.

Atty. Bellis responded no, not on that portion, that's correct because he has already submitted a Detailed Development Plan.

Mr. Schultz read the proposed motion: Notwithstanding the time constraints set forth in the Resolution of the Adoption of the PDD, the following shall apply. The Submission of the Concept Plans for the Assisted Living shall be submitted no later than September 1, 2015; submission of Detailed Plans of the Assisted Living shall be submitted within 90 days of the approval of said Concept Plans. He indicated that they have a motion from Comm. Tickey on that.

Chair Parkins asked how this motion ties in with the approval...

Mr. Schultz no, first they make this motion and then they make the motion to accept for review Application #15-1.

Chair Parkins commented that this motion is just dealing with the extension that is needed before they accept it for review.

Mr. Schultz responded yes.

Chair Parkins asked if everyone was clear on that. Comm. Dickal responded yes.

Mr. Schultz stated that they needed a second. Comm. Dickal seconded the motion.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was voted 5-0-1 (one abstention) notwithstanding the time constraints set forth in the Resolution of the Adoption of PDD #77, the following shall apply: the submission of the Concept Plans for the Assisted Living Facility no later than September 1, 2015; submission of Detailed Plans for the Assisted Living Facility within 90 days of the approval of said Concept Plans. Chair Parkins abstained from voting adding that she did not vote in favor of the project.

Mr. Schultz indicated that they would also need to make a motion to accept Application #15-1.

On a motion made by Jim Tickey seconded by Virginia Harger it was voted 5-1 to accept Application #15-0-1 for review. Chair Parkins abstained from voting.

Atty. Bellis thanked the Commission for their help.

APPLICATION #15-2: 223 CANAL GROUP, LLC FOR MODIFICATION OF PDD #70 INCLUDING STATEMENT OF USES AND STANDARDS AND FINAL SITE DEVELOPMENT PLAN APPROVAL (SITE C: 68 MULTI-FAMILY RESIDENTIAL UNITS), 223 CANAL STREET (MAP 129, LOT 18) – ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz indicated that this is the Brennan building, Site C. John Watts is Site D and that is the public hearing coming up on 1/28/15. He suggested the fourth Wednesday in February – 2/25/15 and asked if that would work for everyone.

On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to accept Application #15-2 and schedule a public hearing for Wednesday, February 25, 2015.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any items not on the Agenda. There was no public response. She asked for a motion to close the public portion of the meeting.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the Public Portion of the meeting.

OTHER BUSINESS

APPROVAL OF MINUTES: 12/9/14

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table the approval of the minutes of December 9, 2014.

PAYMENT OF BILLS

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

STAFF REPORT

Mr. Schultz review the recent P&Z Staff Report including ZBA issues, Siting Council, Zoning Subcommittee, DSC and Zoning Enforcement issues.

***See Attached Planning and Zoning Staff Report from Richard Schultz, P&Z Administrator dated January 13, 2015**

ADJOURNMENT

On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

Karin Tuke
P&Z Recording Secretary