

SHELTON PLANNING AND ZONING COMMISSION

JUNE 9, 2015

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, June 9, 2015 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take agenda items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Nancy Dickal
 Commissioner Virginia Harger (arrived 7:13 p.m.)
 Commissioner Thomas McGorty
 Commissioner Frank Osak (alternate)
 Commissioner Anthony Pogoda
 Commissioner Jim Tickey

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

Tapes (1), 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 regular meeting of the Shelton Planning & Zoning Commission to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present. She noted that Comm. Osak would act as alternate for Comm. Harger who is on her way to the meeting.

AGENDA ADD-ONS

Chair Parkins asked for a motion to accept three Agenda Add-On items under Old Business, Applications for Certificate of Zoning Compliance, Separate #0350 for In-Law Apartment, 32 Deer Run Lane; Separate #0347 for wall sign, 434 Howe Avenue; Separate #0354, Retail Business and Sign at 408 Howe Avenue.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to add three items to the Agenda under Old Business, Applications for Certificate of Zoning Compliance (Separate #0350; Separate #0347 and Separate #0354.

She asked for another motion to add Application #15-08, Petition to Modify Statement of Uses Standards for PDD #70 to the Agenda under New Business to accept and schedule a public hearing.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve the addition of one Agenda item under New Business for Application #15-08 to accept and schedule a public hearing.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Mr. Schultz indicated that Joe Pereira is listed first but he was running late so they could address Separate #0338 for an in-law when he arrives.

SEPARATE #0244: R. D. SCINTO, 100 BEARD SAWMILL ROAD, BUSINESS

Mr. Schultz stated that #0244, and #0243 which is next, will both be new businesses in the Scinto office areas. This one is for Belcon Corporation, an engineering firm leasing 11,855 square feet, 50 employees, hours of operation Monday through Friday, 8 a.m. to 5 p.m. They are replacing office areas in Health Net. The entire building is 148,000 square feet.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve business occupancy for Separate #0244.

SEPARATE #0243: R. D. SCINTO, 100 BEARD SAWMILL ROAD, BUSINESS

Mr. Schultz stated this is for Remedy Partners, an information technology company, occupying 13,757 square feet, 84 employees, hours of operation Monday through Friday, 9 a.m. to 5 p.m. He added that this is also located in the former Health Net building.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #0243.

SEPARATE #0008: JOEY DEDOVIC, 888 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this is for the pizza restaurant. He asked if the applicant was present. With no one present, he asked the Commission to make a motion to table it because they were supposed to be here tonight to discuss this.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to table Separate #0008.

SEPARATE #0321: FITNESS STUDIO, 702 BRIDGEPORT AVENUE, BUSINESS & SIGN

Mr. Schultz provided a rendering for a fitness studio located in Split Rock called “ilovekickboxing.com” replacing Physically Fit. The Applicant is here. The hours of operation vary but they are generally 7 a.m. to 9 a.m. Monday through Sunday.

Chair Parkins asked if this was in the back or the front.

Comm. McGorty stated that it was in the front where the cross training facility is located.

Mr. Panico asked where it was located.

Comm. Dickal responded Split Rock. Mr. Panico commented that it must be on the upper level.

Chair Parkins asked the Applicant if this was a franchise.

The Applicant (unidentified) responded yes.

Comm. McGorty asked if this was next to Focaccia.

Mr. Schultz responded yes.

The Commissioners reviewed a sign rendering and photos of the facility interior.

Comm. McGorty asked if the proportion of the sign met all of the standards there.

Mr. Schultz responded yes.

Chair Parkins commented that it looked large.

The Applicant responded the Blakeman’s approved it and actually suggested the sign.

Comm. Tickey commented that it looked like a very nice facility inside.

Comm. Dickal asked if “ilovekickboxing.com” was the name of the business and all of the other franchises.

The Applicant responded yes.

Chair Parkins clarified that the Commission typically does not allow web addresses to appear on signage so that is why they are questioning the name of the business.

Mr. Schultz clarified that it was the name of the business.

Comm. Dickal asked if it would have the boxing gloves graphic hanging off the letters.

The Applicant responded yes.

Mr. Panico asked if it was internally illuminated.

Mr. Schultz responded yes and added that it was consistent.

Chair Parkins measured the sign and commented that it had 30” of clearance.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve signage for Separate #0321.

SEPARATE #0335: ACCENT SIGNS, 100 TRAP FALLS EXT., SIGN

Mr. Schultz indicated that this is the building on Trap Falls Road, formerly Trim Fastener. This is for Micro Phase and he provided rendering of the signage. He added that they did not get the wall signage.

Chair Parkins asked about what the symbols on the sign represented.

Comm. McGorty responded that one symbol was for “micro” and the other was for “phase.”

Chair Parkins asked if that was Greek.

Comm. McGorty responded it’s from an engineering background.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve signage for Separate #0335.

SEPARATE #0279: NANCY CAVINESS, 165 CENTER STREET, BUSINESS & SIGN

Mr. Schultz indicated that this is the relocation of the hair salon from 418 Howe Avenue to 165 Center Street that was tabled at the last meeting for Shaddai Beauty. Staff recommends approval.

Comm. McGorty stated that it was next to Excalibur’s, Cleto’s, the Tattoo place.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve the business and sign relocation for Separate #0279.

SEPARATE #0340: BRICKS & BARLEY, BRIDGE STREET & HOWE AVENUE, SPECIAL EVENTS

Mr. Schultz indicated that the Commission entertained special events for Bricks & Barley last year which did not materialize for a variety of reasons. Angelo Malisi has now prepared the site to accommodate special events and Chris Jones is here to review the three scheduled special event dates for June 27th, July 4th and July 18th – all Saturdays.

Chris Jones, owner, Bricks & Barley, Bridge Street & Howe Avenue, Shelton addressed the Commission. Mr. Jones indicated that the dates would be different - July 25th and August 18th – with one event per month.

Comm. McGorty asked about the digging going on over there and what was going to be built – a stage or a patio.

Mr. Jones responded that depending upon what Malisi does...

Chair Parkins indicated that she was hoping that he was getting ready to start doing something there.

Mr. Jones responded yes, he's dug everything out making it like a bowl like Howe Convenient just for safety reasons but it has been flattened out on that lot. It is contingent upon...

Chair Parkins asked for clarification about what he means by making it a bowl.

Mr. Jones responded that he dug it out; it has walls of dirt going up to the sidewalk as opposed to flattening everything out.

Chair Parkins asked if he was going to use the space down below – the space in the hole.

Mr. Jones responded yes, well it isn't like a deep hole – it is on a slope.

Comm. McGorty clarified that it was about 4 or 5 feet down but (inaudible)...

Chair Parkins asked how they would get down there.

Mr. Jones responded that they have access through their back door and there's a gate on Bridge Street that they have to lock.

Comm. McGorty stated that they haven't heard much about it and asked what the grounds are going to look like.

Chair Parkins added that they don't want that opened.

Comm. McGorty clarified that it would only be accessed through Bricks & Barley. It isn't on the street; it is through the bar.

Mr. Schultz indicated that it was all fenced in and it had to be.

Chair Parkins commented that he just said that he had a key to the gate.

Mr. Jones responded yes, they have access to that for them to bring their cars...

Chair Parkins asked if it was from the front of Bridge Street.

Mr. Jones responded no, not from the front of Bridge Street.

Mr. Panico asked if he would have controlled access only from within his establishment.

Mr. Jones responded yes, exactly.

Mr. Schultz noted that the types of activities are a pig roast and asked what date that would be held.

Mr. Jones responded that would be on 6/28 for their one year anniversary and July 25th was going to be a pig roast.

Mr. Schultz stated that all of these events do have live music. Chris and his establishment have been very good and there are apartments above the Subway shop. When there is a DJ, tenants could hear it and they called Chris and he lowered the volume – that was at 1 a.m. As the Commission knows, noise can carry and they will be discussing this again later for 127 Center Street.

Chair Parkins responded yes they do have to be cognizant of it because it is a residential area even though it is a downtown district.

Mr. Schultz reiterated that all of the events will have live music.

Comm. McGorty commented that they had a time constraint on them from when he came last time. He asked if something was going to be erected, like a stage or something or will it be just dirt, sod, grass...

Mr. Jones commented about needing to pick up the rocks out of there. They wanted to put mulch, wood chips, or put millings down there for temporary use until Malisi does what he's going to do. He commented about using wood chips or hay because they are doing the pig roast, but he wasn't sure.

Chair Parkins questioned that - if there were people smoking right there.

Mr. Jones stated that he thought the millings would be the best or the gravel.

Comm. McGorty stated that he was concerned about how it was going to look from the road – what the end product was going to look like.

Mr. Jones responded that he thought the milling would be the best (inaudible)...they are trying to figure out the most cost-effective thing because it is going to be gone in a matter of months anyway.

Chair Parkins commented that it can't be woodchips because people smoke out there and it will become a fire pit.

Comm. McGorty agreed and added (inaudible)...

Mr. Jones commented that with the milling it is just a blacktop surface and it is only a (inaudible) and you won't really be able to see it.

Mr. Schultz indicated that there was live music and asked the Commission what they wanted – 10 p.m., 11 p.m. He asked if they recalled what they set for Calandro.

Chair Parkins responded that for Calandro it depended on what night because he wanted to do a Sunday night.

Mr. Schultz stated that these are all Saturdays. He asked the Applicant to clarify that these were all Saturday events.

Mr. Jones responded yes.

Comm. Tickey stated that he thought it could go later on a Saturday.

Chair Parkins indicated that 11 p.m. would be fine.

Mr. Schultz asked what date would be the clam bake.

Mr. Jones responded August 14th.

Chair Parkins asked if there were now four weekends. She asked for clarification on the dates.

Mr. Jones responded June 28th; July 25th and August 14th.

Chair Parkins asked if the pig roast was June 28th.

Mr. Jones responded yes, it was their one year anniversary party.

Chair Parkins asked if July 25th was going to be a Clam Bake.

Mr. Jones responded a Pig Roast.

Chair Parkins asked if there were going to be two Pig Roasts.

Mr. Jones responded yes.

Comm. Osak asked how large the pig would be because he'll be roasting that thing for about 14 hours before he lets people in.

Mr. Jones responded yes they plan to start in the morning.

Chair Parkins asked if he would be selling tickets to get an idea of how many people are coming.

Mr. Jones responded that there will be a cover charge.

Chair Parkins asked what they would be having on August 14th.

Mr. Jones responded that would be the Clam Bake.

Comm. Harger arrived at 7:13 p.m.

Comm. Harger asked if they ended up doing anything last year.

Mr. Jones responded no.

Chair Parkins indicated that they expect Mr. Malisi to be in shortly with his plans so...

Mr. Jones responded yes, he's been trying to catch up with him too but he hasn't seen him all week.

Mr. Panico asked if the 11 p.m. would apply to all three events.

Chair Parkins responded yes, as long as they are Saturday events. If they are on a Sunday then they have to shorten the time frame because the next day is a workday.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was voted (6-0) to approve Separate #0340. Comm. Harger abstained from voting because she did not arrive to hear the entire application.

Chair Parkins indicated that Comm. Harger has arrived and Comm. Osak will now be the alternate. The Commissioners wished Chris Jones good luck with upcoming events. Chair Parkins asked Mr. Jones if he would be notifying neighbors of these events.

Mr. Jones responded that it was just one person up above Subway. The people above Bricks & Barley haven't complained but have asked to have the lights turned off after they close. He will let them know but he thinks that they work third shift anyway.

SEPARATE #0262: DERRICK LEE, 127 CENTER STREET, SOUND BARRIER FOR OUTSIDE PATIO

Mr. Schultz handed out a rendering depicting the existing conditions of the outdoor patio area at Center Street Social. As he told the Commissioners, his Office received a call from the State Liquor Commission asking if they had received complaints and he told them a neighbor had complained regarding noise.

Comm. McGorty asked which neighbor.

Mr. Schultz responded it was the single-family dwelling facing the Center Street Social Club to the left. They have the driveway and Center Street has a right-of-way over it. The patio, as expected, generates a lot of noise. They can have up to 40 individuals standing. There are tables outside. During the weekends when it is nice, people are standing outside. In talking with Derrick Lee, Staff went to the site and it was determined that noise abatement can be attempted first before the Commission considers any type of structural modification. Nevertheless, Derrick

would like to show the Commission what he's capable of doing in the event that they can't control the noise.

Mr. Schultz stated that they have outdoor speakers which they have controlled but as they know, a crowd of young adults and the noise will carry; the music is secondary.

Chair Parkins responded that the music level is what makes the people have to talk louder to be able to talk over the music. If the music is pumped up loud then they are talking even louder so that is the issue.

Mr. Schultz stated that they do have an individual outside who monitors this.

Mr. Derrek Lee, Manager, Center Street Social, 127 Center Street, Shelton addressed the Commission. Mr. Lee added that they disconnected the speakers outside.

Mr. Schultz asked for clarification that he is not doing any speakers outside at all now.

Mr. Lee responded no speakers.

Chair Parkins indicated that she has been inside there and she's well aware of how loud it is and you literally do have to scream just to speak to a person standing next to you. The sound, with it being all open, has to be carrying outside of the patio even without speakers outside. She stated that it is a downtown district but there are a lot of residences around there.

Mr. Schultz commented that there were a lot. He indicated that Staff is in a position where they want to try a couple of abatements before considering a drastic structural improvement. He provided Derrick's rendering of what he would like to do for abatement. He explained the rendering showing the outdoor patio area with pergola roof-type treatment which is not solid so there will still be noise coming out of there. He asked if they would want to have solid sides because it takes away from the whole experience.

Comm. McGorty agreed that the whole idea of being outside is to be outside.

Mr. Lee indicated that they would use sound-proofing panels in the fencing and also on the pergola.

Mr. Schultz commented that if the Commission is so inclined to go ahead with the physical improvements, he wants to give this more thought. It is normally something that they take to the Downtown Subcommittee with details. He added that it took a long time, several meetings to get it right for Porky's but it works well.

Chair Parkins asked for clarification as to why the State Liquor Commission is involved.

Mr. Schultz responded that they got the complaint. They get noise complaints too and they check with the local Zoning Departments and Police Departments and make a determination as to the next step. He indicated that he told them he would be taking this matter up with his local Commission.

Mr. Panico asked if the umbrellas go away if the pergola treatment goes in.

Mr. Lee responded yes, they would have to.

Mr. Schultz provided a rendering of the side elevation of the structure.

Chair Parkins asked if there was going to be a measure taken before this would be put in.

Mr. Schultz indicated that for noise abatement, he's disconnected the four outside speakers. They have a Staff person monitoring it. He asked the Applicant if that was correct.

Mr. Lee responded yes, every night they have someone on the patio now just to ensure that when people get loud they are asked to keep it down and to remind them that there are neighbors. At

his Staff Meeting everyone was informed and asked to be involved in trying to keep the noise down.

Comm. McGorty asked what time they turn the speakers off.

Mr. Lee responded that they are no longer on at all. He indicated that he did not want to cover his patio but his neighbor is complaining and he's going to lose his patio which is a brilliant part of that business. He asked what options he had if his neighbor is complaining to them all the time, calling the Police and calling the State Liquor Authority. He stated that he guesses his only option is to cover it and try to keep the noise contained.

Comm. Harger asked about the drawing and if the structures shown would be solid.

Mr. Lee responded yes and added that there would be sound-proofing in between those walls.

Mr. Panico stated that from the inside, roughly six feet high would be solid.

Chair Parkins asked if any complaints came after he turned off the speakers outside.

Mr. Lee responded yes.

Chair Parkins asked if they were complaining even with the speakers off.

Mr. Lee responded yes, and he doesn't understand why after two years there – why they are complaining now. They've been there two years and they don't know why the complaints are coming now but they are. They have been in contact with this neighbor and speak to him all the time; they are doing everything that they can to keep the noise down. As he said, they've turned the speakers off out there, his Staff knows and he has someone working outside on the patio to make sure the customers know to keep the noise down.

Chair Parkins asked how late the patio was open. She asked if it was open until 1 a.m. or 2 a.m.

Mr. Lee responded yes.

Chair Parkins stated that was the problem.

Mr. Panico asked if they show sporting events on TV's out there.

Mr. Lee responded that they have a TV but it isn't a sports bar. A TV is on.

Mr. Panico explained that it can generate a lot of fan noise when a team scores or doesn't score.

Comm. Dickal commented that they can't tell one business in the downtown area that they can stay open until 11 p.m. and another can stay open until 1 a.m. because that isn't consistent.

Mr. Schultz indicated that what they haven't done is request the Police Department, who enforces the Noise Ordinance to take any decibel readings. That would be at the end of the line because there are formal complaints and then there are lawsuits ready to proceed.

Chair Parkins responded right, it's the complaints that (inaudible)...

Mr. Schultz indicated that Staff is working with the complainant; the business owner is aware of what he has to do and he thinks there are a lot of moving parts to this so he doesn't really want the Commission to take any action tonight except to be aware and continue to work with Staff and the business owner.

Comm. Dickal asked how many complaints they were talking about.

Mr. Schultz responded one.

Chair Parkins indicated that it didn't matter how many.

Comm. Harger asked if they discussed rolling back the hours for the patio.

Mr. Schultz responded that just came up tonight.

Chair Parkins asked the Applicant if that was something they would consider rather than going to the expense of enclosing it. She asked if they would shut the patio down at 11 p.m.

Mr. Lee asked if he would have the only patio downtown that would have to close.

Comm. Harger asked when Caloroso closed.

Chair Parkins responded that if they were getting complaints from other people regarding other patios then they would be doing the same thing. It isn't as though they are being singled out but they are trying to find a resolution to this complaint. She asked if he could answer yes or no.

Mr. Lee responded that he would rather enclose his patio because it is a big part of his business. He doesn't want to close that patio because it generates a lot of business.

Chair Parkins responded OK.

Mr. Schultz commented that they were only talking about shortening the hours.

Mr. Panico stated closing it by 11 o'clock.

Comm. Tickey added - or closing it by midnight.

Mr. Lee responded no, he would rather enclose it.

Comm. McGorty responded OK.

Comm. Tickey commented that at least with this enclosure there is still some openness to the ceiling making it still feel like outside. There would be some walls around it but it would still give somewhat of a patio feel.

Mr. Lee commented that the acoustic panels would be sporadically located throughout the structure.

Mr. Panico responded that it should help but he wasn't sure it would totally answer the problem.

Mr. Schultz commented that it is too bad that the property owner has to go to that length.

Comm. Osak asked if the Zoning Regulations had a sound restriction somewhere.

Mr. Schultz responded that they have a Noise Ordinance.

Comm. Osak commented that was a City Noise Ordinance but he asked if there was a Zoning Regulation.

Mr. Schultz responded that they have Performance Standards.

Mr. Panico indicated that the Performance Standards reflect the City Ordinance.

Mr. Schultz commented that they haven't gone to reading that yet so that may occur.

Chair Parkins asked if they plan on putting those sound-attenuating panels on there do they plan on reintroducing their speakers out there or would they keep them off.

Mr. Lee responded that he's hoping that with the panels that it keeps the noise down. If he has to keep the speakers off he will. He doesn't have them on now and customers on the patio complain why there is no music outside.

Comm. Dickal asked if he has spoken to anyone who has done any type of soundproofing construction like this about how well it reduces the sound.

Mr. Lee responded that he used it at another place and it is amazing how well it works. He did it in another restaurant that he has which has concrete floors and hard surfaces. He bought indoor panels and as soon as he took them out of the box and laid them around the room, the whole room became quieter.

Mr. Panico agreed that there was no question when all you have is hard floors or hard furniture, there is going to be a lot of reverberation of sound because there is nothing to absorb it.

Mr. Lee commented that he already bought them and already started to put the outdoor paneling up and he was told to stop.

Comm. McGorty stated that there was no question it would break it up the noise.

Mr. Lee added that it is a lot of wood that they are going to put up and in between there they will put the soundproofing so it will have wood on both sides. He stated that he thinks it will contain it nicely.

Comm. Osak asked if the City Ordinance on noise was in decibels.

Mr. Schultz responded yes.

Mr. Panico indicated that the City has a meter that he can walk it through...

Chair Parkins asked if he wanted to enclose that would it...

Mr. Schultz responded that the standards still comply. They have zero setbacks for Downtown.

Comm. McGorty commented that it would be nice to keep some part of it open.

Mr. Schultz indicated that this is strictly for noise abatement.

Chair Parkins stated that was her question – she wanted to know if they were adding an all season...

Comm. McGorty stated that to enclose it entirely would be a last resort.

Mr. Lee indicated that he did not want to elaborate but he's getting complaints from him, he's threatening and it is not good. If he can get approved to do it, he'll incur a huge expense just to do it but...

Mr. Schultz indicated that he didn't realize how involved it had become; this is new to him. He commented that it sounds serious and it is up to the Commission to make a call then.

Chair Parkins commented that she just doesn't want to see a year round enclosure.

Comm. Dickal indicated her concern is about him going to all this expense and then there is still a noise issue and complaints but if it is feasible and he knows this enclosure will work then ...

Mr. Lee asked why they would be opposed to it being totally enclosed. He added that he didn't want that either but...

Chair Parkins responded that would be an expansion of his building.

Mr. Schultz added it would be year-round versus seasonal.

Mr. Lee responded OK.

Chair Parkins stated that if he is working toward that he might not want to put the expense toward it.

Mr. Lee indicated that he did not want to lose his patio and he's made that very clear because he thinks it is a big draw over there.

Comm. McGorty agreed that the patio is a great draw.

Mr. Schultz commented to the Applicant that he did not realize how severe this was and he is at the end of the line because if the complaints continue to go to the State Liquor Commission, they are going to want an answer from him reflecting the Commission's consensus.

Mr. Panico indicated that at the least it has to reflect that they are attempting to do something about it and that the owner is attempting to do something about it.

Comm. Tickey stated that if it is that serious and he doesn't want to lessen the patio hours and he wants to keep it open and if they know those sound panels will lessen the noise...It still feels like a patio if the roof is somewhat open...(inaudible)you'll have to go inside if it rains.

Comm. Dickal commented that she likes the open roof; the structure looks very nice.

Mr. Schultz stated that he insisted that the Commission would want something that looked nice.

Comm. Dickal added that if he has experience with these structures...

Comm. McGorty agreed that he's sure that he's done his homework on it because it is a big expense.

Comm. Osak stated that it is all measurable. They have a Noise Ordinance with decibels so why doesn't he find out how much he is in violation by decibel count and see what he can do to attenuate it to the decibel level to come within range.

Mr. Lee stated that those panels that run between this residence and the restaurant are also going to be covered in a weathered barn wood to carry the finishes inside the restaurant out to the exterior for a consistent look.

He added that inside on the walls he can also, if this doesn't completely do it because of the hard surfaces in there, he can use that soundproofing on the walls inside and then cover them with wood because that would help too. There are options on that patio and not just the structure being built, but on the hard surface.

Chair Parkins commented in regard to Comm. Osak's point which is a valid one. They don't know how high they are above the Noise Ordinance right now.

Mr. Lee responded that it was surprising to him that no one has tested it because he's calling the Police and the Police are coming down.

Comm. McGorty indicated that it is pretty inexpensive to just test it. You get a meter and test it at a bunch of different data points to come up with some sort of high and low. If it isn't that bad or within spec then he really doesn't have a leg to stand on. He asked if this was an engineered system or is it something they were putting together. He asked if there was a company that engineers this type of system.

Mr. Lee responded that (inaudible)...

Chair Parkins commented that the point is that – she thinks the Noise Ordinance is 60 or 65 db past 10 p.m. – if they are at 85 db right now, for example, and these panels are only going to bring it down 10 dbs then they will still be over after expending all that money.

Comm. McGorty pointed out that if it was an engineered system than the company could do an analysis based upon the envelope of the proposed system and what it would attenuate it.

Comm. Osak commented that it is all about the sound frequency. Sound frequency is absorbed to muffling and if it is a high frequency sound like high-pitched music or something; low pitch sounds are a reactive muffler which is different.

Chair Parkins commented that a normal conversation is about 60 db like the one they are having right now.

Comm. Osak stated that OSHA says 90 db only 15 minutes a day. It is not an arithmetic scale it is a logarithmic scale.

Chair Parkins stated that she hopes that the Applicant understands that what they are saying is that he's taking a risk if he doesn't test it and find out where it is first and what this system will mitigate it too then you may be putting money down the drain without a solution to the problem.

Mr. Lee commented that he's no expert and can only hope it works but with the wood paneling that they put up and have since taken down, it has helped tremendously. He did that because of this neighbor complaining and trying to appease him by not letting the noise get to him. It helped a lot so he went and bought the soundproofing but the day they went to put it up Joe told them they needed approval. He was never able to complete the process to see how well it works.

Comm. McGorty stated that it would have been nice to have a before and after with what they recently put up to give them an idea if they are going in the right direction.

Mr. Lee responded yes, he agrees. He only did it because of the complaints.

Comm. McGorty commented yes, he understands that he just wanted to stop this problem.

Chair Parkins stated that he has a good business down there but he has to be respectful of neighbors too. She just hates to see him put that kind of money into a system that might not guarantee the result he's looking for. She indicated that it would be his call about doing it.

Mr. Lee responded that he really didn't know what the options are.

Comm. McGorty agreed that he only had so many options.

Mr. Lee added that he only knows from what they've done. He doesn't live there but he's out there on that driveway at night ...all he can think of is the Giant Jenga out there that falls down and when people scream but he isn't sure - he doesn't understand where there is so much noise.

Chair Parkins responded that with young people drinking there is noise.

Mr. Lee stated that he knows there is noise but he doesn't think it is that bad.

Comm. McGorty commented it wasn't like a constant but it might have spikes during Jenga or something or someone screaming. It isn't a sustainable level of noise but just certain spikes that are bothering this guy.

Chair Parkins indicated that she's been down there when they were playing Jenga as well.

Mr. Lee stated that he is hoping this helps tremendously because at the lower end of that driveway is where a lot of the noise is emanating from. This is a nice, high structure that goes all the way to the corner.

Chair Parkins responded that he is certainly welcome to try that as a measure but she doesn't want him to think that because he tried this and it doesn't work so, he can just go about his business because they can't do that. If the neighbor continues to complain and there is a legitimate complaint then it will have to be addressed in another way.

Mr. Lee commented that this will help. It will be a big expense but he doesn't know what else to do.

Comm. McGorty stated that they are all for it but there is a risk obviously.

Mr. Lee stated that he can't just leave it, then...

Comm. McGorty responded no, right, then it will be shut down so that's a problem.

Chair Parkins asked Rick for clarification that he didn't want a motion and that he'll just work with the Applicant.

Mr. Schultz stated that he's asking for action tonight because he's in dire straits.

Comm. Tickey asked if they needed a motion.

Mr. Schultz responded yes it is for a structural change.

Chair Parkins clarified that it was to be done without the intention of being enclosed as an all season addition.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #0262 for the construction of sound-attenuating structures for the outdoor patio without the intention of being an all-season enclosed addition.

Chair Parkins wish them luck and informed them that they needed to go the Building Department as well.

SEPARATE #0338: 345 ISINGLASS ROAD, IN-LAW APARTMENT

Joe Pereira, 345 Isinglass Road, Shelton addressed the Commission. Mr. Pereira provided detailed floor plans for his residence on Isinglass Road and his intention to move his mother into his home since his father passed away last year. Presently she is living alone in another house. He referenced the floor plans and explained that there was a bump out to the east side where he is planning a combined family room overlooking the pool and a separate in-law bedroom with a separate bath.

Chair Parkins asked if this was one story.

Comm. Dickal asked if this was a bump out or if he was utilizing the garage.

Mr. Pereira responded yes, one story. On another floor plan he pointed out the...

Chair Parkins commented that it looks like a hotel.

Mr. Pereira responded that it was a family owned house. He showed where they would have the in-law bedroom, a closet, a bathroom so it is a separate suite and where it directly connected to the main house through the dining room. He showed where a half bath would also be added to service the pool because right now people have to run through the house wet from the pool to use the bathroom. He showed the location of a small kitchen area/bar that can be used in the future or can be used for cooking in the in-law set-up. He showed where there would be a common family room area.

Chair Parkins asked if that would be new.

Mr. Pereira showed the section of the plan that was new area. He also showed the location of the main kitchen for the main house in comparison to the size of the new kitchen area.

Mr. Panico asked for the square footage.

Mr. Pereira responded that he has it on the application.

Chair Parkins asked why one area on the plan was labeled "new office."

Mr. Pereira responded that right now it was a bedroom so he'll be converting it into an office. It is a four bedroom now so with this in-law it goes to a five bedroom. He's adding a garage bay and making his two car garage into a three-car garage. He showed the bump out and the area for that bay. It allows him to move one bedroom and reconfigure the bedrooms upstairs.

Mr. Panico responded OK, so this is an appendage also – two story with a room above and garage below.

Chair Parkins asked if there was another bedroom above the garage.

Mr. Pereira indicated that it was on the next floor plan.

Mr. Schultz indicated that it was under the 900 square feet.

Mr. Pereira responded that it was 700 for the in-law.

Mr. Schultz indicated that there were two parts to this and he can go up to 900 on this size of house.

Comm. McGorty commented that it also has the family area. He asked how many square feet for the whole addition.

Mr. Pereira explained that the existing bedroom stays and the bathroom exists so all that they are adding is this wall with additional area above the garage. He has approval from the Health Department for up to five bedrooms. He designed the house and when he did it, he overdid the septic for six bedrooms.

Chair Parkins commented that unlike the majority of Baby Boomers, he's expanding rather than downsizing.

Mr. Pereira responded that in a perfect world his mother would live forever, but if the day ever comes that he has to sell, the use is still useful for his family with the family room or a playroom, pool area and it works well together. Part of it can become a bar or entertaining area if he ever sells the house.

Comm. Dickal commented that the in-laws apartments are an accent because a lot of people need room for elderly family members.

Chair Parkins asked if the in-law entrance was going to be through the dining room.

Mr. Pereira responded yes and showed its location that they will have a cased opening taking you through the family room, an isolated suite area and the main kitchen area.

Comm. McGorty asked the total square footage of the entire addition.

Mr. Pereira responded it was about 1100 square feet including everything.

Comm. McGorty asked what the size of the house would be with the addition.

Mr. Pereira responded that was the existing house was 2,800 so it would be about 3900. He added that there are bigger houses in that area. It is well screened so driving by at that elevation, one whole side of the house is screened by woods and landscaping.

Comm. Dickal commented that it looks beautiful.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0338 for an in-law.

SEPARATE #0354: MICHELLE BIALEK, 408 HOWE AVENUE, BUSINESS & SIGN

Mr. Schultz indicated that this was formerly the restaurant, Liquid Lunch, now called Grow. He provided a rendering of the proposed signage for Grow. He stated that last year the Commission approved extended hours and a liquor permit. This is the name change and wall sign replacement.

Chair Parkins asked for clarification about something on the sign rendering.

Michelle Bialek, Grow, 408 Howe Avenue, Shelton addressed the Commission. Ms. Bialek explained that the concept was possibly having a planter. They are looking into solar lighting, either external or behind it, but the footprint won't change from what they have now.

Chair Parkins asked if that was on top of the building.

Ms. Bialek responded that it was in the front. It is a (inaudible)...

Mr. Schultz stated that this is just temporary. Mr. Matto's proposal is to remove the first five feet and then they will get into uniform signage.

Chair Parkins commented that she doesn't know how she would do a planter though and she's concerned because anything that would grow in there would cover her sign.

Ms. Bialek responded that it was just a concept because they wanted to go with the whole "grow" concept so somebody suggested that they put something like ivy in there that would cascade.

Chair Parkins stated that if it starts growing up it will cover the sign.

Comm. McGorty commented that if she does something that is (inaudible)...

Comm. Tickey stated that maybe if it was something like a grass or something that looked like grass because she wouldn't want it to cover up the "share," or "savor."

Ms. Bialek indicated that it was also suggested that they could put "share" and "savor" on the planter instead of (inaudible)...

Comm. Harger stated that if she has something cascading over she would be concerned about it blocking the entrance.

Comm. McGorty responded that they could trim it.

Ms. Bialek stated that they don't have to do the planter, she was just trying to think of something.

Chair Parkins commented that some nice gooseneck lights coming down over it would be nice too.

Comm. Tickey indicated that he liked the logo.

Comm. McGorty added that with the solar they'll get maybe eight hours. They've come a long way with solar but they're still not really there. If she's worried about energy or conservation go with a low energy LED.

Ms. Bialek stated that they were trying to do as much as they can. She agreed about the LED.

Mr. Panico asked if this was still basically just for lunch.

Chair Parkins responded no lunch and dinner with beer and wine – craft beer and local wines.

Comm. McGorty asked about the time frame regarding opening.

Ms. Bialek responded that they were opening in early August.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #0354.

SEPARATE #0350: GEORGE DOMARUMO, 32 DEER RUN LANE, IN –LAW APARTMENT

Mr. Schultz commented that this is up by the high school and all of these homes were built in the 1970's or early 80's. All the lots comply with City sewer and water. This is a ranch home and they are converting the basement area to a 732 square foot in-law apartment for the mother and father. He provided a floor plan; the Applicant was not present.

Mr. Panico asked about the basement and if it qualified as habitable floor space.

Mr. Schultz responded yes, with two means of ...

Mr. Panico asked about the exposure to the outside.

Mr. Schultz responded yes and the height – there are three components including egress and ingress.

Mr. Panico stated that for zoning purposes to be habitable floor space, the exterior walls have to be exposed.

Mr. Schultz responded yes because this is a walk out basement.

Comm. Harger asked if this was an after-the-fact.

Mr. Schultz responded no.

Mr. Panico restated that a fully buried basement wouldn't comply.

Chair Parkins asked if it was a walk-out basement.

Mr. Schultz responded yes and all the other applicable regulations apply concerning height – because some basements have low ceilings.

Comm. Dickal asked if someone had been out yet to evaluate it.

Mr. Schultz responded yes and this is not an after-the-fact.

Chair Parkins reviewed the floor plan and asked if there was already a bedroom downstairs.

Mr. Schultz responded that it was for family members.

Chair Parkins commented that it says existing lower level with a rec room and bedroom. She commented that she didn't know how they could have a bedroom down there without windows.

Mr. Schultz responded yes but now it will be made into an apartment with a cooking facility – that is the difference as well as how they occupy it. Family members that stay in a basement area come and go but this is for the in-laws.

Chair Parkins referenced the floor plan and asked if they were enclosing the garage too.

Mr. Schultz reviewed the rendering, shown on two separate 8 ½ x 11 sheets. Chair Parkins pointed out where it said “existing lower level” and “new.”

Mr. Panico stated that maybe it is an existing basement garage that is being converted to living space.

Mr. Schultz showed the two sheets next to each other and commented that it was all connected on the lower level.

Chair Parkins asked if both of the renderings were depicting the ground level.

Mr. Schultz responded yes.

Chair Parkins commented that they were closing in the garage.

Mr. Schultz responded yes.

Mr. Panico reviewed the drawing and Chair Parkins commented that she didn't understand the notations on the drawing regarding laundry and bath areas.

Mr. Panico indicated that it was confusing because the drawing is not to scale.

Mr. Schultz commented that this was very rushed and just came in. Tom Dingle took a look at it.

Chair Parkins had other concerns indicating that the stairway not being shown.

Comm. Pogoda said it is too difficult to understand.

Mr. Schultz stated that all he knows is that there is a conversion in the basement area and this is a ranch.

Comm. McGorty it is one step up from being drawn on a cocktail napkin.

Comm. Pogoda stated that they need a little bit more on these things when they come in. They've spoken about this type of thing before.

Mr. Schultz responded yes, he knows and this was just added on.

Comm. Harger indicated that she wanted to table it.

Comm. McGorty agreed that the Applicant didn't have to have a lot of detail but at least something that is clear and understandable; maybe if he comes in to explain it.

Chair Parkins said that they don't know what they are approving here.

Mr. Schultz told Tom to ask the Applicant to come tonight.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to table Separate #0350 for clarification.

SEPARATE #0347: BILLY PIAZZA, 29 Oak Avenue, owner 434 HOWE AVENUE, SIGN

Mr. Schultz provided a location map and a rendering of the proposed wall sign.

Comm. Harger asked if this was next to Cleto's.

Mr. Schultz stated that this was Fast Multi-Services.

Chair Parkins asked about the skull flag in the photo.

Mr. Schultz indicated that this was 550 square feet, one employee, Sunday through Saturday, 9 a.m. to 6 p.m. The Applicant is here and this site has four on-site parking spaces in the back as well as curbside parking.

Comm. McGorty stated that lot is always full back there.

Chair Parkins asked if this was a thrift shop or new retail.

Billy Piazza, 434 Howe Avenue, Shelton addressed the Commission. Mr. Piazza stated that this was for retail, new clothing.

Comm. McGorty asked if it was custom clothing.

Mr. Piazza responded yes and the line is called Joanna Summer. He is the owner of the store and representing the designer, Joanna Summer, who is putting her designs in the store.

Chair Parkins asked if this was a walk-in retail for customers to shop off of the rack or custom order.

Mr. Piazza responded both.

Comm. Harger asked if this was the first store.

Mr. Piazza responded yes it was the first one.

Comm. Dickal asked if this was women's clothing or for children.

Mr. Piazza responded women's, tween's and children's clothing.

Comm. Dickal asked how much of the storefront he would be in or would it be the whole building.

Mr. Piazza showed the area of the store.

Mr. Schultz added that it was a small store – 550 square feet.

Comm. Harger indicated that Cleto's has three store fronts.

Chair Parkins asked if this sign would be professionally made.

Mr. Piazza responded yes the sign will be professionally done. He indicated that picture was just a quick rendering that he did on the computer to give them an idea of how it would look with just the name in a *Calligraphic* font and some filigree on the top and bottom.

Chair Parkins asked about the hours of operation.

Mr. Piazza responded that they would be open 7 days a week, 9 a.m. to 6 p.m. but probably until 4 p.m. on Sundays.

Chair Parkins asked how many employees.

Mr. Piazza responded one employee for now.

Chair Parkins commented that it behooves people that run businesses on this road to park in the Conte Building parking lot to keep the storefront parking available for customers.

Mr. Piazza responded yes, absolutely.

Comm. McGorty responded that the lot in the back is pretty busy.

Mr. Piazza responded that he usually doesn't have a problem getting a spot back there.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #0347.

With no more Applications for Certificate of Zoning Compliance, Chair Parkins wanted to do the remaining add-on item before continuing with the Application #15-03 discussion.

NEW BUSINESS

APPLICATION #15-08: PETITION TO MODIFY STATEMENT OF USES AND STANDARDS FOR PDD #70, ACCEPT AND SCHEDULE A PUBLIC HEARING

Chair Parkins stated that this is the old Crabtree property.

Mr. Schultz stated that he has provided a copy of the Application for the Commissioners and Staff recommends a public hearing for Tuesday, June 30th in the Auditorium. The application was received this morning.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #15-08 and schedule a public hearing for Tuesday, June 30th.

OLD BUSINESS

APPLICATION #15-03: 223 CANAL GROUP, LLC FOR MODIFICATION OF PDD #60 INCLUDING INITIAL CONCEPT PLAN AND STATEMENT OF USES AND STANDARDS (SITE C: 68 MULTI-FAMILY RESIDENTIAL UNITS), 223 CANAL STREET (MAP 129, LOT 18) (PUBLIC HEARING CLOSED ON 5/13/15)

Chair Parkins stated that the public hearing closed on May 13th and they had a special meeting on June 2nd to discuss the merits of this proposal with a consensus to draft a favorable resolution. She commented that Tony Panico has numerous questions for discussion with the Commission prior to drafting the resolution.

Mr. Panico provided the engineering drawings and site maps for Site C, Application #15-03 and indicated that there are some issues that they really need to discuss in order for him to prepare an appropriate resolution.

In regard to the drawings he stated that while they resemble each other they don't totally agree and when the Engineer gets down to doing it, naturally, he has to worry about everything fitting. As he was going through it he identified about a half dozen concerns that he can't answer so he's putting it on the table for the Commissioners to discuss and he'll go from there.

The Setback

Mr. Panico said that the first concern he has is, and he wants them to be aware of, is that the setback of the building from the back of the sidewalk which is the street line to the entryway is about 8 feet roughly. The entryway that projects in the front is 8 feet behind the back of the sidewalk. The main building line is about 14 feet back. He wants to be sure that they are comfortable with those setbacks. He showed where the left rear corner of the building...

Comm. Osak asked what Avalon does for setbacks.

Mr. Panico responded that their setbacks are much more generous but he doesn't recall what the numbers are but they have a little entry court with some parking (inaudible)...

Comm. Osak stated that this is going to stick out into the road more than Avalon.

Mr. Panico responded that it will be closer to the road than Avalon, yes but bear in mind that the buildings that were there now that they were going to rehab and preserve were right on the street line (inaudible)...

Comm. Osak asked what their plan was, if any, for the next property north of this.

Chair Parkins responded that it is staying where it is.

Mr. Panico showed the location of the next building and indicated that it was the existing Apex Tool shown on the back of the Walk. He stated that he did not know the future of that building

because he doesn't know what the City's intention is. They got into this pickle because the City was unable to do their widening on the Canal side; and, therefore, they were forced to look for widening on the other side of the street. In order to widen on the other side of the street, the buildings were totally in the way that they originally planned to preserve so that dictated getting those buildings out of there. They are going to have to deal with that question in part when they get next door because he doesn't know how soon that right of way is going to pull back or be straight and right up against the front of the building.

Chair Parkins responded that the preliminary plan (inaudible)...

Comm. Osak stated that the City has to take a right-of-way down that road to finish the road.

Mr. Panico responded yes and he commented that theoretically it looks like they can take that right-of-way by simply putting the edge of the right-of-way on the face of the Apex Building, in effect.

Chair Parkins stated that it what the preliminary road design shows - she showed the rendering of the preliminary road design.

Mr. Panico commented yes and the question that they are going to have to address is if that is an acceptable position when they come to deal with Mr. Watt's resubmission.

Comm. McGorty asked if this front entrance was 8 feet from the edge of the sidewalk.

Mr. Panico responded that it was from the back of the public sidewalk and he showed its location on the plan.

Comm. McGorty asked for clarification that he said the inside edge of the sidewalk is 8 feet.

Mr. Panico responded that it is 7 feet, 10 inches

Comm. McGorty commented that was pretty close.

Mr. Panico stated that it was about 14 feet to the main wall of the building. He had started to point out that they really don't have the ability to push it back because right now this back corner of the building is right on the easement line of the River Walk.

Chair Parkins asked why the front entrance has to jut out so far.

Mr. Panico responded that it doesn't have to but it is just the way it was laid out. There is an entry foyer that is being created that is part of the architectural design. He wants them to aware of it so that when it gets built they won't be surprised by how close it is to the side of the road.

Comm. Tickey commented that he thinks 8 feet is fairly close to the street.

Mr. Panico stated that there is no room to shift the building back. The only way that they could gain more space would be to require reducing the depth of the structure; in other words, shrinking the depth of the structure. It might be accomplished by taking eight of the two-bedroom units, two from each floor and reducing them to one-bedroom units to contain enough space in the redesign to pick up about 10 – 12 feet of space to play with – if it is something that they want to do.

Comm. Dickal responded that she thinks that is what they should be heading toward.

Comm. Tickey commented that he thinks that was (inaudible)...

Mr. Panico explained that what that would do if you stipulate the loss of eight two-bedrooms changing to one-bedrooms would change the mix. Right now the mix is 47 two-bedrooms and 21 one-bedrooms. If they make that kind of change then it would become 39 two-bedrooms and 29 one-bedrooms.

Chair Parkins asked how many units he would lose.

Mr. Panico responded that he doesn't lose any units.

Comm. Harger added he loses the number of bedrooms.

Mr. Panico showed a floor plan and stated that he looked at the typical floor plan and saw that he has these units with a bedroom and a den on this block. If they took that block off, there is still a viable one bedroom unit and they could do the same thing on the back. So if they take that off on each floor then they gain roughly 10 feet of elbow room.

Comm. Osak asked if he keeps the same number of units.

Mr. Panico responded that it is the same unit count, it is just that he loses some two-bedrooms and gains some one-bedrooms.

Comm. Harger asked for clarification on the unit breakdown now.

Mr. Panico responded that it is 47 two-bedrooms and 21 one-bedrooms and that was the mix result after he got rid of the three-bedrooms. He eliminated 12 three-bedrooms.

Mr. Schultz referenced as-built information and indicated that Avalon was 24 feet away – the Avalon building to the face.

Chair Parkins commented that it is all landscaped in front.

Comm. McGorty asked if he mentioned anything about what those rents would be or what they project they might be getting for one-bedroom and two-bedroom. He's curious because he said it would be less than Avalon.

Mr. Panico responded that he just indicated that he wasn't going to be competing with Avalon.

Comm. Dickal added that he doesn't have the amenities that Avalon does and they were going to ask him about an exercise room or something.

Mr. Panico commented yes, that was one of his items to talk about too.

Comm. McGorty stated that it he thought maybe smaller rooms and (inaudible)...

Mr. Panico stated that was an issue that they have to come to agreement on and if they should tell him that he should reduce the depth of his building by converting two two-bedrooms on each level to one-bedrooms.

Comm. Tickey responded that he would like to see it.

Comm. Harger added yes, because it is going to be too far out.

Mr. Panico commented OK, when they meet with the Applicant, he thinks that they have to advise him what their concerns are and how they think he might be able to resolve them.

Chair Parkins indicated that this is four stories so he is going to lose eight two-bedrooms.

Comm. Harger responded that he doesn't lose because it is a mix.

Mr. Panico responded that he goes to lose eight bedrooms and save them as one bedroom. He added that 8 two-bedrooms become 8 one-bedrooms. He loses a bedroom and a den on each those (inaudible)...two bedrooms. He asked if that was the direction they were going in.

Comm. Dickal commented that she would be more comfortable going that way because she thinks it is protruding so much.

Mr. Panico indicated that they would make a recommendation to the Applicant that they prefer a solution of this sort in order to gain another 10 feet of maneuvering space. He can take that 10 feet and add five feet to the front, improve the spacing to the River Walk by five feet in the back. He asked if that was the consensus.

The Commissioners agreed that it was a consensus.

The Transformer

Mr. Panico commented that to make matters worse on the front side, he pointed out the 14 foot space on the right hand side where there is a handicapped walkway. It ramps up so that 14 feet won't be all landscaped because it will be three feet of walkway with a couple of strips of landscaping. He stated that on the other side where they do not have the handicapped ramp, he has a transformer so he thinks that they have to tell him to find another place for that and relocate it elsewhere (inaudible, outside traffic)...

Chair Parkins recalled that they went through a lot with Avalon and the transformer.

Mr. Panico agreed and indicated that they finally got it wrapped around the side of the building. They were going to do the same thing there and put them right in front of the building.

Chair Parkins responded that was also negotiated with UI; it wasn't just Avalon that they were negotiating that with. It was the utility agreement.

Mr. Schultz commented yes it was the utility agreement.

Mr. Panico indicated that he can't blame these folks because UI comes out and says where they want to put a transformer and then they say OK and draw it on the plans.

Mr. Schultz stated that they want to bury it but UI won't allow it.

Chair Parkins asked if that was a vista or a transformer.

Mr. Schultz responded that it was a vista for power – to power the rest of the sites.

Mr. Panico commented that he doesn't know but they have to work with him to try and find another place on site that is acceptable. At the very least he would move it down into the end someplace.

Mr. Schultz stated that if they try to bury it than they won't go along with it.

Chair Parkins added that it also can't be near any windows so he can't put it on the side because Avalon lost a bedroom doing that.

Mr. Panico showed on the drawing where they would want to have it if it goes on the side – if it isn't too far from the building. He added that he didn't know what their constraints were.

Comm. Dickal asked if there was going to be central air at those apartments.

Comm. Pogoda responded yes.

Mr. Panico reiterated that where they want to put the transformer is not acceptable.

Comm. Tickey agreed.

Chair Parkins commented that Avalon ended up putting it on the side.

Comm. Harger asked if there was any way of camouflaging it.

Mr. Schultz responded yes, you can ...

Mr. Panico commented that in the whole stretch of frontage, he showed the two locations where there is a little bit of landscaping.

Chair Parkins stated that it is a utility requirement where it goes. UI will have a say in where it goes from a safety perspective; it can't be near a unit.

Mr. Schultz added that UI has to be able to get to it for maintenance.

Mr. Panico indicated that whatever it has to be, they need to sit down with them.

Mr. Schultz commented that they had several meetings with them Downtown concerning Avalon – like 3 or 4 meetings.

Mr. Panico stated that at the very least, he doesn't see any reason why it couldn't be slid from here to here – he showed the area on the drawings.

Chair Parkins asked what that would do.

Mr. Panico responded that it gets it away from directly in front of the building. It gives them at least a 14 foot deep planting bed in there to do some attractive landscaping in there. He really doesn't think that they want it in the front. They can work it out so that it can be serviced from the back so they can do a pretty good job of screening the street side.

The Dumpster

He stated that the third item he wanted to discuss was rubbish control. Right now the proposed solution to rubbish control is that the tenants take their rubbish outside and throw it into a dumpster. He showed the location of the dumpster on the drawing and explained that it was an outside dumpster that was enclosed. He added that is basically what they do in the condominiums on the other side of Avalon except that they have to walk a little bit further to the rubbish control. Avalon's solution was internal rubbish control and both he and Rick would like to try and push the Applicant into internal rubbish here.

Chair Parkins responded yes but they are talking about 250 units at Avalon and this is a much smaller complex.

Mr. Panico agreed and showed a location in a part of the building where he could have a shoot come down with a dumpster at the garage level positioned in such a way that it could be picked up directly from the outside without the garbage truck having to go underneath the building.

Chair Parkins asked how he would do that because it slopes down.

Mr. Panico showed on the plans where it is essentially at grade with a one foot difference in grade from the inside to the outside. He provided a plan of the garage level and explained he'd lose one parking space if he did the rubbish control in one of two different areas but he could provide access from the outside to get to it. He isn't an expert at it but ...

Comm. Pogoda commented that it is a cleaner (inaudible)...the chance of the garbage being outside, odors, etc.

Mr. Panico stated that if the answer comes back that there is no way to do it than they'll put it back on the table and revisit it.

Chair Parkins responded that she's sure he can come up with a solution.

Comm. Tickey agreed that it is worth putting it out there.

Comm. McGorty commented that they could also wheel them out there. There is complex in New Haven where he did a lighting project and they are inside the garage in a room where the shoot comes down and there are four of them. He saw them being wheeled out to the driveway for pick-up and then wheeled back in.

Comm. Harger asked if they were like their curbside ones.

Comm. McGorty responded no, it's a big dumpster.

Mr. Panico stated that they are big dumpsters. They are essentially the same dumpsters but inside instead of being outside in an enclosure. They are parked inside in a corner of the building with shoots that come down and discharge into that location.

Comm. McGorty commented that it is out of the way, they aren't seen and they're in a room inside the parking garage.

Chair Parkins stated that they would have to make sure that they are positioned correctly so that vermin don't get in if people are wheeling them in and out.

Comm. Tickey asked if they would be losing some parking spaces if they move the dumpsters.

Mr. Panico responded that they might lose one but it is possible that they may be able to recover one outside where the dumpster was located.

Chair Parkins stated that they would also be gaining because of the ratio they used for one space for one-bedroom and 1 ½ for two-bedrooms.

Mr. Panico responded that he didn't want to go there yet because that's another one of his comments later. He asked if they were in agreement about the internal rubbish control.

Chair Parkins responded yes that they can try.

Washer/Dryer

Mr. Panico stated that from his recollection that the Applicant had represented verbally that each unit was going to have a washer/dryer.

The majority agreed that they had recalled the washer/dryer in each unit being mentioned by the Applicant.

Chair Parkins added that he said that they would be stacked on top of each other.

Mr. Panico stated that his question is that right now, the revised unit plans do not show any indication of washer/dryer closets and on each floor there is a laundry room so if you are given a washer and dryer than you don't need a common laundry room; there is one shown on every floor.

Comm. Tickey responded that he thinks that they have to push back on that and make sure that every unit has a washer and dryer.

Mr. Panico stated OK they'll just stipulate it.

Comm. Tickey added that it speaks to the quality of the building.

Mr. Panico stated that he would point it out to make provisions for it and get rid of the laundry areas.

Comm. Pogoda commented that he did say it; it isn't like they are requesting it.

Exercise Room

Mr. Panico brought up the issue of the Commissioner's disappointment with the lack of amenities and he pointed out that there are provisions for a small exercise room. He showed a location on the main floor just inside the entry and off to the left where there is a 300 square foot

exercise room (15' x 20') beyond the office. He asked if that room that is shown should be enlarged and should they require that there be appropriate fitness equipment in there.

Comm. Pogoda commented that by the time you put everything in there...

Comm. Harger stated that it was small and asked who would want to go in there.

Comm. Tickey agreed that it would get cramped pretty quickly.

Comm. McGorty added yes, there's enough room for one person.

Mr. Panico indicated that right now the way it is drawn on the plan, the man has the right to simply make a room with four walls and a floor and put "Exercise Room" on the door. It is an empty room to go in and exercise. He asked if that was sufficient.

Comm. Tickey responded no, it is not sufficient. The other commissioners agreed.

Mr. Panico stated that they want it equipped with some sort of exercise equipment. He doesn't want to say what to put in there but they expect some sort of exercise equipment.

Comm. Dickal agreed and stated a treadmill or something – and not just a jump rope.

Comm. McGorty agreed that it should be a variety of exercise machines.

Mr. Panico asked if they wanted to see it enlarged.

Comm. McGorty responded yes, big enough for at least five people at a time or something.

Comm. Pogoda commented that right now it is for one person.

Mr. Panico indicated that he wasn't an expert at designing fitness centers but it seems to him, his interpretation from the drawing makes it difficult to know what it is going to be.

Comm. Pogoda responded that he wasn't either but you want to have some exercise equipment in it.

Mr. Panico stated that if they don't say something than he doesn't know what they require it to be.

Comm. Tickey asked if they could make it larger.

Comm. Pogoda agreed and commented that it should be sufficient for five people.

Mr. Panico indicated OK, the consensus is that they ask if he could make it a little bit larger. There might be a way for him to do it but he doesn't know; however, he's the architect. They need to suggest that it be equipped but he won't tell him how many machines – 2 or 3 but they expect something other than an empty room.

Chair Parkins stated yes and a larger room.

Mr. Panico responded that (inaudible) if it can be made larger.

Comm. Pogoda reiterated that it should accommodate at least five people.

Comm. Osak stated that for five people they will need 7 or 8 machines because people aren't going to wait for a machine to open up and every person wants a different machine.

Comm. McGorty indicated that he may have to take some area from somewhere else.

Mr. Panico stated that they just want to pose the concern and let him resolve it.

Chair Parkins commented that it was the only amenity that is being offered so that is the thing. They realize it is going to be less than Avalon with the swimming pool, fire pit, grills, etc. but this should have something. An exercise facility – it should be an exercise facility – not an exercise room.

Comm. Dickal agreed.

Chair Parkins indicated that it would encourage people to come home, work out instead of getting back into the car for the gym, work out there and then head to the bars.

Mr. Panico responded that he will make that finding that there are no amenities whatsoever and the only amenity being considered is the exercise room and it should be an appropriate exercise facility that is larger than the 300 square foot room now being set aside. He can address it to the Commission's satisfaction.

Comm. McGorty commented that a room like that it wouldn't be used and it will turn into storage.

Exterior Appearance – Architecture

Mr. Panico indicated asked what kind of guidance can they or should they give the Applicant with respect to the exterior.

Comm. Harger responded to redesign the front entrance so it doesn't look like it's a church.

Comm. McGorty added that some architectural features to break up the brick. It doesn't have to look like a brick box with dog houses on top.

Comm. Pogoda stated that it doesn't have to be brick all the way through (inaudible)...

Mr. Panico asked if everyone remembered what it looks like or do they need to see the drawings again.

Comm. Dickal indicated that Comm. Harger has the drawing.

Comm. McGorty responded yes, it was big brick box with windows.

Comm. Tickey indicated that breaking up the brick is a good start to give the eyes some resting points within the brick.

Mr. Panico asked how drastic a change the Commission was looking for.

Comm. Dickal responded drastic.

Mr. Panico asked if it is simply a variation on the use of exterior building material or if there should be additional features added such as balconies, decks or whatever.

Comm. Pogoda responded that it didn't have to be balconies or decks.

Comm. McGorty agreed that it could get messy (inaudible)...

Comm. Tickey responded no it doesn't have to be balconies but he thinks giving your eyes a rest in between all that brick, giving it some structural features and also window treatments. These windows are just floating in brick so it needs some window treatment to dress it up. It needs some vertical involvement.

Mr. Panico asked if he should compromise on some of the siding and add some more traditional residential siding.

Comm. Dickal responded yes, something more up-to-date.

Comm. McGorty stated that he needs to get away from that industrial era look and evolve with some new materials in there to make it more architecturally appealing.

Comm. Pogoda added that it was just too much brick.

Comm. Harger commented that they don't want a big box.

Mr. Panico indicated that he thinks that this is an area where he can do some good redesign on that entryway on the street.

Comm. Harger responded yes, absolutely.

Mr. Panico stated that maybe he could get away from the brick completely there and design an entry that has a residential scale to it.

Comm. Harger commented that is very similar to what is down there, the Birmingham and maybe that is what he's falling back on.

Mr. Panico responded that he would make it even stronger than that and create a strong presence here to visually take the eye off the rest of it. He indicated that he would mention those two or three things and let him react to it.

Parking Spaces

Mr. Panico stated that there are some differences between the architect's basement plan showing the garage and the engineered plans which are relatively minor but the result is when this plan got onto the engineered plan, there was a loss of three parking spaces.

Comm. McGorty asked what was in the place of those three spaces.

Mr. Panico indicated that the architectural plan had 107 parking spaces; the engineered plan has 104 parking spaces.

Comm. McGorty asked where they went.

Mr. Panico responded that some of it went into how the handicapped parking – the Engineering Plan under cover provide a handicapped parking space so that cost them a space in each one of these rows. He showed where they lost two spaces. He indicated that when the engineer laid it out, he took a handicapped space that was on the front left corner and gained a space there but lost a space in another location. He gained a space in one location but lost two spaces in two other locations.

Comm. Pogoda asked where he lost those spaces to – for whatever reason.

Comm. Harger indicated that maybe they weren't drawn correctly to begin with.

Comm. McGorty asked what it did to the ratio.

Mr. Panico showed where a handicapped space was created over by the elevator, whereas before on the architect's plan, he didn't have that so that cost one space. Somehow when a scale was put on here and it was worked out, he lost a space. The net result was that even though architect's basement showed 107 spaces; in actuality the engineering plan shows 104.

Comm. Osak asked whose architectural seal is on these.

Chair Parkins responded Pereira.

Mr. Panico responded that Pereira is the engineer but the architect is Guedes, the Applicant. He is an architect. He stated that the Commission should be aware that they've lost three spaces and they are really working with 104 spaces.

Comm. Harger asked what that does to their ratio.

Comm. McGorty responded that it was only a few percent – four spaces out of 100.

Mr. Panico commented that the odds are that they might lose a space reworking the rubbish disposal but it is possible that where the dumpster is outside he's got an awkward space anyhow so it might end up as two parallel spaces.

Comm. Tickey responded that he didn't want to see them continue to lose any more. With every revision or slight tweak, they keep losing one or two; if they go under 100 spaces than he'd be concerned about that.

Mr. Panico indicated that he thinks that they can hold at 104.

Comm. Harger stated that if he goes from 47 two-bedroom to 39 two-bedroom; 29 one-bedrooms...for 107 cars.

Chair Parkins responded no, they did the calculation last time. They have 47 two-bedroom with 1 ½ parking spaces and 21 one-bedroom with 21 parking spaces which adds up to 91 ½ spaces.

Mr. Panico stated that if they implement the suggestion in unit count, they are going to have eight less two-bedrooms.

Chair Parkins responded 35 two-bedrooms.

Mr. Panico clarified that it would be 39 two-bedrooms.

Comm. Harger commented 39 at a ratio of 1 ½ spaces.

Mr. Panico indicated that they were reducing the demand by four spaces. He could easily meet the criteria that was set up with 1 ½ spaces per unit for two-bedroom and 1 space per unit for the one-bedroom.

Chair Parkins stated that was 58 1/2.

Comm. Osak stated that the 21 one-bedrooms go to 29 one-bedrooms.

Mr. Panico responded yes, correct.

Chair Parkins stated it would calculate to 88 spaces.

Mr. Panico responded that he would end up with about 100 spaces. If they make the building shorter by 10 or 12 feet than they will lose another two parking spaces in the garage.

Comm. Osak asked where the one parking space for one-bedroom unit come from.

Mr. Panico responded that it was a ratio that they discussed when they discussed the parking situation at the last meeting. The Commission indicated that they would be comfortable if they had a minimum of one space per unit for one-bedrooms and 1 ½ spaces per unit for two-bedrooms.

Chair Parkins stated that it is a rule of thumb.

Comm. Osak indicated that there are two people in a one bedroom unit usually.

Chair Parkins responded not necessarily.

Mr. Panico added that they just looked at some demographics from Blakeman's 18 unit apartment house that has four to six units being occupied by only one person with only one car. It is roughly 1/3 that only have one car. He isn't saying it will be that much but they will get some of those as singles and some as couples.

Chair Parkins reiterated that it is typically a rule of thumb that developers are using in urban areas, in downtown settings.

Comm. Harger added that a two-bedroom unit could be an adult and a child not of driving age.

Mr. Panico stated that for all of their development here they always visualized that someplace across the street they were going to be able to make a few parking spaces for peak times, visit needs and stuff like that. That don't have it upfront, but hopefully, eventually they will have it.

Comm. Tickey asked if they were saying that 88 spaces would be required now using this ratio. He asked what they were counting now.

Chair Parkins responded 104.

Comm. McGorty commented that they might lose two when they move the dumpster – so 102 – they still have...

Mr. Panico stated 104 but they will lose a minimum of two if they shrink the building so it would go down to 102 and they might lose one for the rubbish control but he thinks it can be recovered outside.

Chair Parkins stated that there are still an extra 12 even if it goes down to 100.

Mr. Panico responded that he could almost guarantee that they won't go down to 100.

Comm. Tickey stated that he wouldn't want to see it go lower than 100; he knows the ratio but there are still going to be some two-bedrooms that have two cars. There will still be some units that don't fit the ratio and be over.

Mr. Panico agreed that was right.

Chair Parkins pointed out the units aren't always going to be 100% occupied either – there will be people moving in and people moving out.

Comm. Harger asked about visitor parking.

Comm. Osak commented that if he gets 90% occupancy he'd be doing well.

Mr. Panico stated that he wanted to talk about how he is going to put that gate in that he talked about. Staff would encourage them to set the gates back far enough so that there are anywhere from 6 to 9 parking spaces outside the gate so those spaces would be available without having to enter in through the gates. He said that they will work with him on that to make sure that it is set back to give them that configuration.

Comm. Tickey asked if there were going to be assigned spaces or open spaces.

Chair Parkins responded that she thinks that John indicated that one spot would be assigned and the rest would be open.

Mr. Panico added yes that is what he indicated. Every unit would have one assigned space and the other 35 – 40 spaces would be open parking.

Comm. Dickal commented right, first come, first serve.

Comm. Harger asked if there was a fee for the space.

Chair Parkins responded there is not and that is why the gates are imperative.

Mr. Panico stated that if they work out the differences between the Engineering Site Plan and the Architectural Site Plan because for one thing, the Architectural Site Plan is going to change

which will in turn make changes on the other. He is comfortable that they can achieve the Commission's goals of doing that. He will cite the issues and come up with the suggestions.

Mr. Panico indicated that his final issue was some questions about how much room is left on these property lines. With this plan, the right hand pavement, the curb line of that parking lot is just under five feet from the property line at 4.9 inches. With 4.9 inches and allowing the automobile overhang, it doesn't leave a lot of room for landscaping so they can try to put some landscaping in there. He indicated a whole row of upright (inaudible) but whether they will make it or not, he didn't know.

Comm. Osak responded no, the tailpipes will burn them out.

Mr. Panico added that to further complicate it, he showed that from here to here (a distance of about 120 feet) there is a two foot retaining wall. They will have the curb line – the car overhang – and a two foot retaining wall so it is going to be difficult to get significant landscaping in there.

Chair Parkins responded that they can put planters or something on top of those walls.

Mr. Panico stated that they will have to work with them to get something but the traditional landscaping is not going to work.

Comm. Osak commented that the problem is that this project is too intensive for that site. He asked why they don't tell him it is too intensive for that site – why not just bite the bullet because that is what he's saying.

Comm. Harger agreed about the footprint.

Mr. Panico responded that what he is saying is that there are design issues and he just wants the Commission to be familiar with the constraints so that nobody is surprised when the building is built or say they didn't realize it was going to be so tight, so close to the street, etc.

Comm. Tickey stated that is what they are hearing tonight with how close it is to the side and as they said before about how close it is to the River Walk. They couldn't push it back because it was so close to the River Walk so they are hearing again and again how large this is on that land block.

Comm. Osak asked who said he has to get 68 units.

Chair Parkins urged Comm. Osak to use caution because she isn't certain that his input is valid. She is afraid that...

Comm. Osak responded that he would withdraw his comments.

Chair Parkins continued that she is concerned that the Applicant...

Mr. Schultz agreed to keep it clean; this was a public hearing.

Comm. Osak stated that he had to say that they are developing a line of thought that may be used at a time when they are going to be deciding this issue and they may have an absence. It is like a public hearing.

Chair Parkins responded yes, right.

Mr. Panico indicated that the Commission recognized that there were extenuating circumstances surrounding this property and the cost to the City – if they don't accommodate a reasonable development of the site, the City is going to incur substantial costs in acquiring the building because of the widening of the right-of-way. If they can allow enough development on the site, it will offset those costs so that the City financially comes out ahead and that is sort of the background in a nutshell. The only other thing, on his entrance driveway, he is showing some encroachment on the adjoining property owner which is something that they can't allow right

now. It could remedy itself if, in fact, the City does intend to do a taking on the other side of the property line because then that encroachment would be City land and not on private property.

Mr. Panico summarized the actions that they would be taking with this resolution. He has identified four things that they are going to be doing.

1. Modify the Basic Development Concept Plans that they had approved in February of 2007 for Site C and Site D.

Mr. Schultz pointed out the sites on the Site Map and commented that they used to be interconnected and now it is a standalone project.

Mr. Panico indicated that they were going to be modifying the Basic Development Plans as it applies to that area.

Comm. Harger commented that was too bad because she really liked that plan.

Mr. Panico indicated that the existing industrial building on Site C that was supposed to be preserved and rehabilitated for commercial use is being eliminated to make room for the widening and improving of Canal Street. The 11 remaining low-density condominiums on Site C will also be replaced by a multi-story rental residential development. Site C is going to become a stand-alone project without being related to Site D. Before that it was a combination plan Site C/Site D as one development proposal but since that was approved, there was a parting of the ways between the parties controlling the real estate and they are being pursued as standalone parcels. This will be acknowledged in the Resolution.

2. Modification of the Resolution of Approval that adopted PDD #60.

Mr. Panico clarified that PDD #60 was the total PDD from Avalon all the way down to the Locks. That PDD needs to have its Resolution of approval by increasing the maximum total residential development from 500 units to 557 units reflecting the density increase of this parcel. They are substituting the 68 units for 11 units plus 27,000 square feet of commercial space but now it is all residential.

3. Modification of the Statement of Uses and Standards for Site C including changes in the required parking ratio from 2 spaces per unit to 1.5 spaces per unit.

Mr. Panico commented that it has to be clarified to say 1.5 spaces for 2-bedroom and 1 spaces for 1-bedroom so that will be in the Resolution.

4. Approve with conditions the proposed 68 unit development for Site C substantially as shown on these plans but taking no action on Detailed Development Plans until all the major concerns and issues regarding layout and architectural design have been resolved to the satisfaction of the Commission.

Mr. Panico stated that they are telling him that they are approving it in Concept but he has to go back to the drawing board and clean up some issues. When they are cleaned up, then they will act on Detailed Development Plans. This is not an action for Detailed Development Plan approval. He had requested that but they aren't giving it.

Chair Parkins asked if they are clear – are they stating that it is going to be 39 and 29 rather than 58 units because that is what they are basing the parking ratio on.

Mr. Panico indicated that they came to the conclusion that the overall size of the building especially front to back was a little bit too large for the site. They want that depth to be reduced somewhat and in looking at the floor plans it would appear that two 2-bedroom units on each floor could be modified to one-bedroom units to gain approx. 10 feet of building depth – a reduction in overall building depth by about 10 feet.

Chair Parkins responded right, but if he can make that setback by reducing the size of all the units and still have that many bedrooms...

Mr. Panico asked if she means to retain the original mix.

Chair Parkins responded yes.

Mr. Panico indicated that if he has a clever way of doing it than he isn't objecting to that and he didn't think the Commission is. They are just saying...

Comm. Tickey stated that if they keep the two-bedrooms, it is going to throw off the parking.

Chair Parkins responded no, at the original ratio 92 parking spaces were required instead of 88.

Mr. Panico added that they had 10 or 12 spaces to play with in terms of meeting a Code requirement. From a practical point of view they want as many spaces as they can get.

Comm. Tickey commented that from a reality point of view, it is still going to be very tight in there. He asked if the Detailed Development would include them making sure that the washer/dryer is in every unit.

Mr. Panico responded yes those drawings are going to come back in and he is going to have to show them how he is doing the washer/dryer, rubbish disposal, changing the building position and all the things that they talked about. He isn't sure that there aren't a few more than he is going to be thinking about but these things were major enough that he didn't want to take it upon himself to make a decision and put it in the Resolution. It is better to air it out now and adjust it accordingly.

Comm. Harger commented that he'll be coming back with the Resolution.

Mr. Panico responded that he would have the Resolution for the next meeting and they'll go from there. He asked Rick if there was any benefit to meeting with the Applicant before finalizing the Resolution or should he just write it up.

Mr. Schultz responded that there is always a benefit.

Chair Parkins commented that they should have a meeting with him. He's the one that has to determine whether it is economically feasible for him to meet their conditions.

Comm. McGorty stated that there isn't anything that is too tough.

Comm. Osak commented that they don't state to him that they agree with the conditions though.

Mr. Panico commented that they're in agreement with the direction that they want to try to go in – that they would feel more comfortable with a little more space in the front and back. The only way that can happen is if he modifies his building design. If he can find a way of reorganizing the internal layout to give them 10 feet than that is fine. Mr. Panico commented that he wasn't insisting that it be done this way. He is going to tell him that they want him to emphasis the redesign on that front entry way to get something with a more residential scale, more prestigious entry and get away from the industrial look and the degree to which he can address the appearance, the side view window treatments etc. would be welcomed. He added about the introduction of some materials other than brick would be helpful.

Comm. Pogoda commented that he forgot to mention about the generator.

Chair Parkins asked why that generator – the vista switch as it is known – can't be put on Site D. She asked Rick Schultz if that was what it was – a vista switch.

Mr. Schultz responded yes, to provide power for the balance of Canal Street – everyone north.

Chair Parkins stated that it is also going to be needed for the Watt's property and asked why it couldn't go there. She referenced the strip of parking shown on the site plan between Site C and Site D.

Mr. Panico stated that he thinks this is simply a transformer for the needs of the building.

Mr. Schultz responded no, they need a vista.

Chair Parkins asked them to clarify whether it was a vista switch or a whether it is a transformer.

Mr. Panico asked what the vista switch was.

Mr. Schultz responded that it was the main power source for the balance of Canal Street redevelopment.

Mr. Panico commented OK, there is one on Avalon.

Mr. Schultz responded yes, for 250.

Chair Parkins added that one was for Avalon and the Birmingham.

Mr. Schultz commented yes because the Birmingham's was temporary in nature.

Chair Parkins stated that there was a lot of discussion about that vista switch and it is a shared switch.

Mr. Schultz indicated that the whole upgrade had to take place for the change of use.

Comm. Osak stated that the vista switch is a 440 volt system.

Chair Parkins added that the utilities are all underground now.

Comm. Osak stated that they are supplying 110 and 220 to these buildings so it needs a step down transformer just exclusively for this building. It is different.

Mr. Panico stated that he thinks that they can talk to Joe Pereira, the engineer and find out how this came about and if it is solely for the use of this building or if there is the potential that there needs to be something to serve this site and this other site because then maybe it needs to be on the common line someplace.

Chair Parkins showed the block on the plan where it could be placed.

Comm. Osak commented that their main lines on the streets are 440 and to get it down to domestic is a step down.

Chair Parkins stated that it was all to get the utilities underground instead of overhead wires so they need to clarify whether that is a vista switch or a transformer. If it is a vista switch she thinks it can go on that other property because it will be servicing them as well.

Mr. Panico indicated that they basically need to tell him that they don't want to see it in front of the building. If it is going to be for joint use than get it somewhere on the common line.

Chair Parkins responded right and if the Applicant is willing to meet with Staff, she thinks that would be beneficial. He won't have any surprises when they're reading the Resolution. There is no motion necessary on this.

Comm. McGorty reiterated that he would like to know what he'd be anticipating on those rents.

Chair Parkins recalled that he said it wasn't going to compete with Avalon.

Mr. Panico recalled the same thing because they brought up the amenity package.

Chair Parkins stated that she seems to recall it was about \$1200.

Comm. Dickal agreed that sounded on target.

Mr. Panico commented that they don't want it to be too low.

Comm. McGorty agreed and that's the concern.

Chair Parkins stated that a lot of people can't afford Avalon which is why there might be two people sharing a one-bedroom. The demographics for Avalon won't show that. With a more reasonable rent there could be one person in a one bedroom apartment.

Mr. Panico stated that one of Blakeman's tenants came out of Avalon.

Chair Parkins noted that if people can't park, their guests can't park, then they aren't going to stay there long. These are rentals not condos so they aren't stuck there; if they don't like it than they'll leave.

Comm. Dickal agreed that many were transitional people staying there for a few years and moving on.

Chair Parkins agreed that they don't want it to become...

Comm. McGorty commented that they want it to look nice and stay in flex all the time with people moving in and out.

Comm. Dickal added that would deter from what they are trying to revamp there.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on tonight's agenda. With no response, she asked for a motion to close the public portion of the meeting.

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

OTHER BUSINESS

APPROVAL OF MINUTES: 4/22/15, 5/13/15 AND 5/27/15

On a motion made by Nancy Dickal seconded by Virginia Harger, it was voted (5-1-0) to approve the minutes of 4/22/15 and 5/13/15. Comm. McGorty abstained from voting.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table the approval of the minutes for 5/27/15.

PAYMENT OF BILLS

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

8-24 REFERRAL: EXTENSION OF PUBLIC WATER TO 8-16 CEDARWOOD LANE

Mr. Schultz stated that he received a request from the BOA Clerk, Teresa Adcox. He read the correspondence requesting an 8-24 Referral on the behalf of the BOA with back up information including a letter from the City Engineer and a location map.

It is for the extension of public water and the area is off of Booth Hill in a pocket that didn't have water extended to all the homes. Four residents of Cedarwood Lane have submitted a petition requesting that the City extend public water to their homes. They prepared a project estimate detailing the costs of a main extension based upon bids from the last water main project. At this time there is sufficient information for the BOA to hold the required public hearing to discuss

the request. Ordinance #473 requires that a notice for public hearing be posted and an 8-24 Referral should be forwarded to P&Z. The City Engineer recommends approval in his correspondence.

Comm. Osak commented that it isn't really public money that goes into it.

Mr. Schultz responded no.

Chair Parkins stated that they have to pay for it.

Comm. Harger added that there is a 10 year assessment.

Mr. Schultz commented about something brought up at a previous meeting regarding sewer lines. It was 10 years; they are obligated to participate in the repayment of others within a ten year period. You can't just keep it in perpetuity.

Chair Parkins asked why they weren't coming all the way down to service the other house.

Mr. Schultz responded that they don't want it.

Comm. Harger commented that they will probably extend the line but he just won't tap in but he has to pay for it.

Comm. McGorty asked if there was a different assessment on that if you don't tap in.

Chair Parkins responded that just don't pay the same assessment as everybody else; they divvy it up by five.

Mr. Schultz commented that four residents petitioned the BOA. The City puts the money up and then collects it.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve a favorable 8-24 Referral for the extension of public water to 8 through 16 Cedarwood Lane.

ZONING ENFORCEMENT PROGRAM

1. 11 Elizabeth Street: Keeping and raising of chickens and roosters; request to initiate legal action

Mr. Schultz stated that he has a Cease & Desist Order that was issued on April 14, 2015 under their current regulations. The violations were the construction of a chicken coop, Section 2.1 and 2.2 for the keeping of poultry, both chickens and roosters. He added that he believes that the rooster was removed but the Order covered both. This is a violation of Regulation 45.9 Keeping and Raising of Chickens.

Chair Parkins asked if they didn't have enough property.

Mr. Schultz responded that they don't have the two acres and they did it without the benefit of coming in to find out that they would not have complied. They have not complied with the Cease & Desist Order. The next step is for court action and he needs Commission authorization.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to authorize Staff to initiate legal action for Zoning violations at 11 Elizabeth Street regarding the keeping and raising of chickens.

WHITE HILLS FLYING CLUB: REQUEST FOR EXTENSION OF HOURS

Chair Parkins indicated that this is their annual review.

Mr. Schultz provided their correspondence and Chair Parkins read the request to P&Z regarding the relief of time restrictions by the White Eagles RC Flying Club.

The White Eagles is herein requesting modification of the allowable times of flying model aircraft at Sterns Farm at 178 Birdseye Road in Shelton.

Early morning and evenings tend to have light winds making them an ideal time for flying in the best possible environment. Later flying hours would be beneficial to the community as it facilitates special activities such as inviting scouts, students and senior groups to experience the model flying. Senior groups from local convalescent homes have enjoyed many excursions to our field. They have been proactive in giving area youths opportunities to try RC flying with our instructor pilots and our trainer planes.

Working with the neighbors and the Shelton P&Z, the Club has established an operating area that avoids flying near resident's property lines. All pilots are made aware of the allowable flying areas and have passed a proficiency test prior to be given permission to fly at our field.

All club safety rules and regulations conform to our national governing bodies, the Academy of Model Aviation requirements. All pilots are required to have full AMA membership.

The noise level produced during the flying of fuel-powered aircraft was audited by the Shelton Police on October 4, 2009 and found to be well below the levels permitted within the Shelton Town Ordinance Section 7.44 when measured at the perimeter of the Stern property by the nearest residences.

We request extending the flying times for electric aircraft to be from 7:30 a.m. to 9 p.m. which is in line with the Shelton Ordinance definition of daytime. We request extending the fuel-powered aircraft flying times from 9 a.m. – 6 p.m. weekdays and 10 a.m. to 4 p.m. on weekends. The club feels that these times do not impact their neighbors. The electric powered aircraft are extremely quiet and these times should be acceptable to the neighborhood.

Your acceptance of this proposal is appreciated.

Respectfully Submitted,

Carmen Luciano, President, White Eagles, RC Flying Club

Comm. Harger asked if they had gotten in touch with the neighbors.

Mr. Schultz responded no and provided some background information. He stated that this is entering the fifth season of the complaint. They have complied with the annual notification requirements and there have been no problems.

Comm. Pogoda asked about the dates of this because 9 p.m. depending upon when it starts – there are light constraints with the daylight hours.

Mr. Schultz responded that the flying times for the gas operated are Monday through Friday, 9 a.m. to 1 p.m.; Saturday, 10 a.m. to 1 p.m.; Sunday, 10 a.m. to 12 p.m.

The current electric aircraft hours are Monday through Friday, 9 a.m. – 6 p.m.; Saturday, 10 a.m. to 5 p.m.; Sunday, 10 a.m. to 12 p.m. The Chair will address any changes.

Comm. Pogoda asked during what months of the year. As he said, there have been no problems.

Comm. McGorty asked if they still have that no fly zone.

Mr. Schultz responded yes.

Comm. Pogoda stated that he knows that the electrics are quiet because he's been up there many times when this came up but he'd be concerned about the month.

Comm. Harger recalled that there was a season.

Chair Parkins added that it was a season because of the dusk provision.

Comm. Pogoda responded yes, that would be the problem with them being so quiet you don't know where they are. It stays light until 8:45 p.m. or 9:00 p.m. now.

Mr. Panico stated that it should be tied in with Daylight Savings.

Chair Parkins indicated that she thought that they already had done that because the extended hours were only for the Daylight Savings Time.

Comm. Pogoda commented that DST stops in late October and it is dark before 9 p.m. by then.

Chair Parkins commented that also the stipulation of approval was each pilot flying a plane shall be accompanied by a spotter at all times and any time there were two or more planes flying there should be a ground observer stationed at or slightly beyond the northern limits of the fly zone in communication with the pilot and spotter at all times.

Comm. McGorty asked how they would audit that.

Comm. Harger stated that she thinks that the noise level should be checked again because it has been 4 1/2 years.

Chair Parkins agreed and commented that with the electric planes, she thinks it is more of an issue as you extend the hours and running into that gray time as it starts becoming dusk and the planes aren't as visible. The point with the gas-powered planes is that even if you hear those things during the day, who would want to listen to it for 8 hours a day while trying to enjoy a Saturday or Sunday outside on your patio. She added that she would go crazy.

Comm. Dickal agreed with that.

Chair Parkins commented that she didn't have an issue with extending the hours for the electric planes but she thinks that they still need to restrict the gas-powered planes. It is like listening to your neighbor mow his lawn at 7:30 a.m. on a Sunday morning and they can do that.

Comm. Dickal agreed that she has a neighbor doing stuff as late as 8:30 at night with his garage lights on.

Comm. Pogoda commented that they usually allow construction to begin at 7 a.m. but you'd be a little bit more concerned about your neighbors.

Mr. Schultz asked if they wanted Staff to work with them to further refine it.

Chair Parkins asked what they were requesting again for the times.

Mr. Schultz indicated that for Gas Powered they were requesting five hour increase per day for Fuel Powered Planes

	<u>Fuel Powered Planes</u>	
	<u>Present</u>	<u>Proposed</u>
Monday – Friday	9 a.m. – 1 p.m.	9 a.m. – 6 p.m.
Saturday	10 a.m. – 1 p.m.	10 a.m. – 4 p.m.
Sunday	10 a.m. – 12 noon	10 a.m. – 4 p.m.

	<u>Electric Planes</u>	
	<u>Present</u>	<u>Proposed</u>
Monday- Friday	9 a.m. – 6 p.m.	7:30 a.m. – 9 p.m.
Saturday	10 a.m. – 5 p.m.	7:30 a.m. – 9 p.m.
Sunday	10 a.m. – 12 noon	7:30 a.m. – 9 p.m.

Comm. Harger commented that was all afternoon.

Comm. Dickal added that was a big increase.

Comm. Pogoda commented that all day on the weekends is a little bit much because you want to have a little bit of peace and quiet on the weekend.

Comm. McGorty added that late afternoon when you want to relax or use your grill you don't want to listen to loud background noise.

Mr. Schultz indicated that he'll work on the weekend times.

Chair Parkins indicated that they were asking for the electrics to be increased from 7:30 a.m. to 9:00 p.m.

Comm. Tickey asked about the spotter measure.

Chair Parkins indicated that was already in there.

Comm. Tickey stated that getting closer to 9 p.m. it does get dusky before 9 p.m. and difficult to see.

Comm. McGorty stated that they have to have a margin of safety.

Mr. Schultz agreed that people have to have time to pack up and (inaudible)...

Comm. McGorty commented that it would be lighter sooner and then (inaudible)...

Chair Parkins suggested 8 a.m. to 8 p.m.

Comm. Pogoda agreed about that time for the electrics but commented that the gas-powered had to stop earlier than that.

Comm. Harger asked if the electric was 8 a.m. to 8 p.m. for 7 days a week.

Comm. Pogoda responded yes, that's fine.

Chair Parkins asked if the electric make any noise.

Comm. Harger asked if this was year round.

Comm. Pogoda responded that the electric don't really make much noise and that is why he thinks at night it would be tough because you won't hear those things.

Comm. Tickey commented that (inaudible)...

Mr. Schultz stated that it would be absolutely for safety.

Chair Parkins stated it would be 8 a.m. to 8 p.m. during DST, Sunday through Saturday. For fuel powered she asked if they wanted to keep the hours as is.

Comm. Tickey responded 9 a.m. to 6 p.m.

Chair Parkins restated that they are asking for 9 a.m. to 6 p.m. on weekdays.

Comm. Harger suggested 9 a.m. – 2 p.m.

Comm. Pogoda indicated that he guesses that they feel that people who don't get home from work but want to go (inaudible)...

Mr. Panico stated that they were at 9 a.m. – 1 p.m. and they want to go 9 a.m. to 6 p.m. during the week. He asked what they wanted for the weekend.

Chair Parkins stated that they were asking for 10 a.m. – 4 p.m. for the weekend.

Mr. Schultz commented that keep it from 9 a.m. to 5 p.m. – hold it at 5 p.m. because people come home before 5 p.m. He commented that they need 15 – 20 minutes to clear out.

Chair Parkins stated that they say that they are losing members because the ones with the gas fueled planes are working.

Comm. Harger indicated that he has always said that.

Mr. Schultz commented that the Commission just doesn't need the whole neighborhood here again.

Chair Parkins asked what they felt about hours for the weekends because she is concerned about people who are home trying to enjoy themselves.

Comm. Pogoda stated that 4 p.m. is a bit much for the gas-powered because if you're having a picnic or just want to relax. He understands that these people want to fly them on the weekend but...and he isn't saying everyone is having a picnic every weekend but...There are only about three neighbors.

Mr. Schultz commented that people have in ground pools over there and they are using their backyards though.

Comm. Harger suggested putting an hour on the front end and make it 9 a.m. to 1 p.m.

Comm. Dickal stated that if it is really a hobby or something that you really enjoy doing, you'll find a way to do it – like people do with fishing. She knows people who get up pretty early to go fishing; people who garden are out there early in the morning too.

Chair Parkins commented that they can just basically say that they aren't extending the hours for the fuel powered and leaving it as it was.

Mr. Schultz responded OK, leave the gas powered alone.

Chair Parkins stated that back in 2010 the Commission recommended the limits for electric planes only and only during the period during Daylight Savings Time. So they changed it back in 2010 to DST with the current limit of 4 p.m. to 6 p.m. so they extended two hours during the weekdays and to 5 p.m. on Saturday and Sunday. Now they are asking for it to go to 9 p.m. which is an additional three hours a night and Sundays from 7:30 p.m. to 9:00 p.m.

Mr. Panico commented that the electric planes don't seem to pose a nuisance to anybody.

Chair Parkins stated that they can extend the flying times for electric, Sunday through Saturday during DST to 8 a.m. to 8 p.m.

Comm. Pogoda commented that they can't go to 8 p.m. in DST because it gets dark at 4:30 p.m.

Chair Parkins stated that DST is when it stays lighter later.

Comm. Pogoda responded yes but it starts getting darker earlier in about August.

Mr. Panico added yes, actually after June 1st.

Comm. Tickey agreed that by October it is pretty dark.

Chair Parkins stated that it says “notwithstanding the above, there shall be no flying of any planes after dusk.”

Mr. Schultz commented yes, right - that is how they addressed it before. They didn't want to get into when it gets (inaudible)...

Chair Parkins added that what the Resolution adopted in 2010 states.

Comm. Dickal commented agreeing that there are safety issues in extending the hours.

Chair Parkins commented that there would be no extension on the fuel powered planes. The Commissioners agreed. She asked Rick to refer to the adopted resolution in notifying them and then amending it.

On a motion made by Nancy Dickal seconded by Virginia Harger it was unanimously voted to modify the hours of operation for the White Hills Flying Club as specified for electric planes only with all other stipulations of the 2010 Resolution remaining intact.

STAFF REPORT

***See attached P&Z Staff Report from Richard Schultz, P&Z Administrator dated June 9, 2015**

Mr. Schultz reviewed the June 9, 2015 Planning & Zoning Staff Report including upcoming ZBA Agenda items, Staff Approved Standards, Conn. Siting Council, Zoning Subcommittee (regulation revisions for signage, motor vehicles, child daycare facilities, Conte Bldg uses), DSC and ongoing Zoning Enforcement Program issues including the clothing bin issue.

Mr. Schultz indicated that the Zoning Subcommittee discussed the rezoning of the Conte Building. The Conte Building is in the industrial zone and now they are getting requests for food establishments and retail and those uses are not presently permitted there. The Commission wants to see the Enhancement Plan for the sidewalk, front façade, side and rear because the Chromium Processing building is coming down this summer. Mr. Schultz indicated that they are discussing the upgrades to the Conte Building with John Ruffalo, Project Engineer at the DSC.

Mr. Schultz indicated that the next P&Z Special meeting will not be held on 6/24; instead it will be held on Tuesday, June 30th and the next Regular Meeting for July will be held on Tuesday, July 7th.

COMMENTS FROM CHAIRMAN & SUBCOMMITTEE CHAIRS

PDD #63: (MEDICAL/OFFICE USES): 899-909 BRIDGEPORT AVENUE: DETERMINATION ON WHETHER TO REZONE BACK TO OPD (OFFICE PARK DISTRICT)

PDD #22: (MATTO RIVER BOAT FACILITY): 594 RIVER ROAD: DETERMINATION ON WHETHER TO REZONE BACK TO R-1 DISTRICT

Chair Parkins indicated that PDD #63 is where Goodwill wanted to come in and they have to make a determination as to whether to rezone it back to the Office Park District because the medical office use PDD expired.

Mr. Panico commented that his inclination would be to let it stay as long as there is apparently some interest going on by parties. No doubt they are probably going to have to amend it to a more appropriate solution for somebody but he doesn't know if it is worthwhile undoing the zone and starting from scratch again.

Chair Parkins asked for clarification that he thought they should just leave it as Medical Office.

Mr. Panico responded yes but for the Matto one he thinks he would get rid of that one.

Mr. Schultz responded yes, they have been talking about that for a long time on River Road.

Mr. Panico stated that was a proposal that no longer has any validity so they might as well just get rid of it.

Mr. Schultz commented that they should do that in the early fall because it is a simple thing.

Chair Parkins asked if they had a consensus to leave PDD #63 for now. The Commissioners agreed.

Mr. Schultz added OK, because the uses are restrictive on the PDD.

Chair Parkins commented that PDD #64 would be done in the fall.

Mr. Schultz asked them to make a motion to direct Staff to schedule a public hearing.

On a motion made by Nancy Dickal seconded by Jim Tickey, it was unanimously voted to direct Staff to schedule a public hearing for the rezoning of PDD #22 on 594 River Road in the fall of 2015.

ADJOURNMENT

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 9:32 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary