

SHELTON PLANNING AND ZONING COMMISSION

APRIL 14, 2015

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, April 14, 2015 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserves the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Nancy Dickal
 Commissioner Virginia Harger (arrived 7:03 p.m.)
 Commissioner Anthony Pogoda
 Commissioner Jim Tickey

Staff Present: Richard Schultz, P&Z Administrator
 Anthony Panico, P&Z Consultant (via conference phone)
 Karin Tuke, Recording Secretary

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

Chair Parkins called the P&Z Commission Regular Meeting to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that P&Z Consultant, Tony Panico would be in attendance via teleconference phone.

AGENDA ADD-ON

Chair Parkins requested a motion to add two items to the meeting agenda under Old Business/Applications for Certificate of Zoning Compliance for a retail business and for a sign.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to add Separate #0267 (retail business, 99 Bpt Ave) and Separate #0272 (wall sign, 78 Bpt Ave) to the Agenda under Old Business/Applications for Certificate of Zoning Compliance.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0255: DAVID DUNN, 52 PATRICIA DRIVE, SUN SHADE

Mr. Schultz stated that this involves an enforcement matter and the neighbors are present to discuss some issues with the Commission. He distributed photographs of the structure located on Patricia Drive and added for the benefit of the newer members that the Commission passed a Temporary Accessory Structure Regulation for these types of covered structures because they were popping up everywhere in town. The Commission determined that they needed to be regulated; in many instances the structures were staying up all year round. He added that obviously, they can impact property values and aesthetics so the Commission adopted regulations. Mr. Schultz indicated that it has been an ongoing effort in the community and most residents realize that they do have regulations.

Mr. Schultz indicated that this particular property was cited a couple of years ago and this isn't the first application that they have requested for six months.

Comm. Pogoda asked what they were cited for initially.

Mr. Schultz responded for constructing a temporary structure without a Certificate of Zoning Compliance. He commented that tonight there is a request to allow the continuation of a temporary structure that was in violation. The owners chose not to remove the temporary structure. He referenced the metal frame shown in the photo. He added that they are present tonight and they have made an application.

Comm. Harger asked how close it was to the property line.

Mr. Schultz responded 10 feet. He added that they were in compliance with the setbacks. He indicated that the Commission could do one of three things. He indicated that they could approve up to six months with the statement that they must comply because this is something that they want to do annually. They have a boat, they take their boat out of the permanent garage and take it out during the summer; therefore, the Commission can approve it up to six months with that stipulation that it will not be renewed in the future. They could deny it based upon previous violations or they can ask them to explain it further.

Comm. Pogoda asked if they were asking to keep this structure up once they have put the boat into the water.

Chair Parkins asked if the Applicant was here.

Mr. Schultz responded yes, they are asking to keep the structure up and no, they aren't here.

Comm. Pogoda asked again if they were requesting to leave it like that.

The Applicants, David & Louisa Dunn, 52 Patricia Drive, Shelton indicated that they were present.

Mr. Schultz responded that the Applicant is aware that the Zoning Regulations require that they remove the structure. The structure includes the shelter part as well as the metal rod frames that are still up. He indicated that this was a new issue for Staff because they are enforcing this; he assumes that when the Commission says "remove a shelter," they mean removing the whole thing.

Chair Parkins commented that they are going to ask for clarification.

Comm. Dickal asked what they use to go over the top of the metal rod structure.

Chair Parkins stated canvas.

Comm. Pogoda responded a canvas tarp.

David Dunn, 52 Patricia Drive, Shelton addressed the Commission. Mr. Dunn responded that it is only the top awning; there are no sides on it.

Comm. Pogoda commented that looks bad with the (inaudible)...

Chair Parkins asked the Applicant if they leave it up like this all year long and then just take the top off of it.

Mr. Dunn responded yes, after six months they take it down.

Chair Parkins asked if he takes the whole structure down.

Mr. Applicant responded yes and they were going to take the whole thing down but they called the Town.

Mrs. Louisa Dunn, 52 Patricia Drive addressed the Commission. Mrs. Dunn stated that she called the Town once their six months were up last year. She asked if after taking the top off, if they had to remove the metal frame and they were told that they could leave that up. She added that if they had known that they were supposed to take it down, then they would have taken it down.

Comm. Pogoda asked who they spoke to from the Town.

Mrs. Dunn responded Tom Dingle.

Mr. Schultz responded that in some instances, as the Department head, he'll receive a complaint that may not have been resolved and obviously, he'll bring it to the Commission's attention so they are hearing this for the first time.

Chair Parkins commented that they would figure out the use first and then they'll worry about the compliance. She asked Mr. Dunn if they were using this to cover a boat during the wintertime.

Mrs. Dunn responded in the summertime.

Chair Parkins asked why they would cover it in the summertime and why the boat wasn't in the water.

Mr. Dunn responded that the boat goes in and out of the water.

Mrs. Dunn added that they take the boat to different places.

Chair Parkins commented that this was a large structure and asked how big the boat was.

Mr. Dunn responded 20 feet long.

Chair Parkins asked how long the structure is.

Mr. Dunn responded it was 20 feet and that is what they took the permit out for.

Comm. Pogoda asked what they do with the boat in the wintertime and if they put it in the garage.

Mrs. Dunn responded yes, it's in the garage.

Mr. Dunn added that when they take the boat out of the lake it is still wet and it isn't wise to put it in the garage. This just has an awning over the top so that the boat can dry out and keep from getting moldy.

Chair Parkins asked for clarification that in the wintertime they put the boat in the garage.

Mrs. Dunn responded yes.

Chair Parkins asked Rick Schultz if the regulations allowed them to come in once a year for a temporary structure.

Mr. Schultz responded yes, for up to six months. Obviously, they did it that way because the Commission is going to get repeat requests and they are going to base it on the history before requesting the full six months. He stated that as they have just heard, the Applicant wants to comply and will remove the entire structure. He added that would be a condition of approval and it should be so stated if they are (inaudible)...

Chair Parkins commented OK, so they would have to come in every year to renew the application. She asked Mr. Dunn how long he would have this up for – 5 months, 6 months.

Mr. Dunn responded this month until boat season is over in October.

Comm. Harger asked if that frame was left up over the winter.

Mr. Dunn responded that the frame was left up only because they were told by Tom Dingle that they didn't have to take it down.

Mrs. Dunn reiterated that they did ask and reiterated that if they had known they would have taken it down.

Mr. Dunn commented that they took the top off because it wouldn't have kept off the snow anyway.

Chair Parkins asked for clarification on the location of Patricia Drive.

Mr. Schultz responded that it was off of Tower Lane down by Waverly.

Comm. Harger asked if this structure was erected for the first time last year.

Mrs. Dunn responded yes, they just purchased it last year.

Chair Parkins asked to hear from the other audience member wishing to speak on this issue.

Mr. Joseph Gluse and his wife, Roseann Gluse, 48 Hunter's Ridge Road, Shelton addressed the Commission. Mr. Gluse indicated that they were abutting neighbors and there is a (inaudible) with this property. He commented that the first thing is that they got an approval for their oversized garage from ZBA to erect it. It is 1,220 square feet; 750 square feet is allowed by Regulations. It is also 22 feet high versus the 20 feet allowed by the Regulations.

Mr. Gluse stated that he has a package of materials to submit to the Commission but wanted to ask them about accessory use coverage. He stated that the limit on accessory use coverage is 2.5% of the property area. If they take the size of this property which is 1.04 acres, the square footage is 45,320 square feet. He added that 2.5% would allow them to have 1,133 square feet of accessory coverage on that property.

Chair Parkins asked Rick (inaudible)...about permanent structures.

Mr. Schultz responded that they never went into that degree. This is new and they are hearing different scenarios now.

Mr. Gluse indicated that the garage was 1,220 square feet and that's an accessory building constructed on the property. They have a shed which is approximately 108 square feet and they have an above the ground pool which is approx. 255 square feet. He commented that adding those three together, it is 1583 square feet which is over the 1,133 square feet allowed.

Comm. Harger asked him where his abutting property was located on the map.

Mr. Gluse responded that they were on the south side on Hunter's Ridge Road, #48. He commented that both the garage and the temporary structure which he has erected are in violation of the Regulations; he doesn't have the permit for it. He added that it was directly outside of their dining room window. At one point he was able to see the tower in Monroe and now he sees a roof with a chimney and...

Chair Parkins asked if that was from the garage that was approved by ZBA.

Mr. Gluse responded yes. He commented that Mr. Dunn also puts all his "unwanted" items on that side of the garage too so that he doesn't have to look at it over there, but they have to. He commented that, obviously, as they can see the temporary structure is still standing to date and no further action at this point has been taken by ZBA who they went back to. They have written complaints to the Zoning Enforcement Officer to no avail because he didn't remove it. He guesses that was by the order of Tom Dingle. So as abutting property owners they are opposed to any further expansion of Mr. Dunn's temporary structures. If he wants that temporary structure or if it is allowed by Code, he commented that he does have another place to put it but that would be the Commission's decision whether it is approved or not. Mr. Gluse re-emphasized that he's over the allowed coverage for accessory structures.

Mr. Gluse submitted the package including copies of letters, complaints, photographs, and testimony from Mr. and Mrs. Dunn at the ZBA Meeting. He added that Mr. Dunn said that once the garage was built, he would keep the boat in the garage and there was a temporary structure where they've now erected this structure that he said he would be happy to take down and it wouldn't go back up.

Chair Parkins thanked Mr. Gluse.

Comm. Pogoda asked why he can't keep that boat in that garage if that garage is so big. He asked why the boat couldn't be kept there all year long.

Mr. Dunn responded that he has collector's cars inside of it also.

Comm. Pogoda asked what he does with the cars when the boat is in there.

Mr. Dunn responded that when the boat is in the water, they are inside of the garage. Right now they are all shuffled up around in there so they all fit during the winter months.

Chair Parkins asked if they were registered vehicles.

Mr. Dunn responded yes, all registered vehicles.

Mrs. Dunn added yes and there are antique plates on them.

Mr. Dunn indicated that he has some pictures that they might want to see because the pictures submitted are from his property looking at it not from the Gluse's property on Hunter's Ridge. He showed the Commissioners photographs and explained that because of this they put "No Trespassing" signs up there.

Comm. Dickal asked if any other neighbors have expressed concerns.

Mr. Dunn responded no and he showed some photos taken two houses down the road when the full cover was on it. He explained a photo with something else that was across the street from them all year round and was three feet above what they were putting up. He explained that the hedges were on their property at least another four feet up.

Comm. Dickal asked about the photo and whose boat was shown there.

Mr. Dunn responded no, it isn't theirs. It is across the street from Mrs. Gluse – they are complaining about this structure and that thing is in front of their house. He explained that the barrier shown, like the kind you see on the side of the highway to stop the noise, is on the other side of her property.

Chair Parkins asked Mr. Dunn for clarification if it was his house and garage shown in the photo.

Mr. Dunn responded yes.

Mrs. Dunn stated that they had to have been on their property to take that picture.

Chair Parkins asked if that was where the structure is currently located.

Mr. Dunn responded yes.

Comm. Pogoda asked whose boat was shown in the photo.

Mr. Dunn responded that it was abandoned.

Comm. Pogoda asked whose property it was on.

Mrs. Dunn responded that it was across the street.

Mr. Dunn added that it was given a red tag today and they were told it was abandoned. It has been there forever but apparently that doesn't bother them – it is basically across the street from her house. A tree even fell on it at one point.

Chair Parkins commented that this is unfortunate and they hate to see neighbors dispute. It is a very uncomfortable situation for everyone. All the Commission can do is abide by their Regulations. The first thing that they need to do is get the ZBA Minutes and find out the condition of the variance given.

Mrs. Gluse responded that the ZBA Minutes and everything is in that packet.

Chair Parkins responded OK, thank you and added that if it has been recorded in the minutes that they were replacing that temporary structure than that is a valid point.

Mrs. Dunn responded that the cover that they had was like the one in those pictures but they threw it away.

Chair Parkins stated OK, but they had the variance to basically say that they needed the garage to store the boat that you are now storing outside. She asked if that was what they told ZBA. She added that it was going to be in the ZBA Minutes so they might as well just tell her.

Mr. Dunn responded that they said that they were going to put everything in it for the winter – cars, everything goes inside.

Chair Parkins stated right, but it would replace the temporary structure because you would now have a garage.

Mrs. Dunn responded that they said they were going to take it down.

Chair Parkins commented that they also need to check the Regulations regarding the coverage and that is all they can do – enforce their own Regulations - if they have the right to put it there than they are certainly going to give them the permit to put it there. She stated that, honestly, if she lived next door to this mess, she would be upset too. She doesn't know what it looks like right now but (inaudible)...

Mr. Dunn responded no, that isn't what it looks like.

Mrs. Gluse commented yes and that it was right outside her dining room window. She has a desk there and she works there every day and she's in her kitchen every day. There are trees now so she agrees with those pictures that he showed but there is a big space in the middle. The trees haven't fully grown in yet and will take another five years.

Mr. Dunn indicated that if they look at his photos they will see that there is a big difference already. They were taken last week and the one taken off the top is approx. three feet above where the pitch would be and the trees are already filled in. It covers it completely where they can't see it at all.

Mrs. Gluse responded that she can see it.

Chair Parkins asked if he planted the trees.

Mr. Dunn responded yes, he planted them all. It is on their property approximately 5 feet.

Comm. Harger asked Rick Schultz if anyone had gone up to see this.

Mr. Schultz responded yes he went up when he spoke to the Complainant after it didn't get resolved.

Chair Parkins asked him if he could check into this within the next couple of days and get back to them before the next meeting.

Mr. Schultz responded yes and added that a motion would be in order to table this tonight.

Chair Parkins indicated that they would table this right now and told Mr. Dunn that if he has a right to have this there, they will give him the temporary permit, 6 months, but if what the

neighbors have presented here as well is correct than, unfortunately, they cannot. She commented that they would do their due diligence and make sure everyone gets fair treatment. She reiterated that they hate to see neighbors feuding.

Mr. Dunn commented that he wasn't feuding and has never said a word to them.

Chair Parkins indicated that you should at least wave hello to your neighbors but that isn't their purview; it is ultimately about the regulations. They will check into it as fast as they can and get back to them with an answer.

On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to table Separate #0255.

Chair Parkins asked Mr. Dunn if there was another location would he could put this structure though.

Mr. Dunn responded nowhere else and that is why the garage is actually on that side.

Mrs. Gluse commented that it was outside of their dining room window.

Mr. Dunn responded that she put the window on that side of the house and should have left it where it was.

Chair Parkins stated that they would do their due diligence.

Mrs. Gluse indicated that it is all in the public record and that is all she had to say and thanked the Commission.

Mr. Schultz reiterated to the Applicant that as the Commission stated tonight, the structure has to come down so that is the one of the first policy statements of the Commission on these new regulations.

SEPARATE #0251: CUSTOM WORKS, LLC, 59 ORONOQUE TRAIL, IN-LAW

Mr. Schultz indicated that this is requesting to use the basement area of an existing house, 560 square feet. There are two means of ingress and egress; it is a walk-out basement and internal. He provided a location map in Pine Rock on Oronoque Trail. Staff recommends approval.

Chair Parkins commented that there were two bathrooms shown down there.

Mr. Schultz responded yes, they don't regulate the bathrooms.

Chair Parkins asked if you could have two bathrooms in an in-law apartment.

Mr. Schultz responded yes, absolutely – square footage.

Chair Parkins commented that maybe that is just (inaudible)...She asked if this was existing.

The Applicant, Nathan Aho, 59 Oronoque Trail, Shelton addressed the Commission. Mr. Aho responded yes, there is a paper trail actually.

Chair Parkins asked if they were selling the house now.

Mr. Schultz responded no, this is for parents moving in.

Chair Parkins asked if there was previously an apartment downstairs.

Mr. Aho responded yes but it wasn't approved so he is in the process of correcting that. He is the new owner. He bought it from his father.

Chair Parkins stated that it is always nice when people become legit.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve Separate #0251.

SEPARATE #0231: BEN FRONSAGLIA, 865 RIVER ROAD, SHELTON, BUSINESS

Mr. Schultz indicated that this is for the building on the Stratford line, for sales and consulting. It is the second to last building where Esther's Hacienda used to be. They are leasing 800 square feet on the second floor for sales/consulting and the company name is Meeting International Inc. The hours of operation are 9 a.m. to 5 p.m., Monday through Friday, sole proprietor. Staff recommends approval.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0231.

SEPARATE #0234: PREMIER MANUFACTURING, 70 SHELTON TECH CENTER, BUSINESS.

Mr. Schultz indicated that this is located in the little industrial park at Ivy Brook going toward the Data Center off of Constitution Blvd. He added that Mountain View goes straight up to Four Winds, going parallel to Constitution Blvd, they have the Data Center and this is on the right-hand side right before the end.

He stated that this business is replacing Peabody Engineering for light manufacturing and assembly (electrical cable assembly); it is a great fit. They are leasing 8,820 square feet, 20 employees, sufficient parking, hours of operation are 6 a.m. to 5 p.m., Monday through Friday. They have a new tenant moving into town. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #0234.

SEPARATE #0235: GINA SCARPA, 60 TODD ROAD, BUSINESS

Mr. Schultz stated that this is the second occupant – there is already the child daycare center at 60 Todd Road. The business name is Pinwheels Studios, LLC to provide music lessons and birthday parties. They are going to lease 2,300 square feet. The entire two-story building is 9,000 square feet with the child daycare center occupying most of it. There will be 6 to 8 employees, as needed, and hours of operation will be various, Monday through Saturday, by appointment from 9 a.m. through 7 p.m.

Chair Parkins commented that her first thought was concern about parking and what is going on over there. She asked if he had any more information about that.

Mr. Schultz responded no, but they are convinced that it should not be a problem with the drop-off of the child daycare. They think it is a good fit because they want to use their families there too.

Comm. Harger asked him to repeat what the hours were.

Mr. Schultz responded Monday through Saturday, appointments various between 9 a.m. and 7 p.m.

Chair Parkins commented that they were only taking up 2,300 square feet and asked how much parking was there. She asked what was left after the child day care center and this business.

Mr. Schultz responded that he didn't know.

Chair Parkins asked if they were already in there.

Mr. Schultz responded yes. No signage is being requested at this time.

Comm. Pogoda commented about the music lessons and music lessons (inaudible)...

Chair Parkins stated that there are classes – there are a variety of things going on here and none of them in and of themselves are bad things; it is a matter of coordinating the parking situation because it is office space. She asked if this type of use was allowed there.

Mr. Schultz responded yes.

Comm. Harger asked if this fills the building.

Mr. Schultz responded yes, two occupants now.

Chair Parkins commented that was what she was just asking about – and asked if it was just this business and the child daycare center.

Mr. Schultz apologized and responded no these two, that's it.

Chair Parkins stated OK, she thought there was still space left to be rented.

Comm. Harger commented that the music lessons are probably more of a one-on- one thing.

Chair Parkins responded no, she didn't think so.

Mr. Schultz added that they are leasing a lot of area, 2300 square feet is a decent sized area.

Chair Parkins read that it would include activity camps during school vacations, special events for kids, and workshops/seminars for parents.

Comm. Harger stated that she didn't think it was any different than what they did at Center Stage.

Comm. Tickey commented that he thinks that these are smaller in scale than what Center Stage was doing.

Chair Parkins commented that she hopes the parking doesn't become an issue because then people are going to be parking in the street.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0235.

SEPARATE #0092: R. D. SCINTO, 4 CORPORATE DRIVE, BUSINESS

Mr. Schultz stated that this was for a family dental practice, Dr. Peter (inaudible). He is leasing 2,270 square feet, 3 employees, hours of operation 8 a.m. – 5 p.m., Monday through Friday. It will be replacing Healthcare Navigation.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #0092.

SEPARATE #0093: R. D. SCINTO, 2 TRAP FALLS ROAD, BUSINESS

Mr. Schultz indicated that this was Northeast Private Client, a real estate brokerage with 10 employees and leasing 2,990 square feet. The hours of operation will be 9 a.m. to 5 p.m., Monday through Friday. This business replaces A.C. Nielson.

On a motion made by Jim Tickey seconded by Anthony Pogoda, it was unanimously voted to approve Separate #0093.

SEPARATE #0094: R. D. SCINTO, 60 PARROT DRIVE, BUSINESS

Mr. Schultz stated that this business is Five Star Products, a coating distributor at 60 Parrot Drive where UI used to be on the very end of the cul-de-sac going toward the apartments and condos. They recently approved the loading dock with the site plan and this is the occupant.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0094.

SEPARATE #0242: R. D. SCINTO, 2 CORPORATE DRIVE, BUSINESS

Mr. Schultz indicated that the company name is Kinetics (sp?). They do logistics and are leasing 3,570 square feet; hours of operation are Monday through Friday, 9 a.m. to 5 p.m. They will be replacing part of Prudential.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0242.

SEPARATE #0250: JEFFREY GYDUS, 269 BRIDGEPORT AVENUE, BUSINESS

Mr. Schultz indicated that this is the Bahner Lawn & Farmer Equipment. He stated that they never received any official zoning document from this office. They came in with their attorney last week – they've been there for decades. It is located next to Wiffle Ball on the corner of Cots Street.

Chair Parkins commented they've been there forever – they get the trophy.

Comm. Harger added that she guesses that they are grandfathered in.

Mr. Schultz reiterated that they hired an attorney to get this documentation in place. It is 2,300 square feet, 2 employees; hours of operation are Monday through Saturday, usually 7 a.m. to 5 p.m. They do have small equipment on display which has been an issue in the past but it has been cleaned up lately.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #0250.

SEPARATE #310: COMCASTIC, 216 HUNTINGTON STREET, REPLACE GENERATOR

Mr. Schultz indicated that the Applicant is present and provided a site plan. He stated that this was the old BHC Building on Huntington Street that the City acquired as open space. They lease it to Comcastic; they need to replace the generator there. It is located on the Far Mill River side next to the Cemetery.

Comm. Harger responded yes it is a little brick building.

Chair Parkins asked about the existing propane tank.

Tom Corlone, architect for Comcastic addressed the Commission. He stated that it is a propane fired generator. They are basically taking the propane fired generator out and putting in a new diesel generator that is the same size. He thinks it will be a 45 kw or 50 kw with a sound attenuating enclosure. It is consistent with what they do at all of their sites throughout New England.

Comm. Harger commented that she was going to ask how noisy it is. Comm. Dickal agreed stating that yes there is (inaudible).

Chair Parkins asked how often it would be run for testing.

Mr. Corlone responded that they exercise it once a week or once month just to make sure it is working.

Comm. Dickal asked what the noise difference was between what is there and what they are proposing.

Mr. Corlone responded that the new diesel generator is quieter with the noise attenuating enclosure.

Chair Parkins clarified that the gas fired one will be quieter without the enclosure.

Mr. Corlone responded that he believes the propane, according to his acoustical engineer, what is there now is noisier than what they are putting in there. He indicated that he brought cut sheets if they want them.

Chair Parkins responded that she did want them and asked what the db was.

Mr. Corlone responded it is not listed on that particular cut sheet but the acoustical engineer who works on all of his projects that under load it is 55 db so it is barely louder than this conversation.

Chair Parkins asked if that was the outside noise that you could hear – 55 db.

Mr. Corlone responded yes and added that at the property line it drops below 45 based upon his measurements because of the distance (inaudible).

Chair Parkins indicated that he would be going on record as having said that.

Mr. Corlone responded yes, that's fine. He plans on sending in a letter for the file from the acoustical engineer.

Chair Parkins commented that she appreciates that. She asked for clarification that he said around 45 at the property line.

Mr. Corlone responded yes, he believes it is 45 – he is repeating what he was told.

Chair Parkins asked if they run it once a week.

Mr. Corlone responded that there is an exercise cycle. It is either once a week or once a month. He isn't absolutely certain on this particular site.

Chair Parkins stated that typically they are run once a week.

Mr. Schultz advised the Commission that they are starting to see replacement generators coming in now because the technology has improved because, obviously, they are concerned about the noise and the dba.

Chair Parkins asked how often diesel fuel would have to be delivered.

Mr. Corlone responded that he wasn't sure. It would depend upon that exercise rate which he can find out for them.

Chair Parkins asked if he knew how big the tank was.

Mr. Corlone responded that he believes that is listed on the cut sheet. He apologized; this is a fairly small generator compared to what they normally put in so he isn't certain. They are usually 200 beta kw and this one is about 50 so isn't particularly well-versed with that particular sized model. The info should be on the 3rd page; if not he can get that information to her.

Chair Parkins reviewed the information provided and commented that it didn't say or she couldn't find it. She asked if there was any type of containment system underneath the diesel tank.

Mr. Corlone responded that it was a double-walled tank – he thinks so, it is typically what they've been previously had is a (inaudible) devices everywhere so (inaudible).

Chair Parkins responded OK and showed the other Commissioners the generator information. She asked Mr. Schultz for a copy of the package.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #310.

SEPARATE #0237: WAL-MART, 465 BRIDGEPORT AVENUE, HOLIDAY HRS/EVENTS

Mr. Schultz stated that this is for Wal-Mart and they have the outdoor plants that they've been doing now for about 10 or 12 years and that begins now through Memorial Day. The occupied parking spaces have been approved by the Fire Marshal's Office and they have not had any problems.

He indicated that the second issue is what has become known as Black Friday, Thanksgiving. The Commission asked Wal-Mart to provide any upcoming events that they know.

Chair Parkins asked if they listed Gray Thursday too.

Mr. Schultz responded that he didn't know but they listed the 26th through the 28th so yes. It has grown.

Chair Parkins commented that it did last year. Mr. Schultz stated yes, there were problems with parking too.

Comm. Dickal stated that she remembers that.

Chair Parkins asked Rick Schultz to let Wal-Mart know that on those days, the Commission expects them to have some sort of police presence to help with the traffic out there because that was dangerous.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #237.

SEPARATE #0267: 99 BRIDGEPORT AVENUE, RETAIL BUSINESS/SIGN

Mr. Schultz stated that the Commission recently approved the consignment shop for the furniture store. This is the Bruce Butler property and the Applicant is back to discuss his new business model called Head Quarters. He will be leasing the same area and he'll explain why the consignment business did not work. This will be a retail business and he'll tell the Commission about the types of products he'll be selling.

Robert Dunn, owner of Maximum Value Online, 99 Bridgeport Avenue, Shelton addressed the Commission. Mr. Dunn indicated that this was r which was formerly Shelton Auto Parts. He's leasing space from Bruce Butler. He explained that the consignment did OK but a lot more people were bringing stuff in than taking it out. It is a good space so he found another retail fit for it. They'll sell T-shirts, hats, tobacco products on one side with water pipes and glass-type items through one door where you must be 18 years or older to go into that area. The front area will be skateboards, T-shirts, sweatshirts, hats, jewelry, essential oils and stuff like that.

Chair Parkins commented that sounds like something that should be in Las Vegas to be honest.

Mr. Dunn asked if she was familiar with Utopia in Norwalk.

Chair Parkins responded no.

Mr. Dunn responded that they have been in business for 40 years and are located right on the Westport line.

Chair Parkins stated that they already have two vapes stores in Shelton – one on Howe Avenue and one on Center Street.

Mr. Schultz commented that that product is growing. He asked Mr. Dunn if he brought anymore details on his proposed sign.

Mr. Dunn responded that at this stage no but he showed a very preliminary draft. He added that it was a couple of months away – at least 60 to 90 days. He submitted his draft rendering of the sign.

Mr. Schultz commented about the back part (inaudible)...

Mr. Dunn responded that it was going to be a complete separation just like they do in Norwalk. He explained that the model he is following has been around for 40 years. He commented that Moms from Westport can drive up in their Volvos and bring their kids in there for novelty items, t-shirts, gifts, etc. There will be a whole side section where you have to go through a completely different door – must be 18 years old to enter – you don't even really know that it is even there. He added that is pretty much the way that he plans to set this up.

Chair Parkins stated that one of her concerns is about the skateboarding – the skateboards.

Mr. Dunn responded that he might not even sell them.

Chair Parkins commented that it would be a matter of kids hanging out, trying out skateboards right where a gas station is located. It is not exactly the safest area to be doing that.

Mr. Dunn stated that skateboards were one of those “maybe” items and they wouldn't be riding the skateboards because it is against his insurance. He added that he could be sued and he'd be more liable than anybody else if they got hit.

Chair Parkins asked if he had ever visited a skateboard store.

Mr. Dunn responded yes, the one in Norwalk. He commented that he's almost wishing that he hadn't mentioned selling skateboards because it is probably not going to happen. There might be 3 to 5 of them on display already assembled.

Chair Parkins stated that she doesn't have anything against skateboards but she just doesn't think it is the safest place for them.

Mr. Dunn indicated that it won't be a major part of their business. No one would recognize them as a skateboard shop whatsoever. He added that places like Utopia are the skate shop where kids go and he couldn't compete with that; if you weren't in that business 25 or 30 years ago, than you can't compete.

Comm. Tickey asked about the parking situation and if there was enough parking there.

Mr. Schultz responded yes over toward the luncheon part.

Chair Parkins reviewed the draft signage submitted.

Mr. Schultz stated that tonight the Commission would just be acting on the business change with the signage details forthcoming.

Comm. Harger asked how much he would be changing it if that is the draft submitted.

Mr. Dunn responded that was the sign he was proposing... where it says “quality and more,” it may say “jewelry and more” but other than that it will look like that.

Chair Parkins commented that she would take off “established 2015” because she doesn't think that is going to mean anything.

Mr. Schultz stated that is going to shrink it down because they have channel letters now.

Mr. Dunn commented that as far as signage, the Commission approved his sign – which happens to be a \$12,000 sign with the largest letters they would approve for Maximum Value Online. This sign will be about a third of that size and it is only going over the door and not stretching across the building.

Chair Parkins asked if he was telling them that he was surprised that they granted such a large sign. She added that before that, you could see the Shelton Auto Parts sign from Mars.

Mr. Dunn agreed and commented that his sign is a nice, large and visible sign.

Comm. Harger asked what his dimensions would be for this sign.

Chair Parkins asked if it would be lit.

Mr. Dunn responded that it would have a couple of gooseneck lights over it but it isn't going to be illuminated. It is a totally different concept so it is really different.

Comm. Harger asked again what the dimensions would be.

Mr. Dunn explained that the back board would be 4 ½ x 5 and letters inside would actually be smaller. He hasn't gotten that detailed with the sign company yet. He just wanted a preliminary to be here even it is a month early; he could be sitting here in 30 days for it.

Chair Parkins stated that she can't tell him what to name it but Head Quarters gives a connotation that is not ...

Comm. Harger added "savory." Chair Parkins agreed and added that she couldn't find the right word.

Mr. Dunn responded that he was considering "The Dispensary" so ...

Chair Parkins commented OK, so he's just waiting for them to make it recreational...he'll be right there and ready.

Mr. Dunn asked if they were familiar with where the laws are now.

Chair Parkins responded yes, she is.

Mr. Dunn stated that it is decriminalized and medically approved. If the State wants to do anything about its tax situation, he assumes they will legalize it very quickly.

Comm. Dickal commented that Colorado is still having a lot of problems.

Comm. Tickey added that they have a Moratorium.

Mr. Dunn stated that in Colorado their college entrants are up by 47%.

Comm. Dickal responded that she works in healthcare and sees another aspect of it.

Chair Parkins indicated that the State only allows a certain number of dispensaries and Shelton is not on that list so they won't have to worry about that for a while. She reiterated that the store name gives that connotation.

Comm. Harger asked if they hadn't allowed Shelton Auto Parts to only have 24" letters.

Mr. Schultz responded that they exceeded it if they recall, and Bruce Butler had apologized.

Chair Parkins commented that this would not be illuminated letters like that one. It would have gooseneck lamps coming down on the sign.

Mr. Dunn responded that it would be similar to Liquid Lunch's old sign with a frame on the outside and the smaller letters on the inside.

Comm. Harger commented that it was basically 4 feet high and 5 feet wide.

Chair Parkins that they can't deny this; it is retail and it is allowed there.

Mr. Schultz commented that is one of the most liberal zones they have.

Chair Parkins indicated that she didn't think it was going to add anything to the town though. It is a free society in terms of (inaudible)...

Comm. Harger stated that she was just questioning the size of the sign. It is a little bit too big.

Comm. Pogoda indicated that he would like to see some dimensions on it.

Comm. Tickey responded that they aren't approving the sign tonight.

Chair Parkins agreed and asked for a motion to approve the business.

After a minute long period of consideration and no motion, Chair Parkins reiterated that it was a permitted retail and no approval will be a denial; the applicant will have a right to take it to court.

Comm. Pogoda agreed to motion for approval and Comm. Tickey seconded.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was voted 3 -2 to approve Separate #0267. Comm. Harger and Comm. Dickal voted in opposition.

Mr. Dunn thanked the Commission.

SEPARATE #0272: 78 BRIDGEPORT AVENUE, WALL SIGN

Mr. Schultz indicated that this would be located across the street from the previous application for Coupe's Automotive. He provided a rendering of the proposed signage which included a phone number.

Mr. Schultz indicated that the new color painting has begun.

Chair Parkins indicated that he would have to remove the phone number from the sign. She stated that they would appreciate it if he added the address.

The Applicant responded yes, he would remove the phone number and add the address.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0272.

Mr. Schultz informed the Commission that Bruce Butler sold the convenience store/gas operation business next door to Head Quarters. He added that he did not sell the building though. Staff met the owner from West Haven.

AGENDA ADD-ON

Chair Parkins indicated that there was another item to add to the agenda under New Business for Application #15-05 for a two lot subdivision at 235 Thompson Street to accept for review.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the addition of Application #15-05 to the agenda under New Business.

APPLICATION #15-1: STEVE BELLIS ON BEHALF OF HAWKS RIDGE OF SHELTON, LLC FOR FINAL SITE DEVELOPMENT PLANS (PHASE 1: RESIDENTIAL DEVELOPMENT), LONG HILL CROSS ROAD (MAP 39 AND 51, LOTS 7 AND 17), PDD #77: REQUEST FOR EXTENSION OF REVIEW PERIOD/PROJECT UPDATE BY APPLICANT/STAFF).

Atty. Steve Bellis, representing Hawk's Ridge of Shelton, LLC addressed the Commission. He asked Rick Schultz if he received the request for extension that he sent via email.

Mr. Schultz responded yes until May 14th – the Commission is in order to accept the extension on the review period to May 14, 2015. Chair Parkins requested that motion.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the request for an extension of the review period for Application #15-1 to May 14, 2015.

In regard to the project update, Atty. Bellis stated that he would begin with the good news that they received a Letter of Intent for someone wanting to buy the Assisted Living piece and they want a tenant that would be an Assisted Living Facility. He is presently trying to enter into a contract with them right now; he will report back to them once he has that contract. He added that they are hammering out typical things such as the 90 days, the due diligence for environmental, the time periods for how long it takes them to do their documents and how long it takes the Commission to review them and stuff like that. He reiterated that he has to hammer out the contract and get back to them but at this point he doesn't want to disclose who it is. He added that he saw the Letter of Intent signed by both parties. As they know, a Letter of Intent is not a contract but...

Comm. Harger commented that it is a step closer.

Atty. Bellis agreed and added that it is a big step too. He knows that is one of the fears the Commission had about it being an Assisted Living Facility. He brought up a second item, an administrative thing, and commented that somewhere along the way between himself and Alan Shepard, the minimum parcel square and the minimum parcel frontage numbers were flip-flopped. One says 50 and the other says 60 and it should be flip flopped. He asked Rick Schultz how to correct that.

Mr. Schultz responded that would be an administrative fix. It is good that he is putting it on the record. Staff will look at that and corrected copies will be provided to the Commission and the Town Clerk's Office who has the final copy.

Atty. Bellis indicated that they already submitted their Statement of Uses so...

Comm. Harger asked if it would have any impact on anything that they've done.

Mr. Schultz responded no, it is just an error.

Chair Parkins commented that it didn't require a motion. Atty. Bellis responded no, he just wanted to know about it for the record.

Atty. Bellis stated that A.J. Grasso and Alan Shepard, P.E. are here tonight. He asked if Tony Panico was available on Skype.

Chair Parkins responded no but he was on the speaker phone.

Mr. Panico indicated that he was on the phone and said hello.

Mr. Schultz told Atty. Bellis that they could meet later with Tony Panico because Skype doesn't work well on the third floor. He added that Staff meets with A.J. all the time.

Atty. Bellis responded OK, set up the drawings on the easel for presentation and recalled that the last time they met; they went over some of the changes that Staff and the Commission had

suggested. He asked Alan Shepard to explain what he has done on Long Hill Cross Road (LHCR).

Alan Shepard, P.E., Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton addressed the Commission. Mr. Shepard indicated that they have been working with Staff, the Engineering Department, and the Fire Marshal to work out the nuts and bolts and adding some detail. He provided a site plan of the Hawk's Ridge development and surrounding areas.

Chair Parkins asked if Tony Panico had a copy of this drawing.

Mr. Shepard responded that he's pretty sure he has it because he talked to him about it.

Mr. Schultz added that it is dated January 5th so he should have that one.

Mr. Shepard explained and showed where they would be installing 1400 lineal feet of drainage in LHCR where there is no drainage. They met with the State in regard to the outlet and provided the details that they wanted about the outlet structure; they want a separate structure at the outlet at the bottom of the hill.

Mr. Shepard explained that they met with the Engineering Dept. and they are doing a full overlay and pointed out an area from the entranceway down to about Station 1175 (?) to Station 1800 – that is the area where they will bring in the utilities, where they'll have water, gas, and sewer so the road will have to be redone.

End of Tape 1A, 7:58 p.m.

In front of the houses on LHCR and the Wells property house, they are actually taking that dip out of the road in that area. They are reestablishing that small area where you kind of go backward with two layers of overlay for that. For the area down past it they are just putting drainage in and they don't have other utilities going in. They'll do the patch, the (inaudible) cut and patch and what he has on there too in the agreement with the Engineering Dept is that if they want the full overlay there, then they'll do the full overlay there. If the contractor runs into rocky soils, can't get a good cut on it or get a good patch, they are in an agreement with the Town Engineer to do the overlay.

Mr. Shepard reiterated that they are basically saying that they are going to rebuild the road, fix some of the nuances of the road, the country feel of it and straighten areas out; that was formalized and all put into writing. It is something that they agreed to long ago so they've put it in writing.

A.J. Grasso, co- owner, Hawks Ridge, 15 Beech Tree Hill Road, Shelton addressed the Commission. Mr. Grasso added that he wanted to bring something else up about LHCR. He stated that they are going to meet every one of OSTA's recommendations for the site but the only thing that they aren't going to be able to do themselves is the new headwall that is being put in. It is being put on State property and they want an agreement with the City that the City will maintain that headwall. Mr. Grasso commented that they are going to have to ask the Engineering Department to OK that because he doesn't know if there is another way around that. He added that the State wouldn't let them go into their existing headwall so they are putting a headwall next to it.

Mr. Shepard stated that all that is would be one headwall at the base of hill.

Chair Parkins responded that wouldn't be their purview.

Mr. Grasso responded yes, he understands but he's asking Engineering or asking Staff to let Engineering understand that it is important. They will be fixing 1400 feet of drainage – the City will be getting 1400 feet of drainage with the agreement that they just have to maintain a headwall. It probably won't need any maintenance for 25 or 30 years. He just wanted to make a point and say that. In regard to OSTA, they are just about set other than that letter so they won't have an approval from OSTA until he has a letter.

Chair Parkins responded that's understood.

Mr. Shepard provided another rendering of the site layout and stated that they worked with the Fire Marshal on an entrance way. He showed where it is coming in for the "bubble" or bump out, so they came up with this layout where they have moved the island back into the property. The Fire Marshal isn't crazy about islands but at least set back it gives them free reign to come in. He showed where they put another divider in to break it up.

Chair Parkins asked if it was to keep people separated.

Mr. Shepard responded yes. He pointed out an area and described it as a standard cul-de-sac like the other side is but he just put the loop around to jazz it up a little bit. He noted the green space in the middle, some visitor parking spaces and the mailboxes off of there. He gives a big pull off area for the mailboxes.

Mr. Shepard explained another area that was widened where they put a pull over for people coming in for the mailboxes.

Chair Parkins asked if there were two mailbox locations.

Mr. Shepard responded yes, two mailbox locations. He showed which mailbox area would serve one location and the locations from the stone wall area down served by the second mailbox area. He added that they didn't want to put them all in one spot. They'll have to fine tune that up again.

Mr. Shepard stated that the entrance way will have the stone walls and they have the architectural plans on that. He showed an architectural rendering of the wall design. It will be more of a formal wall right at the entranceway and then down the road, they'll rebuild that dry stack stone wall in the sections where it is kind of been beat up over the years.

Mr. Grasso commented to Tony Panico that they would get a copy of this to him; they just received it today themselves.

Atty. Bellis informed Tony Panico that it was beautiful – he doesn't even really need a copy.

Mr. Shepard showed another site plan and discussed the pool (inaudible)...He indicated that there were some refinements to the pool house area. He showed where they had some parking in the area of two units over in one area. He commented that Tony had said he would like to see a little bit more separation there so they took those out. He commented that Tony has seen this plan because they just put in some more refinements.

Mr. Shepard explained the patio area, the grades, how they get the handicapped areas up to (inaudible). They are having a community space below and a community space above. The lower area will be more functioning because of the pool but the upper area will be a little bit more formal.

Comm. Harger asked if they were only providing one handicapped space.

Mr. Shepard responded yes, that is all he had for there. He added that he could provide some more...

Chair Parkins asked if there wasn't State Regulations on how many per square footage of the building or the amount of people...

Comm. Pogoda added that the State would dictate that.

Mr. Shepard responded yes (inaudible)...it's one per 25 spaces but he'll double-check it. He reiterated that they cleaned up some of the details on that and he showed where they looked at rotating one of the buildings but he liked it addressing the road the way that it is. He explained that turning that allows the windows to be open on the sides so he looked at some different

options but convinced himself to go back to where it was. Staff will need to look at those kinds of things.

Mr. Grasso presented a front and side elevation of the Clubhouse and added that it was not colored so it doesn't have any real flair to it or show any landscaping but it will give the Commission an idea of what they are visualizing. He showed where they envision stone on the bottom and a taller entrance. He stated that he has full sets of plans that he'll submit so that everybody can see the actual floor plans as well.

Chair Parkins asked if it would be space that people can rent out for functions or is it...

Mr. Grasso indicated that he would pass out the copies that has of the plans. He indicated that the second page shows the first floor. He explained that from the top of the page, coming in through the front doors, there will be a wide entrance off to the left, his/her handicapped baths, a conference room off to the right and coming through there will be one big gathering room about 49' x 20' deep overlooking the deck which will overlook the pool. He referenced the next page...

Chair Parkins asked if it had any kitchen facilities or anything.

Mr. Grasso responded yes, on the right side between the table and the bathrooms, there is a refrigerator, center sink... and on the next page in the basement, on the top they'll see a 22' x 14' exercise area, men's and women's large locker rooms which can be accessed from either inside or outside of the building, if they are outside swimming and want to change clothes. He added that there is smaller gathering area and pool table down there as well.

Mr. Grasso stated that it is going to be about a little over 3,000 square feet of Clubhouse. He stated that one of the things that they would like to be able to do and that he'd like to discuss tonight is that they would like to get permission with the bonding. He added that they've spoken to Rick Schultz about this already.

On the site plan, he showed where they would like to clear the upper entrance area where Ray Oppel and Connery CPA's offices are located. They'd like to do tree clearing in this general vicinity on this side of the stone wall and they would like to begin to plant their buffer. He showed where the buffer would begin and continue through to the end of the open field; it is probably about 1300 lineal feet. They want to get that underway as soon as possible because in about another 3 weeks they'll no longer be digging trees and they want to plant that with evergreens. He reiterated that they want to do that almost immediately. It is probably a little bit less than 4 acres of tree clearing. He indicated that they would like to post a bond to clear up to 4 acres and plant so would ask permission tonight that could be done.

Comm. Harger asked if there was anything there that was salvageable.

Mr. Grasso responded yes there are some trees actually. He showed an area along the fence where there is a Shagbark Hickory which is spectacular. There are a handful of trees that could remain but some are really big and could maybe be trimmed back. The hickory is gorgeous, very wide and beautifully shaped. He added that they will save anything that they can save. He showed another area where there were a couple of other nice trees but he has a feeling that they are going to be in the sight line or in the road way but there are some maples there that they would consider as well.

Mr. Grasso commented that there are some large maples there that are in rough shape and if they leave them than there will be a canopy over everything else that they are trying to grow.

Mr. Shepard commented that they did have the Landscape Architect walk that.

Mr. Grasso responded yes, they did. They walked it a couple of times and he put together the plan for that. They plan on planting right now on just this buffer area about 140 evergreen trees ranging in height from 6 feet to 12 feet. He added that they have some blue spruce trees that are 10 to 12 foot specimens.

Chair Parkins asked if there was a landscape plan included in this.

Mr. Grasso responded yes and he distributed the plan to the Commissioners.

Chair Parkins asked if that clearing was contingent upon any approval that they get from the State though.

Mr. Grasso responded no it has nothing to do with them. The reason that they want to do it now is because the earlier they plant these trees, than the more natural rainwater they will see and the more likely they'll be to (inaudible). The only reason they are planting to that wall is because they didn't want to wait until the fall. In the fall they will plant the entire roadway because LHCR should be complete and then they'll also plant the other side of the wall.

Comm. Harger asked if these were (inaudible) going to be one after the other...

Mr. Grasso responded that they are going to be staggered, they aren't all going to be the same tree and very few white pines are being used. He doesn't want to go with just white pines because he thinks they'll look awful in three or four years.

Comm. Tickey commented that as he said, if there are trees that are salvageable and you know that they're there, then that would be good.

Mr. Grasso responded yes absolutely and they discussed that when they were out in the fields. It helps them as well, the more that they (inaudible)...

Chair Parkins asked if the trees they were going to salvage are indicated on the plans.

Mr. Grasso responded no.

Atty. Bellis stated usually on a Landscape Plan you put the new trees that you are going to plant.

Mr. Grasso offered to take a walk with John Cook if they would like and whatever he thinks will survive, he's willing to...

Mr. Shepard commented that some of the larger ones inside of the property are in bad shape and as A.J. said, there are some healthier ones out by the road or out in the back by the right of way, they have some trees that are in pretty good shape that they can keep. He added that some of the trees by the houses have had something invasive get into them and killed the tops. Obviously, there weren't a lot of internal trees; obviously, once you get past the stone wall, it is all field but for the ones inside it has (inaudible)...

Mr. Grasso stated that he should probably asked Gene, the Tree Warden as opposed to John Cooke, because the trees are his job. He shouldn't side step him.

Chair Parkins asked if they had to approve the plan anyway or do they not have any further purview on this.

Atty. Bellis responded that the Tree Warden does.

Mr. Schultz stated that they give the Commission an update on Wetlands too – final action.

Mr. Grasso responded that they already had their final action for Wetlands. He stated that he thinks he already mentioned it but would mention again that they are hiring a separate road contractor to do LHCR so that it can be done quickly. He's not trying to get them to do stuff inside the development. He's using two separate people and he anticipates it will be about 4 to 6 week process. If they get their approval tonight, they should be able to start it as soon as they post the surety bond, probably by June 1st. He indicated that it should take 4 – 6 weeks and at that time of year, if there is any good time of the year, but it should be bone dry and they should be able to make the most progress on LHCR.

Atty. Bellis commented that they had one more thing (inaudible)...

Chair Parkins stated that she was confused as to why Wetlands doesn't have to approve their Final Plans.

Mr. Grasso responded that they could bring it to them but he doesn't think that these plans have changed enough to affect – they haven't gotten any closer, their drainage hasn't changed, they haven't gotten anything (inaudible)...

Atty. Bellis agreed that it hasn't had significant impact on the Wetlands.

Mr. Schultz stated that John Cooke will review it if he feels that (inaudible) and then it goes back to his Commission.

Chair Parkins responded OK.

Atty. Bellis restated that he wanted to point out, and it may sound repetitive to the Commission because they brought it up last time, but he doesn't recall if Tony Panico was on the speaker last time.

Comm. Harger responded that she doesn't think he was.

Atty. Bellis stated that he knows that Tony Panico has the plan that they are showing the Commission now and he's focusing on the multi-family area on the end of the cul-de-sac. The plan he has and what Alan has shown depicts three building that he would call a fourplex as opposed to the other buildings being called a duplex. The last time they were before the Commission, they had taken a consensus as to whether they liked the idea of splitting up some of those fourplexes and making them into duplexes. He continued that A.J. had some drawings of what a duplex would look like versus a fourplex.

Mr. Grasso clarified that last time he didn't have the picture of the fourplex; he just had the picture of the duplex so he presented a picture of the fourplex for the Commission.

Atty. Bellis stated that Tony Panico can't see the rendering but it shows what would be a fourplex on the plans that they have before them right now. The duplex drawing was shown at the last meeting. If they recall the conversation, they would split the building. It has been going back and forth a little bit and he hasn't been a part of the negotiations so he doesn't want to say something that did not transpire but the idea would be to keep all the other units the way that they are drawn now. They are approximately 20 feet apart – he can't state with certainty that they are all exactly 20 feet apart but they are close. He was proposing that they split the three units that are fourplexes but they won't be 20 feet apart; they might be 15 feet apart when they split these three buildings up. It doesn't mean that they are all going to become 15 feet because they will not.

Mr. Grasso clarified and pointed out on the site map the section of units they are talking about which would be less than 20 feet. He showed that from this side of the sewer easement to the City, every building on that side is set at 20 feet minimum apart and he showed the point where that would be the case all the way through. He stated that what they would like to do, if they are allowed to do it, he showed two different sections where they would like put 15 feet of separation so that there would be no fourplex units in the development.

Mr. Grasso recalled that last time that he discussed this, Tony wasn't on the phone so he kind of steered them back to 20 feet which they've done because they're trying to get through this approval process. Ideally, they are talking about a 5 foot difference in separation with some of these units and then there would be no fourplex units together in the entire development. He added that he thinks it makes for a nicer looking development.

Atty. Bellis commented that he wanted to know if Tony Panico wanted to state his piece or if the Commission wanted to give him some feedback. He thinks it would be helpful because Alan Shepard is going to choke him because he's getting tired of drawing this thing so many different ways.

Chair Parkins commented that it was all computerized.

Mr. Shepard responded that (inaudible) ...

Atty. Bellis asked if they could get it ironed out so that he could give Alan final instructions as to which way the Commission would like to go so that they could move on.

Mr. Panico stated that he has a concern in the way they have buildings with two parallel walls that are only 15 feet apart. He thinks it makes for a very corridor-like feeling and it is inconsistent with the types of standards they've imposed on other developments. They have allowed corners to come closer than 20 feet but where two walls are directly parallel to each other, he thinks that they need a minimum of 20 feet and that is the position he's coming from. He added that he doesn't have a problem when corners get down to 15 feet but he thinks it would be a mistake to have parallel walls of 15 feet that run for a distance of 40 or 45 feet.

Atty. Bellis responded that he appreciates him stating his position so he thinks it is fair to say that they can't satisfy both conditions because he doesn't think there is enough room to have 20 feet and have all duplexes.

Chair Parkins responded that you can if you eliminate a unit.

Atty. Bellis commented that he didn't hear that one.

Comm. Dickal agreed about eliminating one.

Atty. Bellis stated that the question is – and it isn't really fair because Tony can't see the drawing shown...

Chair Parkins commented that (inaudible)...

Mr. Grasso responded that he was only here for clarification. He stated that if this Board feels that 20 feet is the number than he'll leave it at 20 feet. He indicated that he understands Tony's point, if he hadn't had 15 feet in the front and 20 in the back – again, it is entirely up to them. It is drawn this way because Tony asked them to draw it this way and if this Commission wants him to keep it this way than he'll keep it this way. It is up to them; it is not his decision to make.

Comm. Dickal stated that she likes the duplex.

Comm. Tickey indicated that the duplex was easier on the eyes, would add value and looks much better.

Comm. Dickal that they basically want to stay (inaudible)...

Comm. Harger asked if they would consider making those three fourplexes into just duplexes and not splitting them – not making a 4 into two 2's but a 4 into a 2– and across the street with two 4's into two 2's.

Mr. Schultz stated that she was talking about a net reduction though.

Comm. Harger responded yes, that's what it is (inaudible)...

Mr. Grasso stated that he didn't know if anyone was going to agree to that but he is trying to find the middle ground. The question becomes if he can go back – he showed a site plan again.

Atty. Bellis stated that they could have them corner to corner. Tony's concern is that they'll look like an alley.

Mr. Grasso commented yes, right... (inaudible). He indicated that he understands that and respects Tony's opinion and that's why (inaudible)...

Atty. Bellis stated that he wasn't sure if they could be twisted or turned. He asked if Tony would be OK with that.

Mr. Panico asked him to repeat what he said.

Mr. Grasso asked Tony if they had 15 in the front what would he need in the back to make it...

Mr. Panico responded that he thinks that they need to get up in that 20+ range.

Mr. Grasso stated OK, well if they can't do it than they won't do it.

Atty. Bellis asked if he was a little bit more comfortable with corner to corner being about 15 feet apart.

Mr. Panico responded that he could live with that.

Comm. Harger stated that when she looks at the overall development it is pretty well spaced out but when you get into that one area it looks really congested appearance-wise.

Mr. Grasso responded that whatever this Commission decides to do – they can leave it like it is or...

Atty. Bellis clarified that what he understands the Commissioners saying is that they like the duplexes better and they've said that already. He heard Tony saying now that if they keep them corner to corner than it doesn't have to be 20 feet apart. Maybe Alan can fan them out so that the corners are 15 feet apart and not looking like an alley. If they can do that than maybe they can satisfy everybody; however, he can't promise them that.

Mr. Grasso asks how they would find out and if they get a quick e-mail over to Rick.

Atty. Bellis responded that Alan could send it to Tony Panico, if that would be OK.

Mr. Panico responded yes, sure.

Atty. Bellis reiterated that he understands that the Commission's preference would be to have them as two's.

Mr. Grasso stated OK, they'll get something to Tony. They might end up with one fourplex building or two fourplexes...

Chair Parkins commented that she could see that for the one in the middle there, they might be able to split that a little bit to get...but she doesn't see how they are going to get these other two fourplexes...

Atty. Bellis responded yes, you could...

Mr. Grasso stated that they squished them all to get them 20 feet apart. If they are separated, it is the exact same amount of space; it is just a function of where you're putting it.

Chair Parkins indicated that if they took two units out then they would have no problem and they'd have all that space to move it around.

Mr. Grasso responded that they have to convince the Wells' family to drop the sales price a little bit than it would be easier to ...

Atty. Bellis commented that there were some other ways when they are corner to corner. He asked the Commission to let them work on it.

Chair Parkins indicated that this could easily be split. She doesn't have any problem with it but this is where you are coming in. She asked them to look at taking one out and separating the other three.

Mr. Grasso responded that if he is going to do that then he'll keep it at 20.

Atty. Bellis reiterated that they would give it a shot.

Mr. Grasso stated that at some point in the next week, if they are going to have a plan to vote on, he's going to need to tell Alan yes or no on the separation. It won't be a month from now when they are making a decision.

Atty. Bellis reiterated that they would send it to Tony Panico who heard what all the Commissioners said.

Chair Parkins agreed that Tony has a clear idea of...

Mr. Panico indicated that Alan Shepard has been doing a very good job keeping him in the loop with PDF's of his latest drawings. After he reviewed the last one Alan sent him, he sent a note back saying it was fine. It seems like they are kind of backpedaling and revisiting the question again. They'll continue with it and he's sure that they'll get it worked out.

Comm. Harger asked about something on the legend where it says five 4 units. She indicated that she can see three of them but asked where the other two were.

Mr. Grasso pointed them out on the site plan.

Comm. Harger asked if they were four units now.

Mr. Grasso responded yes, they were on last month's drawing too.

Chair Parkins commented that it was difficult to read without a magnifying glass and asked if they were stacked units.

Mr. Grasso responded yes, they are stacked units.

Chair Parkins asked if they were ranch style.

Mr. Grasso responded that they are ranch on the first floor. He provided a floor plan and explained that there were two stacked units next to each other.

Comm. Pogoda stated that there are two in the upper right and he asked about the unit to the left of it.

Mr. Grasso responded that it was three – a triplex.

Mr. Panico asked A.J. if he could clarify something for him and asked if he has to do four unit buildings, how many he feels that he has to do.

Mr. Grasso asked if he was asking if he had to do fourplex...

Mr. Panico responded yes.

Mr. Grasso stated that if he had to do fourplex – right now, one of the things that they are trying to do is offer as many multi-family options from a purchasing standpoint so that their price range can be probably anywhere from \$399K to \$469K or \$479K in the multi-family units. The stackable units would be under \$400K as an entry level price. To answer Tony's question, he doesn't know – there are a total of ten units that are stacked units so the question is whether he is going to have 14 buyers for them or eight buyers for those and he doesn't know. He's assuming that he's going to have 10 buyers.

Chair Parkins asked if he was saying that ten units are stacked.

Mr. Grasso responded no, there are five side-by-side units that are stacked so that makes 10 total units in those buildings. He showed where there are 4 units, 4 more units and 2 units next to a single.

Comm. Pogoda commented OK, that's a tri-unit – OK; it's on the other side.

Mr. Panico indicated that this is the first time that he's heard about his design solution that he's explaining with the flats and the stacked units above them. In the past these have all been, or have all appeared to have been townhouse type units.

Comm. Dickal commented yes.

Mr. Grasso responded that they weren't four units at the last meeting as well.

Atty. Bellis stated that they didn't change.

Mr. Grasso commented that he didn't know if they touched on it or didn't touch on it.

Chair Parkins responded no, they definitely did not touch on it.

Mr. Panico stated that based on all of them being townhouse units, the latest plan that he saw had only two 4- unit buildings. He asked if there was going to be more than two and if he feels he would need more than two to create the 20 foot separation requirement.

Comm. Harger indicated that this plan is showing five 4- unit.

Mr. Panico asked if they said five fourplexes – that's not on the plan that he's looking at.

Mr. Grasso responded no there are not five fourplexes. There are 2 ½ stacked units so 2 ½ buildings are stacked which makes a total of 10 units.

Chair Parkins clarified that there were two fourplexes and one triplex.

Mr. Grasso responded yes and one triplex.

Chair Parkins asked for clarification on the plan regarding which ones were fourplexes.

Mr. Panico commented that there were two fourplex units in the corner.

Chair Parkins told Tony Panico that the new plan he's proposing has 2 fourplex units that are standard, townhouse style but they are fourplexes – so there are two of those.

Mr. Panico asked if they were roughly opposite each other – one in the circle and one overlooking where the topo drops off.

Chair Parkins indicated that when you drive into the driveway, they are on the right-hand side and one is across from it – so there are three in close proximity to each other and they are townhouse style fourplexes. She stated that when you go around the circle, there are 2 fourplex units that are stacked.

Mr. Panico responded correct, he can see that in the upper corner there.

Chair Parkins stated that's right and when you start coming back out of the corner and on the right-hand side there is a triplex that she guesses would be stacked – a single and a stack on the right.

Mr. Panico responded that he's never seen that plan...alright.

Atty. Bellis commented to Tony Panico that he thinks that he does have the plan and that they are all looking at the same thing.

Chair Parkins asked if it was a ranch on the bottom.

Mr. Grasso responded that it was a ranch on the bottom and a ranch above it. It is 1,290 square foot ranch on the first level and 1,660 square foot ranch on the level above it. It has a loft and they did these where there are walk-out basements if someone wants a finished room downstairs. The second floor ranch, maximum square footage would be 2,300 if someone decided to put a bed or a bath upstairs, office, playroom or whatever. The other units, if the entire downstairs was finished would be a maximum of 2,500 square footage.

Chair Parkins commented that those are big. She asked what the typical size of the townhouse would be.

Mr. Grasso indicated that for the townhouses with the master bedroom on the first floor, they have a duplex plan with a master on the first which would be 2,086 square feet and a master bedroom on the second would be about 2,230 square feet. He indicated that they were about the same size and a little less expensive.

Atty. Bellis stated that they would work this out with Tony.

Chair Parkins responded that she's sure that Tony would have their best interests at heart. Atty. Bellis concluded that was basically all that they had to discuss.

Chair Parkins indicated that she had some questions. At the last meeting, they discussed clearing the property where the Assisted Living is located and she asked if that was still their plan now that they have someone who is interested.

Mr. Grasso responded yes.

Atty. Bellis added that hasn't changed but they have not started.

Chair Parkins stated that she has major concerns about all of this activity taking place at the same time with the reconstruction of the road and the clearing going on here. It is way too much for any of their Staff to inspect all of these activities. She commented that they anticipated it being phased so when they presented the concept of clearing that property, she understands why they need to do it, but she would prefer it to be done in phases. If the Commission is so inclined to have it cleared, that is a scenic road and she doesn't think it should remain cleared and unseeded.

Atty. Bellis asked if she was talking about the Assisted Living area.

Chair Parkins responded yes, the Assisted Living so if the Commission is inclined to do that, she isn't necessarily in favor of it but if they decide to do that, she would ask that it be reseeded and the road improvements to Saw Mill be done at the same time. She commented that if they are going to start work there, she would like to see the road improved and after the clearing is done to have it reseeded because if the Assisted Living falls through, that is a scenic road and shouldn't stay in an unvegetated state.

Atty. Bellis asked if she was talking about LHCR when she talks about road work.

Chair Parkins responded no, she's talking about Beard Saw Mill – there is a hump in that road that needs to be addressed.

Mr. Shepard indicated that what they can do there is submit a plan that shows limited clearing just where they'll bring the utilities down. He understands what she's saying and if they clear that whole hillside that would be premature.

Comm. Harger responded yes.

Mr. Shepard showed the limited area on the site plan for where they would bring the utilities down and do some grading. They'll just clear that area where you won't see it.

Mr. Grasso added that they have to do that from the beginning to end.

Mr. Shepard stated that it would be up and in the back.

Chair Parkins asked what utilities they would bring down.

Mr. Shepard responded sewer and water for the whole complex.

Mr. Grasso clarified that it was sewer and drainage, not water.

Mr. Shepard commented yes, sewer and storm water.

Chair Parkins asked if they were putting in the drainage for both properties.

Mr. Grasso responded it was for a portion of the upper residential property.

Mr. Shepard agreed that if they did that whole area...

Chair Parkins responded that was how they presented it.

Atty. Bellis clarified that it was so that they could view it but every single tree won't be cut down.

On the site plan, Mr. Shepard showed where they would do some grading for the utilities, the location of the knob and how they would bring it down through along the gas line on the side of the ridge so they would clear that. They were talking about clearing the knob just for salability.

Mr. Grasso indicated that knob was the first discussion that came out after they walked the site last week. He received a phone call last Thursday; they were concerned about the site work and he told them they'd be taking care of it.

Atty. Bellis stated it was what he referred to as a pimple last time.

Chair Parkins responded that she thinks she likes the "knob" better.

Mr. Shepard commented that if they remove that knob, it is more aesthetically pleasing to prospective buyers because it is not that much work to do that. They can do that along the corridor from the highway; they don't need to touch Beard Saw Mill. They'll keep that scenic and it will all be up and in the back there. It will be a limited clearing.

Comm. Harger asked what they were afraid of in not having it removed.

Mr. Grasso responded that one of the problems is that when you look at this – and you are not an engineer or a developer – and walk it, it is pretty substantial with a 40 foot change but all around it, it is back at zero. So, it goes from zero to 40 and looks like a big hill and a big expense.

Mr. Shepard added that they are talking to healthcare administrators who don't know.

Comm. Harger asked how they could be in that business if they haven't built something.

Mr. Shepard clarified that it just isn't seen by a trained eye.

Mr. Grasso reiterated that is why they called him to ask if they were doing it or if he was doing it.

Chair Parkins asked what the answer was – are they doing or is he doing it.

Mr. Grasso responded that right now he's probably going to be doing it because it is probably going to be part of the negotiations.

Mr. Shepard added yes, because it takes that issue off the table.

Chair Parkins stated that then they are going to be taking all of that stone and bringing it in for fill so there is going to be a lot of traffic coming off of Saw Mill onto Bridgeport Avenue up Long Hill into (inaudible)...

Mr. Grasso responded not necessarily. He stated that not much of it is going to leave that site.

Mr. Shepard agreed and explained that he needs fill - he wants to get over the gas line so that he doesn't want to go through it or have a conflict with it. He showed a small valley that he wants to fill up. It is self-serving in a way because it will look better for clients because that seems to be an issue. He indicated that he could take that fill and showed where he would put it in another location on the site.

Comm. Harger commented OK so he's pushing it back.

Mr. Shepard responded yes, he's pushing it back and he showed the little gulley he would build up so that he could flow it over the gas line.

Chair Parkins asked what he would be floating over the gas line.

Mr. Shepard responded the drainage and the sewer.

Chair Parkins asked if they have met with the Pipeline people.

Mr. Shepard responded yes, he's talked to the Pipeline people and they want some test holes out there; obviously, he didn't do it this winter. They'll get the test holes now that it has dried up and they'll get the machine out there.

Mr. Grasso reiterated that they don't need to clear these other areas of (inaudible)...

Comm. Harger asked how much that would be in acreage.

Mr. Grasso responded that parcel is about 11 acres and that section is somewhere near three. Mr. Shepard commented that it was less than that and showed the section of about 1 ½ to 2 acres.

Mr. Grasso added that they don't have to go along the roadway. They can keep all the trees on the roadway. They don't want it completely cleared either.

Chair Parkins asked them to keep in mind that it is a scenic road; it is also a well-traveled road. They don't want it improved to become a speedway but they want to make it safe especially when construction is going on out there.

Mr. Grasso asked Alan to tell them the exact area that they want to clear.

Mr. Shepard indicated that he would submit maps and on the site map showed the basic location he'd like to clear adding that he would minimize it as much as possible.

Chair Parkins responded OK and asked them to keep Tony Panico apprised of this as well.

Atty. Bellis asked if when they have got this cleared, do they want them to do any work on Beard Saw Mill.

Chair Parkins asked when that would be anticipated to be done.

Mr. Grasso responded that it wouldn't be between now and their next meeting.

Chair Parkins commented that she knows that but asked when it was planned to be phased.

Mr. Grasso asked if she was referring to the actual drainage portion.

Chair Parkins responded no, the improvements to Beard Saw Mill Road.

Mr. Grasso stated that he hasn't heard of a lot of improvements that were even mandated on them for Beard Saw Mill Road. He commented that the Engineering Department wants them to add another drainage pipe under Beard Saw Mill and other than that there weren't a lot of requirements to be done on Beard Saw Mill Road.

Mr. Shepard responded that for the type of development that they are doing, the improvements to Beard Saw Mill would be minimal. They do have a sight line issue and he's been up at OSTA with the State and he would be working on with the City Engineer. The City Engineer knows about it. He may fill over that hump in the road there instead of trying to cut it down because he's anticipating, depending upon when they talk to prospective buyers, (inaudible)...

Chair Parkins commented that was the improvement she was referring to.

Mr. Panico asked if they want to fill the sags when they are filling the hump.

Mr. Shepard responded yes, he wants to fill the sags on either side – that is probably what he is heading toward depending upon where the potential buyer wants to put their driveway. In looking at it he would rather fill the sags on either side than cut the road down when he knows he's going to have to upgrade the driveway.

Mr. Grasso stated that even now – they aren't going to be driving trucks in and out of there. They will drive a skidster in there and clear it. They don't plan on having a lot of vehicles going in and out of there.

Chair Parkins responded OK.

Mr. Grasso indicated that they would go over the plan with Tony and give them a narrative.

Chair Parkins indicated that her other question was about the inspection and asked if they felt there was enough Staff in the City – she added that this was a large project – and they need to make sure that they have the right level of inspection out there. She asked if they had enough inspectors or should they require the Applicant to post a bond so that the City can hire a third party inspector.

Mr. Schultz commented that Staff really wants to discuss that at a higher level with the Applicant. He asked if they would be around to meet about that.

Atty. Bellis responded yes, they'll be around and come up with something.

Chair Parkins indicated those were the only questions she had.

Atty. Bellis reiterated that they wanted permission to do the planting as well.

Mr. Schultz indicated that they need a motion and he has a Draft Motion when the Commission is ready.

Chair Parkins indicated that they were ready for the draft motion.

Mr. Schultz read that the motion would be to authorize Hawk's Ridge of Shelton, LLC tree clearing limited to the upper area of the project site, approximately four acres for the installation of evergreen trees, approx. 140 containing a height between 6 and 12 feet along the Route 8 Expressway subject to the posting of a Sediment & Erosion Control Cash Bond.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to authorize Hawk's Ridge of Shelton, LLC tree clearing limited to the upper area of the project site, approximately four acres for the installation of evergreen trees, approx. 140 containing a height between 6 and 12 feet along the Route 8 Expressway subject to the posting of a Sediment & Erosion Control Cash Bond.

Atty. Bellis asked if they required a motion for the work on the Assisted Living area.

Mr. Grasso responded that they aren't doing that yet.

Atty. Bellis stated OK, Alan will provide maps but asked if he would be dealing with Staff on that issue.

Chair Parkins commented about defining that area for the Commission and responded yes, Staff can follow up with them.

NEW BUSINESS

APPLICATION #15-04: S&G OF SHELTON, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR PDD #80 (PERRY HILL ESTATES: 20 SINGLE FAMILY CLUSTER DEVELOPMENT), PERRY HILL ROAD (MAP 116, LOTS 37 AND 38): ACCEPT FOR REVIEW

Chair Parkins clarified that all of the Commissioners received this information in their package.

James Swift, P.E. and Landscape Architect representing S&G of Shelton LLC, Shelton addressed the Commission. Mr. Swift provided a site drawing of the 20 single family cluster development on Perry Hill Road.

Comm. Harger asked if this was a change.

Mr. Swift responded that what they have done is that they are using this approved project of the Conceptual Plan and they have the resolution. The resolution contains many conditions for executing the Detailed Development Plans for the project and they've executed those conditions.

Mr. Swift indicated that they took those conditions and developed a set of drawings. They went back to Inland Wetlands because it effected changes to the inland wetlands. They also went to the WPCA and both of those Boards have since approved these plans so hopefully, they won't have too many more changes and have to go back to those Boards again.

Mr. Swift stated that he would review the plans quickly because he understands that this is just for receipt tonight and they will be reviewing these plans. He highlighted the reduction of the unit count down to 20 units total. When they made that reduction, the idea was to get rid of the access way out to Walnut Avenue and to pay particular attention to blasting and excavation, particularly where it is adjacent to the adjoining property owners.

Mr. Swift recalled that they went out and did some testing for general purpose scraping around and he showed an area on the site where they found it was very shallow. It worked out and they took those units out. He showed another area where they took out most of the excavation as far as they could do it and went with that.

Mr. Swift indicated that another thing was in regard to the bedroom count maximum.

Chair Parkins responded yes, and he got 52 bedrooms in there.

Mr. Swift commented, yes, it's amazing. He reminded the Commission that when he put this plan together, this is a subdivision and these are fee lots on a private road. When they come in and they have these lots laid out in such way that any given unit can fit on any lot, with a couple of exceptions. He pointed out two different lots that may be an exception, but if a buyer comes in and wants a three bedroom unit on a two bedroom unit lot, it fits and Rick Schultz will receive the application for a Building Permit but then it will kick in to the rest of the development. They'll keep a running total of what is going on.

Mr. Swift stated that each one of these individuals will come in just like a subdivision does.

Chair Parkins responded yes, but it is also stipulated that there can't be more than two so you've got to...

Mr. Swift asked if she meant the two being next to each other.

Chair Parkins responded yes.

Mr. Swift clarified yes and if that happens, they will either mirror them or make some cosmetic changes...

Chair Parkins asked if this was going to be more build-to-suit or build-to-spec.

Mr. Swift responded that it was going to be built-to-suit. He's sure that Ben Perry will come in and build two or three units as models. He believes that he intends to work from the back in but he thinks that is still something he is thinking about. Then they'll have the models and people will choose which unit they like. He reiterated that all of these lots are laid out specifically so that they will fit and there won't be any required modifications. As the Commission remembers, there is a 20 foot minimum distance between units which was one of the things that they really had to go back to Inlands Wetlands for because it pushed some of these units over. He stated that they did manage to accomplish it. He has just typical on here because these are two different kinds of units but the 20 foot minimum is in effect for all of these units.

One of the other conditions was that if they are parallel, it is 25 feet. He made sure that he either got the 25 feet or he's got enough splay in it to make the difference.

End of Tape 1B, 8:45 p.m.

Comm. Harger commented about the previously different layout and the nice cul-de-sac on the left side and asked why there wasn't a similar treatment on the other side, the right side – the beginning.

Mr. Swift responded that with these six units – you really can't fit a cul-de-sac. He explained that historically in some areas like this they had a situation where they had an actual private street that came in at a width of 22 – 24 feet and he thinks the Commission felt more comfortable with not having those kinds of short dead ends so they just made them rear lots with their own individual entrances.

Comm. Harger commented that was her whole point. They were able to manage and change their layout on that left side and asked if it occurred to them to try that on the right side. It certainly looks like it is the same number of lots – six around a cul-de-sac.

Mr. Swift responded OK, putting a cul-de-sac in there.

Comm. Harger commented yes...she asked if there was something about the topography.

Mr. Swift responded yes, the topography gets a little (inaudible)...it falls downhill there. He showed where they have enough room in these, like a 28 foot setback and the other a 20 foot setback, so they've tried to stagger them a little bit that way.

Comm. Harger indicated that she thinks that is just (inaudible)...

Mr. Panico commented that the other reason for a significant cul-de-sac was that this was the interior end of the project and they have all that traffic being able to conveniently turn around. He thinks that what Ginny was asking about only serves 2 or 3 houses.

Comm. Harger responded yes, well it is six on one side and six on the other.

Mr. Panico stated that he thinks that trying to work a cul-de-sac in there is kind of overkill and results in an awful lot of excess pavement.

Chair Parkins indicated that she was concerned that there were only four parking spaces for that whole down side area.

Mr. Swift commented yes, and showed where he had a few more up there. He added that he's been moving them around.

Chair Parkins asked if he could get some more in.

Mr. Swift responded yes.

Chair Parkins stated that she thinks that they are really going to need it; otherwise, people are going to be parking on the street.

Mr. Swift commented that he thinks that they've got generous parking in that...

Chair Parkins responded that some people have longer driveways for parties and that sort of thing but not all of them.

Mr. Swift responded that every unit has enough parking to have two in the garage and two in the driveway because it is 20 feet setback from the street line to the face of the garage but then there is an extra four feet.

Chair Parkins commented that if you're having a picnic, it rains everyone's in the garage and the cars are out of the garage...

Mr. Swift responded yes, they can put more parking in there. The reason that these spaces are in this location is because the road starts to get steep in that area and they don't want visitor's parking there.

Chair Parkins OK, she thinks that there is enough down that far for what is there. She commented that those people down there have the extra road space. She asked if he could get some more in there, that would be great.

Mr. Swift indicated that there were some minor changes to detention and drainage. He provided another site rendering and explained the location of a lot of ledge and added that they didn't want to blast and put a detention pond there so they made a couple of changes there. He showed another location with extensive landscaping around it. He reiterated that Wetlands has approved this and the City Engineer would like to see some changes on that one which they will take care of.

Chair Parkins asked how many residents have taken the offer for extra land up above.

Atty. Dominick Thomas responded three of the five. There has been no response from the other two.

Mr. Swift indicated that the way that they are dealing with that at this point – he provided a subdivision map – again, as a subdivision. They've labeled them as parcels so once they find the final disposition of who wants land and who doesn't want land then they can write the deeds in the appropriate manner for the protections of the Commissions moving forward.

Chair Parkins asked about landscaping and if that was already all wooded buffer.

Mr. Swift responded yes, and added that he just printed these sheets and there are landscaping plans in there. He showed an area with cause to be supplemented and where they would put evergreens. He added that for Wetlands he did extensive landscaping in another area. There will be general landscaping at the front entrance. He explained how he changed the mailbox area a little bit. It originally had 90 degree parking in which he didn't really like. He commented that of all the ones that he's seen which work well such as Four Winds and ones like that are better off with parallel spaces.

Mr. Swift pointed out the location of the trail and commented that the trail works out pretty well.

Comm. Harger asked if there was going to be a driveway that is going to be connecting the house at 94 Perry Hill.

Mr. Swift responded yes, he will have his easement which is one of the things that Tony thought would be appropriate because...

Comm. Harger asked if the existing driveway would be taken out.

Mr. Swift responded that he doesn't show it as being taken out but it makes sense to take it out because technically it is a part of the PDD. It is not a part of the Association but it is part of the PDD and he'll have separate. He won't have any obligations for maintenance in the public portion here; he'll have an easement.

Chair Parkins asked if they had some obligation to close off that driveway.

Mr. Swift responded it would be at the Commission's pleasure, at the City Engineer's pleasure.

Chair Parkins asked if he would be doing a small boardwalk over the wet stream there.

Mr. Swift responded yes, it is a pretty nice walk. This is mostly natural in here and scenic on that watercourse.

Chair Parkins commented great, it looks nice. Good place for dog walking.

After making motions and taking a vote, Comm. Dickal stated that she would abstain from voting because she voted against the project.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was voted 4-0 with one abstention. Comm. Dickal abstained from voting.

APPLICATION #15-05, 2 LOT SUBDIVISION, 235 THOMPSON STREET, ACCEPT FOR REVIEW

Chair Parkins asked Rick Schultz for clarification about this add-on application under New Business to accept for review, a two lot subdivision on Thompson Street.

Mr. Schultz responded that it was a brand new subdivision on Thompson Street. He recalled that the Commission approved the three lots on Thompson Street on the Monroe line, payment in lieu of. The property owner went back to the ZBA to get a lot split on the homestead parcel that was two acres and needed relief. He received the variances for the creation of two undersized lots so the two undersized lots are coming in to this Commission.

Mr. Swift clarified that when you stand in Thompson Street and look at the old house and the old barn, if they are familiar with it and to the right of it, there is an open field. He explained that was how they got the ZBA to say yes, it's a decent house lot. It is just undersized and they gave them variances. For a subdivision, what they are submitting for a subdivision meets all the subdivision criteria having gotten the waivers.

Chair Parkins asked how that fits in with the payment in lieu of scenario.

Mr. Schultz responded that they'll have to revisit that. The payment in lieu of is based upon the entire (inaudible)...they have to look at that again.

Chair Parkins stated they split it after they already made it a subdivision.

Mr. Schultz indicated that Conservation would help them on this one.

Chair Parkins agreed, yes.

Mr. Swift commented that he thinks that once you subdivide an overall piece of property and if paying the fee in lieu off, what you are paying on is the pre-improvement value of the total parcel. Once you've done that anything that happens inside of that is paid. He commented that he thinks that is going to come up.

Chair Parkins asked if it would now be worth more money because they've made it two lots, the value...

Mr. Swift responded that it was pre-development value, not post-development value.

Mr. Schultz commented that the Statutes are clear and he'll bring it up at the next meeting.

Mr. Swift commented that the Toll Brothers subdivision in White Hills where they reserved about 7 acres, they made a point of paying the fee in lieu of, or they gave open space – but the open space they gave was of significant size to cover that remaining 7 acres but that would be something they would have to look into.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT addressed the Commission. Atty. Thomas stated that it was pre-development, the amount of open space that they gave in the White Hills subdivision, the Vistas of White Hills hovered enough to include the Wabuda property that they retained. He added that the amount of open space given included their property so when they went to subdivide they had no open space obligation. The same thing would apply in a payment in lieu of, because it is pre-development not post-development. It is not how many lots you get but the value of the land pre-development.

Chair Parkins commented that (inaudible)...

Inaudible comments (multiple conversations...)

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to add Application #15-05 to the Agenda under New Business and accept for review.

INFORMAL DISCUSSION: COCO PROPERTY, 897-909 BRIDGEPORT AVENUE: PROPOSED GOODWILL INDUSTRIES FACILITY

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT addressed the Commission, representing the proposed purchaser of the Coco Property. He stated that he is representing Goodwill Industries who are proposing to purchase it and he is here with Stephen Harrison of Bergmann Associates who has done some preliminary engineering on this property.

Atty. Thomas provided background info about the property and indicated that for about 7 years he has represented Coco Management and 900 Shelton Plaza Associates which own the property. It is a myriad of about six buildings and he provided copies of a blown-up GIS map that highlights the Coco property. When he was first representing Ed Coco, who is ill and his son has taken over the ownership right now, he had a couple of tenants in the property but it was in substantial disarray. There were some issues with the property. There was an inadvertent cutting of a water line by AT&T in which they are in litigation right now which cut off water to the property. At that point he had already obtained, he thinks it is PDD #62 or #63, for a 40,000 square foot medical building. He was enlisted by them to see if it was marketable and he went around to many commercial real estate people and basically there were a couple of hospitals looking at the possibility but they fell through very quickly.

Atty. Thomas stated that at that point, there was literally no activity on the property. The largest tenant on the property was Kim Benson's Weight Loss Center who was leasing the property for a while but she left. Subsequent to that point, he approached representatives of Avalon to see if they wanted it, given the fact that the comment that it is 110% rented and they might want to expand. However, one of the issues Avalon had, although he wasn't personally a part of the conversation, was that there were wetlands and a slope in the back so connecting the two would not be easy even though they border. They proposed retail and other things and nothing really materialized as to the property. It has been lying there with no tenants over the last couple of years. He indicated that now Goodwill has come along and wishes to put one of their stores in.

Atty. Thomas stated that Goodwill of Western and Northern Connecticut has 18 stores throughout Connecticut. He provided a narrative they prepared to the Commissioners. He commented that the individual from Goodwill who was going to be here tonight could not get a

flight out of Minnesota. She kept getting delayed and thought she could get into NYC by 4:30 p.m. today; he told her she wouldn't get to Shelton until tomorrow.

He distributed the packets and indicated that it was an explanation of how many people they would employ and what they do. He did some of his own research and contacted Westport where there is a very nice store today. He provided a photo of the Westport Goodwill Store; it is about 1700 square feet in a very prime location on the Post Road East. He showed a Google Earth street view picture that he would hand out as well as some photos of some of their other projects.

Atty. Thomas indicated that while doing his research regarding Goodwill, one of his daughter-in-laws informed him that she shops there all the time and her teenage daughter also goes to buy things at Goodwill.

Atty. Thomas commented that their proposed site plan is included in the packet with several things. He stated that Goodwill is obviously a 501C3 non-profit so this would not generate any taxes for the town while certainly when the application goes through there could be a discussion of tithing. He indicated that he called Westport and checked with Westport and there is no tithing in a tax free business. The bottom line, since they are having this issue, is if St. Vincent's decided to put a 40,000 square foot building there, since it is a hospital it is tax exempt so they wouldn't be taxed either.

Atty. Thomas indicated that he had a site plan and Stephen is here to answer questions although they haven't done the full engineering on the site. For those who have been up on the site, the site goes up and is level for a while then dips back down but it is relatively flat compared to some of the other pieces on Bridgeport Avenue that have been developed. They would be using the same curb cut and they would not be bringing it down to ground level; there is no need for them to do that.

He referenced the second page which was a rough drawing of their prototype store.

Comm. Harger asked if they were proposing to utilize the whole site.

Atty. Thomas responded yes, they would be – a 15,000 square foot building with approx. 77 parking spaces; there are more than enough parking spaces, truck space buried in the back away from Bpt. Avenue. He referenced the first map he showed and commented that there is some impact on the apartments but it is relatively minimal because of the change in topography and the wetlands in between the two.

He indicated that there are a couple of renditions of what the proposal would look like. He'll discuss the zone change issues in a minute but he's already explained to Goodwill that if they remain within the PDD concept that they have to adhere to the PDD rules which means an architectural discussion.

Atty. Thomas referenced the Google street view image on the next page of the 1700 Post Road East Westport store which he understands is one of the most popular stores. He provided photos of a Goodwill store with landscaping and an existing building adaptively reused and made into a Goodwill store in Avon, CT. There are interior and exterior photos of one of the Goodwill stores.

He stated that it has been about 7 years, and he asked Rick Schultz for correction if he was wrong, and they've exceeded the 5 years and are beyond the time for the PDD. He discussed one of the options of coming back to this Commission. This Commission should have, at the end of five years, determining it wasn't marketable, convened on its own, as it says in their Regulations, and remove the Planned Development District which is their prerogative. The PDD, no activity took place in five years, and he stated that it was not for lack of trying because they contacted, and Mr. Coco did himself too, commercial realtor after commercial realtor and even developers that he represents to see if there was any interest, even to the point of a CVS or something but it didn't materialize.

So since the Commission has not done it than the Applicant could come in and propose a return to the pre-existing zone or rezoning similar to the adjacent property. The pre-existing zone was Office Park District and on Bridgeport Avenue there is zero market for that. They can tell by simply driving in through Armstrong Road but there is no market at all for Office Park District. Abutting it to the north directly is another PDD, the veterinary hospital and behind it is IA-2 so the other thing would be to extend the IA-2 zone which was predominant along Bpt. Ave. into it. The IA-2 zone would then include retail as a possible thing and it would simply be a site plan.

Atty. Thomas indicated that the other option, which he honestly said to Goodwill, would be the preference of the Commission would be to take this PDD and modify it, change what is there to permit this retail store there which would give the Commission the same discretion it would have in any PDD. He explained it would include discretion to landscaping and discretion to (inaudible). At this point, the existing PDD is a non-starter; there has literally been no activity.

He indicated that the last call he made concerning Office – he explained that there was one call that they actually went to a contract with, a draft contract but then the buyer disappeared and that was for age-restricted flats. It was probably the most serious because they got to the level of draft contract and, in fact, the attorney doing it was involved in the property behind Bertucci's. It was for the approval of age-restricted flats, meaning possibly three-story, ranch style units on the property but he couldn't recall the number of units. He indicated that he thinks that the individual did not have sufficient financial backing and he thinks it went out for that reason. He added that was the most serious offer and happened about 1 ½ ago and then dissipated.

Atty. Thomas concluded his presentation and indicated that he was looking for any feedback on what he presented and feedback on the best avenue to approach the zone change issue or the modification of the PDD which would require a public hearing because it is changing the use from a 40,000 square foot medical office building to a retail store.

Chair Parkins indicated that her feedback will be the same that she gave before Goodwill hired him to come before the full Commission. She stated that she was not a believer when attorneys come before them and say that “manufacturing is not going to happen in Shelton anymore,” “office space isn't going to happen in Shelton anymore” or “medical won't occur anymore...” She commented that everything is cyclical and she can't believe that property, which is permitted for medical office space, if it was marketed correctly, and with all of the new housing that is being built on Bridgeport Avenue, that there wouldn't be, maybe in the future, maybe not this year, but at some time in the near future, that it wouldn't be a market for it. She added that she didn't think the City of Shelton should give up economic development for a non-profit use that pays no taxes.

Chair Parkins indicated that they have nothing against non-profits here in town and Atty. Thomas knows that. They have welcomed the Spooner House and support many, many non-profits. This is a non-profit that has a store in Monroe, Orange/Milford, a collection facility in White Hills; they have stores all over the place. She understands that Shelton is very attractive but it is also attractive to business and she personally is not willing to give up that location for a Goodwill Store. She concluded that was her feedback.

Atty. Thomas responded that the thing she should note about it and he should mention this, is that if St. Vincent's came in or Yale New Haven or Bridgeport Hospital came in and built a medical office building which is virtually...

Comm. Dickal clarified that was non-existent.

Atty. Thomas agreed but stated that for them to do it, they would be a non-profit. They are a 501C3.

Comm. Harger responded yes, but they haven't.

Atty. Thomas stated that was right, they haven't come in; they haven't done it because there is no market for it. He corrected that he never said and he never said even doing Hawk's Ridge that he was not saying that there was “no market for businesses and offices in Shelton” ...

Chair Parkins responded that he just said it.

Atty. Thomas stated no, he said to build a new building. He referenced their agenda tonight where Bob Scinto has four applications and every month they have three, four or five going into existing buildings. It is pure economics. He asked why anyone would pay \$200 to \$225 or \$300 (if it is really high scale) a square foot when you can go into existing office space that is all around left and right.

Comm. Pogoda responded that they are doing it right on the circle in Fairfield they are putting in a huge building where Sims was with rehabs so why wouldn't they build a building over here. They are building one over there; they are tearing one down and putting up another one. There is a place for everything whether they've marketed it enough or not... Comm. Pogoda added that he feels the same way and he can't see something along their prime roadway, coming off of the highway, and putting in a Goodwill store. He sees what it's done in Milford where he goes to Cosco frequently and it is a cluster you-know-what with cars trying to get in and out. It is a high traffic generator.

Atty. Thomas responded that was because of Cosco.

Comm. Pogoda stated no it was not from Cosco. He sees the cars trying to get in and out of that place jamming up the traffic. He added that he is there a lot.

Atty. Thomas responded that he doesn't think that there is any issue with the traffic in and out.

Chair Parkins commented that they are going to have tractor trailers coming in and out.

Atty. Thomas responded that they've addressed that in their explanation that Goodwill truck service occurs 2-3 times a week.

Chair Parkins indicated that she thinks Goodwill serves a very good purpose and she thinks that it is similar to Trader Joe's and if people from Shelton want to shop at Goodwill then they have to go to Milford like they do for Trader Joe's.

Comm. Tickey commented that he wanted to say that he agrees and he actually knows some folks at Goodwill that he works with professionally, it adds value but not for that piece of parcel. He wouldn't compare it to other places but he knows just taking it for what it is, on their main corridor where there is all economic development. There must be some opportunity to make that tax position and make it key economic development. It is worthy of their time to talk about Goodwill but when he thinks of that land, he thinks of something positive for the City and tax positive as well.

Comm. Dickal stated that the Goodwill in Westport is laid out well there but she can't see it in this location because going down the Post Road in Westport it is all restaurants and small antique stores, small flower shops and she can't see that here.

Atty. Thomas indicated that the property has been marketed aggressively and eventually the owner's are going to have to make a decision but at this point there is no activity for it. The most serious activity, if they choose to not go forward with Goodwill, the most serious would be residential. There is no market for medical office because if anyone wanted that they would just go into Bob Scinto's on the corner of Trap Falls where there are medical offices on every floor. There are also spaces in the approx. 50% - 60% vacant Armstrong building. At some point they will have to make a decision and they may come before them with a zone change because the PDD that exists has already expired and requires action. It is not going to be medical office.

Chair Parkins stated that they'll look into that as far as making an update to their plan; they are looking at all of the properties.

Atty. Thomas stated that the appropriate zone would be IA-2 which would allow retail. He stressed that they have marketed this substantially and there has been no activity.

Chair Parkins stated that she invited Goodwill to come and talk to Rick and to locate other possible areas but not Bridgeport Avenue.

Comm. Harger agreed and commented that it was a poor fit.

Atty. Thomas responded that he would relay that to the owners. He thanked the Commission.

KYLE'S CORNER DEVELOPMENT (PDD #67): HOWE AVENUE/BRIDGE STREET UPDATE BY ATTY STEVEN BELLIS

Atty. Stephen Bellis, representing Bridge Street Partners, LLC addressed the Commission.

Atty. Bellis indicated that he wanted to give the Commission an update of where they are with this. He commented that back in 2004, Angelo Melisi came in for a PDD on Kyle's Corner and at that time he believes that he was granted an Initial Concept Plan.

Chair Parkins stated that actually the PDD was voted in 2004.

Mr. Schultz stated that the zone change was already in place and the Concept Approval.

Chair Parkins indicated that the Concept Approval had to have been after that because she wasn't on the Commission in 2004 and she was involved in that; it was like 2007 or so.

Atty. Bellis brought a rendering of the site to refresh the Commission as to what was approved at the time.

Chair Parkins asked what the date of the plans had been.

Atty. Bellis responded that it was 2007. Chair Parkins commented that she knew she had been on the Commission at that time.

Atty. Bellis indicated that there was a PDD and this is the plan that was approved back in 2007. Since that time, in order to actually prepare Detailed Development drawings and build this, Angelo had to get some portion of Bridge Street. He showed another site plan rendering with a proposed patio and in order to have that he needed a portion of Bridge Street to make this work. There would be retail on the first floor and apartments above. He added that Angelo was before his time in 2007 with this idea.

Angelo Melisi, owner of Bridge Street Partners, LLC addressed the Commission addressed the Commission. Mr. Melisi stated that it was actually in 2004 that they applied to the DOT and the BOA approved the closing of the road first. They put an application into the DOT in September of 2004 they approved it and they bought the property in September 2012. It took them eight years to make the decision. Everything expired and lapsed and his contract with the Polish Club expired.

Atty. Bellis commented that it took a long time to negotiate that deal to get Bridge Street but he bought it and the deeds are recorded. The next thing that happened, the building next to this, the Pulaski Club at the time was going to move and were also thinking about having Angelo build something in the back.

Chair Parkins commented that she remembered that there were going to build them something in the back.

Atty. Bellis stated that everything kept falling apart. They are a non-profit so they can't make any money so (inaudible) exchanges. Needless to say that all fell apart and they decided that they weren't going to go anywhere and they weren't going to do anything and they were going to stay in their building. Shortly thereafter, and more recently, their building is falling apart and crumbling down with some bricks falling and it has some issues.

Chair Parkins stated that they've been ordered to get an architect or engineer.

Atty. Bellis responded that he wasn't sure if they had the money, the resources or even the willingness to do that but he isn't speaking for them and really does not know. He indicated that Angelo has met with the Mayor and the feeling is that perhaps they are going to move out of that facility. Whether it comes to fruition and they do move, they are looking at a place in Derby but it hasn't happened yet.

Chair Parkins indicated that they don't pay taxes so it doesn't matter.

Mr. Melisi responded that they do pay taxes.

Chair Parkins stated that she thought it was a non-profit and asked if it was because it's a social club.

Mr. Melisi responded yes, they are a social club.

Chair Parkins stated OK so they probably aren't a true 501C3.

Atty. Bellis commented that the idea is that they've waited this long that they would wait and see what happens with the Pulaski Club, if in fact that they do move, Angelo would like to buy their property and they can use the funds to improve wherever they are going for their new facility and Angelo can use that area for parking. He commented that he, the Mayor and the Pulaski Club are in flux.

Atty. Bellis stated that Angelo has told him that he does not want to build this exact building that he presented here in 2006-2007. What he would like to do is build the building and take the second floor out. On the previously approved concept drawings, he showed how it would leave the first floor as retail, still being a mixed use and it will eliminate one floor and slide down so instead of a 5-story building, it will become a 4-story building.

Comm. Pogoda asked if what Steve just mentioned was at one point going to be Plan B if you couldn't get the Polish Club. He remembered that he had a Plan A which was this one and a Plan B. If he couldn't get the Pulaski Club, he was going to shorten the promenade and go down to two stories.

Mr. Melisi responded that it was never really a Plan B because then they would have to change the way that they get in and the way that they get out.

Comm. Pogoda asked if they were going to drop one story at that time.

Mr. Melisi responded yes, it was potentially for offices and they just don't have the parking for that and that is why they decided to eliminate it.

Chair Parkins commented OK so the second floor had been for professional office space so it would just be commercial retail and apartments on three levels. The approval for this plan expired anyway.

Atty. Bellis indicated that was going to be his next issue and why he's here tonight.

Mr. Melisi responded again to Comm. Pogoda's comment about the Plan B and he thinks that what he was just referring to was what they'd do if they weren't able to buy Bridge Street from the State then they would have to shorten it. It wasn't the Polish Club, it was the DOT.

Atty. Bellis commented that it is hard to visualize this because of how Bridge Street goes downhill but in order to get this patio; they couldn't have done it without being on (inaudible). He commented that there were two things that he could do. Angelo still wants to move forward on this; obviously, a little bit of it is dictated by what the Pulaski Club is going to do because if he isn't going to build behind this building than he'll make it into parking spaces which he really does need. Right now, there is parking underneath this building. He provided a parking lot rendering of 27 spaces with a couple of handicapped spots and explained that he'd get additional parking where the Pulaski Club is located.

Chair Parkins asked if it would be in addition to the 27 spaces.

Atty. Bellis responded yes.

Mr. Melisi commented that it would be behind Bricks & Barley, behind Orazetti's piece for another 8 – 10 spaces in the back.

Atty. Bellis reiterated that there were two things that they can do. He can ask the Commission to re-approve the Initial Concept Plan and they do this sometimes in court; it is called "*Nunc Pro Tunc*."

Comm. Pogoda asked him to say that three times fast.

Atty. Bellis responded OK but don't ask him to spell it. It means to approve the same thing as last time with the reduction of the second floor office space. It would be less intensive than when they originally came in. They would come back to the Commission in 3 to 6 months with Detailed Development Plans which would similar to this without the second floor.

Chair Parkins asked if these were just Concept Plans.

Atty. Bellis responded yes, these were Initial Concept Plans. He can't come in for an extension because there is nothing to extend because it expired so that is what *Nunc Pro Tunc* means to "go back in time" when they approved it with the amendment of the second floor being taken out and then they'll come back in with Detailed Development Plans.

Mr. Melisi indicated that Joe Mingoello is the architect that he's using now and he has a lot of the preliminaries done already.

Atty. Bellis asked if he means the Detailed Plans.

Mr. Melisi responded not construction plans but yes, detailed drawings.

Chair Parkins asked if the City gave the Polish Club a deadline to get the report done by.

Mr. Melisi responded that he believes it's today – it was 14 days from April 1st that they had to have something back from a structural engineer or something like that.

Chair Parkins commented that something might have happened today that they aren't aware of.

Mr. Melisi responded yes.

Comm. Harger asked if he was planning on going with the same kind of look that he had.

Mr. Melisi responded yes.

Comm. Harger commented that he has one building but three different store fronts.

Comm. Pogoda agreed that it was a nice scheme and it breaks it up.

Chair Parkins stated that his timing is right too.

Mr. Melisi responded that rates aren't going to stay down and apartments are strong right now so the clock is ticking.

Comm. Harger asked his thoughts about what he considers to be the appearance of Downtown – such as whether it was turn of the century Victorian or whatever.

Mr. Melisi asked if she was talking about this building.

Comm. Harger yes and asked if he could paraphrase.

Mr. Melisi responded yes, he would like it to look like that.

Comm. Harger stated that she wanted to know because of the block across the street.

Mr. Melisi commented that he was looking at some pictures today which were exactly the kind of look that he wants for this and it is turn of the century with a lot of brick.

Chair Parkins added some glass.

Mr. Schultz commented about the nice cornice work there.

Mr. Melisi indicated that (inaudible)...he's hoping that the rest of the neighborhood starts looking that way as well.

Comm. Dickal responded that they are working on it.

Chair Parkins added that it doesn't happen overnight but it needs to start.

Mr. Melisi agreed that it needed to get started.

Atty. Bellis commented that he wishes that they could say more concretely that they would be coming in 60 – 90 days with Detailed Development Plans but he hesitates promising something because of the Pulaski Club.

Chair Parkins asked why they would take any action until they are ready to actually ...She commented that she doesn't understand the benefit of it.

Atty. Bellis responded it is just so that he knows when he starts spending all kinds of money on architectural plans for the Detailed Development drawings that he has an approval because right now he has nothing.

Mr. Melisi commented that it is pretty expensive project.

Atty. Bellis asked for Tony Panico's comments.

Chair Parkins stated that this is a unique situation that they haven't faced before where the Applicant is now ready to move forward with something that has already expired. Her point is and she asked what the benefit of it was until it is more defined.

Mr. Panico responded that the PDD is there until the Commission takes action to get rid of it.

Atty. Bellis agreed.

Mr. Panico commented that there is life there. He supposes that they could undo that Initial Concept Plan approval that may not have any more life to it but the Applicant has a certain number of rights that will exist until such time that the Commission will go through the procedures of a public hearing to eliminate that zone.

Atty. Bellis responded that no one is threatening that.

Mr. Schultz stated that they don't want to eliminate the zone.

Chair Parkins agreed and stated that they want to see this. They approved this because they like it.

Mr. Schultz told Tony Panico that they need to talk about it.

Chair Parkins indicated that she is just trying to look at what benefit there is to them taking any action right now until they are actually ready to move forward.

Mr. Panico responded that he agreed and added that quite frankly, he did not see any need to take any action. If they are speaking in earnest, they should just continue to work in the proper direction and keep the Commission apprised of the direction they are going.

Atty. Bellis indicated that the alternative is, and he's just brainstorming with them, is that they could come in with an Initial Concept Plan and a Detailed Development Plan at the same time and have the Commission vote on it.

Mr. Panico responded that he thinks that is risky if they are talking about a significant deviation from what has been approved on the Initial Development Plans.

Atty. Bellis stated that was why he was asking them to do the Initial Concept Plans.

Mr. Panico indicated that from what he has been hearing, what the Applicant needs to do is what he perceives to be a Modified Conceptual Plan and then bring that in for discussion.

Atty. Bellis asked if he meant as an Application.

End of Tape 2A, 9:46 p.m.

Mr. Panico responded that he would start out as an application, proceed with proper drawings and study and see where they go with it. Also he thinks that it is important for the Polish Club to get settled in because that could have a significant impact. He commented that Angelo has some very good concepts when it was anticipated that he was going to take over the Polish Club property; maybe he needs to go back and re-examine that and if the Polish Club property presents itself and if he can acquire it, this is what he'll do.

Atty. Bellis responded that he's done that and he'd make it into parking.

Mr. Panico commented that isn't what the original concept was.

Atty. Bellis responded no it was not.

Mr. Panico stated that he's not sure that is the best land use to put on that spot. He'll have to (inaudible)...

Mr. Melisi indicated that the only change would be the Polish Club wouldn't be behind it, it would just be parking.

Chair Parkins reiterated that the only change would be that the Polish Club would not be behind it but used instead for parking.

Mr. Panico asked about the site of the Polish Club and if they would pave it and put a parking lot there.

Chair Parkins responded no - the buildings are in place of that.

Mr. Panico stated that he heard Steve say that they were making it into parking.

Chair Parkins responded no, in the back portion of the building, it would be made into parking where they originally planned to move the Polish Club to.

Mr. Panico asked if this all started because the proposed Polish Club could become parking.

Chair Parkins responded yes.

Atty. Bellis indicated that he had a drawing that he is speaking off of so that is what is making it confusing and Tony doesn't have the benefit of seeing it. He explained that part of this building that he showing them is where the Polish Club is right now.

Mr. Panico asked if they are going back to the original Concept Plan that Angelo put together when he anticipated acquiring the Polish Club property.

Chair Parkins responded yes, the only deviation is that it was originally retail on the bottom floor, professional offices on the second floor and three floors of apartments. They will now be removing the professional office floor for just retail on the bottom floor and three floors of apartments.

Mr. Panico asked Angelo if he and his architects have looked at what that first floor of apartments is going to look out of their windows at going toward Center Street.

Atty. Bellis asked if he meant Bridge Street.

Mr. Panico commented that (inaudible) second floor have view anymore.

Chair Parkins asked if he meant Bridge Street. Mr. Panico commented no Center Street.

Comm. Harger stated that it does not look out over Center Street.

Mr. Panico stated that it faces that direction.

Chair Parkins clarified that it was facing Bridge Street – on Howe and Bridge.

Mr. Panico commented that he understands that and asked if the apartments were center hall or hallway off on one side. It has been a while since he looked at these plans.

Mr. Melisi responded that it was a hallway off to one side. The hallway is facing Bricks & Barley.

Mr. Panico stated OK that is fine then it is not a concern.

Mr. Melisi added that it has enough elevation on the second floor.

Mr. Panico indicated that he didn't have a problem with the Bridge Street side of it in terms of what it will look out on. He stated that he's reasonably satisfied with the original Concept Plan that incorporated what is now the site of the Polish Club. He doesn't think it is a major concern if they were to reduce the building by one story and remove the floor of offices. He thinks those are all doable things.

Atty. Bellis asked if he should ask the Commission to make that approval again tonight or come back in with an Initial Concept Plan and a Detailed Development Plans at the same time.

Mr. Panico responded that the problem is that they can't really file for anything until the site of the Polish Club is cleared up.

Atty. Bellis responded OK.

Mr. Panico indicated that they have to be able to answer the question if Angelo is going to own the site of the Polish Club or not going to own it.

Atty. Bellis responded OK. He thinks that is a fair concern so they'll (inaudible)...

Mr. Panico added that (inaudible) the circulation from the lower level for the basement parking as well (inaudible)...without owning the Polish Club they'll have to modify it (inaudible)...

Atty. Bellis responded that he agrees with Tony and understands his concerns. He commented that he'll just say that this is an update.

Chair Parkins commented that he doesn't have to be concerned that they would not approve something that the Commission likes.

Mr. Melisi commented that it was a big expense.

Comm. Pogoda agreed and stated that he wants to alleviate any concerns as far as that.

Atty. Bellis asked if he was OK with what he said tonight.

Mr. Panico stated that he thinks the Commission still supports the idea of a multi-story building on that corner with retail on the first floor and apartments above it with or without office space and an orientation with a pedestrian area along the west side of the building and a restaurant type use in the building taking care of the terrace situation and a pedestrian connection down to Canal Street. It is a good concept.

Mr. Melisi commented that Mr. Panico had a good memory.

Atty. Bellis agreed that he does.

Mr. Panico stated that he's been working here a long time.

Atty. Bellis responded that he thought he only started here about a year ago...

Chair Parkins stated that they're hoping the seed has been planted and (inaudible)...

Mr. Melisi responded that he was good with that plan.

Atty. Bellis indicated that they would come back and see them when those legal issues are resolved and with a more formal application. He thanked the Commission.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the Agenda. With no response, she asked for a motion to close the Public Portion of the meeting.

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

OTHER BUSINESS

APPROVAL OF MINUTES: 3/10/15

On a motion made by Jim Tickey seconded by Anthony Pogoda, it was unanimously voted to approve the minutes of March 10, 2015.

PAYMENT OF BILLS

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

Mr. Schultz reminded the Commissioners that on the Consultant bill coming up for the Downtown would be coming before the Commission.

STOP & SHOP FUELING STATION: REQUEST FOR RELEASE OF THE CASH SEDIMENT & EROSION CONTROL AND SITE COMPLETION BONDS.

Mr. Schultz read correspondence from the Stop & Shop Supermarket Company LLC requesting the release of the \$5,000 Performance Bond and the \$20,000 surety for the completion of site improvements associated with the Stop & Shop Fueling Station.

***See attached correspondence addressed to Richard Schultz, P&Z Administrator from Stop & Shop Supermarket Company LLC dated April 14, 2015.**

Mr. Schultz indicated that the site was inspected by Staff last Friday and they had been out there the previous year. It has been a full growing year and even after this tough winter, all of the shrubs preserved. Staff is recommending the release of the \$5,000 cash and the \$20,000 surety bonds.

On a motion made by Virginia Harger seconded by Anthony Pogoda it was unanimously voted to approve the release of the Cash Sediment & Erosion Control Bond and the Site Completion Bonds.

Mr. Schultz commented that the site does work. Staff had some concerns.

Chair Parkins stated that for the most part it does but there are still people coming in the wrong way.

Comm. Dickal asked if that was something that could be addressed because when she was there the other day there was almost an accident.

Chair Parkins stated that they come in from the Stop & Shop side and they pull right into the exit.

Atty. Bellis asked if there was a sign there.

Comm. Dickal responded yes, it says "One Way Do Not Enter.

Comm. Harger stated that when you are sitting there, (inaudible)...

Comm. Dickal indicated that at the one in Milford has an attendant that really enforces it and they are right out there.

Inaudible comments (multiple conversations...)

Atty. Bellis asked if the problem was that they can't see the sign when they drive in.

Comm. Harger responded that it needs to be lower. It is too high (inaudible)...

Comm. Dickal responded that she thinks that they can see the sign but for their own convenience they don't care.

Chair Parkins stated that the Attendant can't do anything because he has to stay in the booth.

Comm. Dickal responded that they come out all the time.

Chair Parkins indicated that the Attendant can't just stand in the driveway.

Comm. Dickal reiterated that in Milford the Attendant tells people that they can't get gas if they don't go in the right way (inaudible)...

Chair Parkins asked if there was something else they could do there (inaudible)...she suggested white striping (inaudible)...

Atty. Bellis responded OK, he'll talk to them. They are pretty good about things (inaudible)...

STAFF REPORT

***See attached Planning & Zoning Staff Report dated April 14, 2015 from Richard Schultz, P&Z Administrator.**

Mr. Schultz reviewed report items including the April 14, 2015 ZBA Agenda items, Citing Council, Zoning Subcommittee (Child Daycare Regulations) issues, Downtown Subcommittee Agenda and Zoning Enforcement Issues.

ADJOURNMENT

On a motion made by Nancy Dickal seconded by Anthony Pogoda, it was unanimously voted to adjourn the meeting at 10:09 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary