

SHELTON PLANNING AND ZONING COMMISSION

SEPTEMBER 8, 2015

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, September 8, 2015 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Frank Osak (alternate for Comm. N. Dickal)
 Commissioner Anthony Pogoda
 Commissioner Jim Tickey

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

Tapes (3), 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 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that alternate Commissioner Osak would be sitting in for Commissioner Dickal who is not present. She commented that they had a very full agenda and asked for a motion to add on Separate #0471 under Applications for Certificate of Zoning Compliance.

AGENDA ADD-ONS

SEPARATE #0471: FIRST UNITED METHODIST CHURCH, 188 ROCKY REST ROAD, GROUND SIGN

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to add Separate #0471 to the Agenda under Old Business for a ground sign.

OLD BUSINESS

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0454: DEE'S KITCHEN, 509 HOWE AVE., WALL SIGN REPLACEMENT

Chair Parkins asked if the Applicant was present. The Applicant, Mr. Stockbridge, for Chongdee Leroux, Dee's Kitchen, indicated that he was present.

Mr. Schultz provided a rendering of the proposed signage and indicated that it was 15 inches by 7 feet.

Mr. Stockbridge restated that it was 15" x 7' and meets the criteria as far as the specs are concerned.

Chair Parkins asked if they were still doing a sign over the door.

Mr. Stockbridge responded no it was no longer there.

Chair Parkins commented OK, no sign over the door.

Comm. Harger asked if there would be a blade sign.

Mr. Stockbridge responded that there is.

Comm. Harger asked if it was shown on the rendering.

Chair Parkins asked if they were illuminated.

Mr. Stockbridge responded no, the Commission requested that they not be illuminated because they have the gooseneck lights.

Mr. Schultz stated that they are not internally illuminated.

Mr. Panico added that it would be indirectly lit.

Comm. Harger commented that this style was not going to mimic the "Stockbridge" straight across because it is kind of a curve.

Chair Parkins responded that was the same as what they saw the last time.

Comm. Harger indicated that they had a long discussion with the Applicant and had encouraged him to reconsider the style and even the business name. She commented that she's pretty sure he went back and spoke to the owners but it doesn't seem to have (inaudible)...

Comm. McGorty commented that everything is the correct size and everything so he (inaudible)...it is what it is. He motioned to approve the signage.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was voted (4-2) to approve signage for Separate #0454. Comm. Harger and Chair Parkins voted in opposition.

SEPARATE #0461: DIANA D'ADDIO, 435 CORAM AVENUE, BUSINESS

Mr. Schultz indicated that this was the now-vacant, free-standing commercial building across from St. Joseph's Church. They had the chocolate and the pizza which did not make it. As the Commission is aware, this is a pre-existing, non-conforming commercial building insofar as it is in a residential district. The previous uses had been hair salons and most recently was the curtains (inaudible)...The Applicant, Diana D'Addio, is requesting a dog grooming facility that is 850 square feet with one employee (herself) and hours of operation, 8 a.m. to 5 p.m., Monday through Saturday.

Comm. Harger asked what size accommodations she had inside or for how many dogs.

Diana D'Addio, the Applicant addressed the Commission. Ms. D'Addio responded about 8 to 10. It would be small right now.

Chair Parkins asked if there would be any boarding.

Ms. D'Addio responded no boarding, strictly dog and cat grooming.

Mr. Schultz added that there was no signage at this time. He asked the Applicant if she was working on the signage.

Ms. D'Addio responded yes and the name was going to be Grooming by Diana.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve Separate #0461 for business occupancy.

SEPARATE #0426: TOM LIACOS, 10 WATERVIEW DRIVE, DUST COLLECTOR

Mr. Schultz stated that as reported to the Commission last week, Tom Liacos and the manufacturer's representative were at the site and Tom will explain that in greater detail. The decibel was confirmed that it should not exceed 51 and there is a facility in this state at Pratt & Whitney...

Thomas Liacos, Mercantile Building, 10 Waterview Drive, Shelton addressed the Commission. Mr. Liacos indicated that Pratt & Whitney and Sikorsky have a couple of them but the rep. said that, unfortunately, because they are government contractors it would be hard to get visitors onto the site but he said that if it was necessary they could probably do that but they'd have to go through all of the red tape.

Mr. Schultz stated that this is an internal system but there is a noise component that goes with it.

Chair Parkins asked if the one at Sikorsky was internal or external.

Mr. Liacos responded they are all external.

Mr. Schultz clarified that the airflow was internal.

Mr. Liacos responded yes the airflow is internal but all of the units are external.

Mr. Schultz added that they are placed outside but the air is going back inside the facility.

Chair Parkins stated that the last time when she visited she asked for a sound engineer. She asked if that was the representative who came out or was it the manufacturer's rep. There are many different types of engineers but sound engineers specialize in sound.

Mr. Liacos responded that the engineer who came on site was the engineer that they have who designed the application and the dust collector. They work with a sound engineer and they work with Troy, the manufacturer of the equipment. He went to Pratt & Whitney and took readings himself of the noise being emitted from four units being run all at the same time and at 125 feet away from them it was at 52 decibels. He added that those units do not have silencers on them which they plan on installing. The silencer will take the air from inside and bring it back into the building through the outside filters so the noise will be way below what is anticipated. Right now he said (inaudible)...

Comm. McGorty asked if it would be below the 52.

Mr. Liacos responded that he was told that the noise at the line will be below the 52. The anticipated noise at the device will be between 60 and 70.

Comm. McGorty indicated that in case it is higher than that there was some discussion about using something to bolster the attenuation of that noise.

Mr. Liacos responded yes, absolutely. They will do whatever they can to bring that noise level down if it does not meet the criteria.

Mr. Schultz stated that the Commission's consensus was to approve it subject to noise abatement, if deemed necessary by the Commission.

Chair Parkins commented that she didn't want it to just meet the regs of the City Ordinance; it has got to be what the Commission is comfortable with for a residential neighborhood because it is the wall that she is concerned with.

Mr. Liacos responded yes, they understand that and the person he worked with went to Pratt & Whitney and took measurements and has pictures and readings of it. He had four units running and took a reading of 52 at 125 feet away so they will be well below what is required.

Chair Parkins stated that they can approve it with the stipulation that when the unit is up and running, the sound level has to meet the satisfaction of the Commission or a sound mitigation plan needs to be devised.

Comm. Harger asked how often someone from this office would visit the site.

Mr. Schultz responded that they will visit the site and the Police Dept. has the noise meters so they will be taking readings and he'll provide the Commission with that information.

Comm. McGorty stated that if they tell Rick when they are going to fire the thing up then he can just go over and take the reading.

Mr. Liacos responded that they would anticipate doing that sometime in mid-October.

Chair Parkins commented that would be a good time because the leaves will be off of the trees and (inaudible)...

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #0462 for a dust collector unit with the stipulation that the sound level emitted at the property line meets with the satisfaction of the P&Z Commission or a sound mitigation plan will be required.

SEPARATE #293: BURGER KIND, 902 BRIDGEPORT AVENUE, EXTERIOR RENOVATIONS

Mr. Schultz asked if the Applicant was present. With no one present, Chair Parkins asked for a motion to table Separate #293.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to table Separate #293.

SEPARATE #0245: R. D. Scinto, 1 CORPORATE DRIVE, BUSINESS

Mr. Schultz stated that this new occupant is on the second floor at 1 Corporate Drive. It is a company named Pranza leasing 120 square feet, 2 employees for the Food Court and they are replacing the flower shop.

Chair Parkins stated that it was located right after you come over the sky bridge. It is actually *Il Palio*, sort of a lunch place with specialty salads and things like that.

Mr. Schultz added that Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0245 for a business.

SEPARATE #0095: R.D. SCINTO, 2 TRAP FALLS ROAD, BUSINESS

Mr. Schultz stated that this is for a company named Optimus Solutions leasing 4,664 square feet, 14 employees, hours of operation Monday through Friday, 9 a.m. to 5 p.m. This is an office replacing the old A.C. Nielsen and they are reducing space.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #0095 for a business.

SEPARATE #0248: R. D. SCINTO, 2 CORPORATE DRIVE, BUSINESS

Mr. Schultz indicated that this is on the 5th floor at 2 Corporate Drive replacing the previous tenant, General Electric. This is H.J. Baker and they are involved in agriculture, leasing 11,097 square feet, 28 employees, hours of operation Monday through Friday, 9 a.m. to 5 p.m.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #00248.

SEPARATE #0429: YAOGEN YUAN, 90 HUNTINGTON STREET, BUSINESS

Mr. Schultz indicated that the next two applications are for the Huntington Depot Shopping Center.

Chair Parkins indicated that they were doing #0223 for the massage business that was tabled the last time for more information. She asked if there was a license attached to the Application and if the Applicant was here.

The Applicant, Yaogen Yuan, responded that he was present.

Mr. Schultz responded that the License number was #008553 State of Connecticut.

Chair Parkins asked if he had a copy of it.

Mr. Schultz responded no. Chair Parkins stated that they needed a copy of it.

Mr. Yuan indicated that he had a copy of the license and he presented it to the Chair.

Mr. Schultz stated that he would make a copy and indicated that this use would be replacing the dentist. This is 900 square feet, one employee, hours of operation, 7 days a week, 10 a.m. – 9 p.m.

Comm. Harger asked for clarification that the person employed there had to be the one with the license.

Chair Parkins responded yes.

Mr. Yuan responded that yes, she was.

Chair Parkins asked the Applicant, Mr. Yuan if he was the masseuse or if someone else was the masseuse. She asked if he was applying for someone else. She asked who holds the license.

Mr. Yuan responded it was his wife, Lisa (name inaudible).

Chair Parkins asked if she was the one employee who was going to be working there.

Mr. Yuan responded yes.

Mr. Schultz stated that this is for the occupancy and the wall sign too. All of the wall signs there are uniform.

Chair Parkins commented that the name on the license didn't match up. She added that the license was for Chang Qu... (name inaudible).

Mr. Yuan indicated that they are both the owner but... (inaudible)

Chair Parkins responded that the person who is working at the facility has to hold the license.

Mr. Yuan indicated that Lisa has the license, she's the one that works there and she is also the owner.

Comm. Harger asked if that was another person.

Mr. Yuan responded yes it is his wife.

Comm. McGorty asked (inaudible)...

Chair Parkins commented that the massage therapist needs a license to (inaudible)...They want to know who the license holder is and who the employee is.

Mr. Schultz agreed that it is something that they have to do their due diligence on.

Chair Parkins asked how many names she has because he said Lisa – she asked if the license showing a different name was a Chinese spelling.

Mr. Yuan indicated that Lisa was the name of the business.

Comm. Harger clarified that Lisa Massage was the name of the business.

Mr. Yuan added that her name is (inaudible)...

Comm. Harger asked if he was the proprietor but the wife was the employee.

Comm. McGorty commented that she was probably a part owner.

Inaudible comments...

Chair Parkins stated that the operator has to hold the license; whoever is giving the massage has got to have the license. Other people can't be working there giving massages that are not licensed. She asked the Applicant if he knew that.

Mr. Yuan responded yes, he knows.

Chair Parkins asked for clarification the name on the license was the person who was going to be the massage therapist.

Mr. Yuan responded yes.

Chair Parkins commented OK and asked Rick Schultz to make a copy of the State license and gave Mr. Yuan the license back. She added that they will confirm that is the individual working there. She asked for clarification that the hours of operation would be seven days a week from 10 a.m. to 9 p.m. and that the woman identified on the license would be the only person giving massages.

Mr. Yuan responded yes but if the business does well, they may hire another (inaudible)...

Comm. Harger asked if that would mean that the Applicant has to come back.

Chair Parkins responded that if Staff goes in there and checks and finds out other people there don't have licenses...She asked for a motion.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was voted (5-1) to approve Separate #0429 for a business and a sign. Comm. Harger voted in opposition.

Mr. Yuan asked if it was approved.

Chair Parkins responded that the business and the sign proposed are approved.

SEPARATE #0223: FABIANN JARRIN, 90 HUNTINGTON STREET, BUSINESS & SIGN

Mr. Schultz indicated that this was for a proposed awning and signage on the right window because they want to screen the kitchen area. This is for Café Plus at the Huntington Depot Shopping Center.

The Applicant indicated that Fabiann Jarrin is his wife.

Mr. Schultz stated that this is the first introduction of an awning for this shopping center.

Comm. Harger asked if that falls under the Sign Regs as to ...(inaudible)...

Mr. Schultz responded yes, obviously, they have to carefully review this. Secondly, they are proposing a sign that will block patron view from the kitchen area.

Chair Parkins reviewed a photo of the proposed storefront and asked if these double windows were both the Applicant's.

Mr. Jarrin responded yes and added that is the kitchen (inaudible)...

Chair Parkins asked if he had all the space from Anthony Reale's door.

Mr. Schultz responded yes and the corner is where the dumpster is located.

Mr. Jarrin clarified his location on the rendering. He pointed out the location of the seating area and said that because of the kitchen location (inaudible)...

Chair Parkins asked if he has those windows covered right now with those murals.

Mr. Jarrin responded yes, with those two pictures on it (inaudible)...

Chair Parkins asked if he could see out of them from the inside.

Mr. Jarrin responded yes, it blocks view from the outside.

Chair Parkins commented that it was nice looking.

Mr. Jarrin stated that nothing really bad to see but it is more of a privacy thing. In the Plaza they have massage, dry cleaning, lawyer so they need something to keep people from looking over there. The Plaza has been there 15 years already and he can see the (inaudible)...they don't put any advertising and that's why they fail and he doesn't want to do the same thing.

Chair Parkins responded yes there have been a few businesses that have failed there which is surprising because it is a good location.

Mr. Jarrin commented yes that it (inaudible) view for the people and they just go by out.

Comm. Harger stated that the previous occupant had Saturday night hours which always seemed well attended.

Chair Parkins added yes, they had open mic and that sort of thing. She stated that she had no major objection to the awning because it does provide a cover for people that are sitting there and they won't have to put umbrellas out.

Mr. Jarrin indicated that it was a retractable awning so they can close it at night.

Chair Parkins asked if it was a cloth, retractable awning.

Mr. Jarrin responded yes.

Comm. Harger asked if he planned on putting some tables and chairs outside at some point.

Mr. Jarrin responded that there are – just two tables outside. The gazebo (inaudible) and ...

Mr. Schultz indicated that the Staff doesn't anticipate more awnings but if it should come in, he asked if the Commission wants to see consistency.

Chair Parkins asked if the Applicant needed to have anything written on it – like "Breakfast, Lunch."

Mr. Jarrin responded that they don't have anything there until they approve it but they need to put something...

Chair Parkins stated that they typically steer away from having advertisement on awnings.

Mr. Jarrin responded OK, he can take that off of the awning. He asked if he can put something in the window like “salad” or “smoothie” and “fruit juices” because that is his main line. They have coffee and (inaudible)...

Comm. Pogoda stated that they should show him the Sign Regs as far as how much can go on the windows because they don't want them (inaudible)...

Chair Parkins stated that she had no objection to what he has in those two windows by the kitchen because it is very tasteful.

Comm. Tickey agreed that it looked good.

Mr. Jarrin responded that he really hopes people know the sign and something (inaudible)...

Chair Parkins asked what was shown in the window now.

Comm. Tickey responded “Salads, Sandwiches, and Smoothies & More.”

Chair Parkins indicated that she didn't mind that on the bottom of the windows but would prefer that it be kept off the awnings.

Comm. McGorty agreed that was fine.

Comm. Tickey commented that the awning makes sense because it will be nice to have some cover.

Mr. Schultz indicated that he wanted to advise them that he said no to the massage business because they wanted a partially clad woman receiving a massage and he told that Applicant – absolutely not. He added that they wanted that for the window. Now they have marketing with these types of postmarks on the windows so Staff said no.

Chair Parkins indicated that he could put a sign on the window that says “massages.”

Mr. Schultz responded no, this was a profile of a woman lying down on a bed and that's why Staff said no. He added that he just wanted to make the Commission aware of that.

Chair Parkins stated that she had no objection to the bottom part of the window saying “salads, smoothies...”

Comm. Harger asked how it was that the Café Plus sign was already hanging up at the building. If it was on tonight's agenda, she asked how it was that it was already put up.

Mr. Jarrin responded that they've had on the same pictures (inaudible)...

Comm. Harger asked how it was put up without being approved.

Mr. Jarrin responded that when he came to fill out the application and they keep the same style but change the name.

Comm. Harger asked if anyone in this office gave direction that he could put up that sign.

Mr. Jarrin responded that he assumed that when he said that he didn't want to change the style so he didn't think they would have any objection with that.

Comm. Harger stated that their Zoning Regulations are such that everything has to be approved by this Commission.

Mr. Jarrin responded yes (inaudible)...

Comm. Harger indicated that she was hoping it wasn't the landlord who said to go ahead and put up the sign because all signs have to be approved before going up.

Mr. Jarrin apologized about the sign.

Chair Parkins stated that there would be nothing on the awning, it would be retractable. She suggested putting “breakfast” on one panel where they have this now, and she showed a location where they could put “lunch, smoothies...” or something like that but just take it off of the awning. This don’t mind this amount of coverage so whatever he wants to put on there in terms of what they are serving is fine.

Mr. Jarrin responded OK and asked about (inaudible)...

Chair Parkins responded no pictures, they already have a fork and spoon there – too much won’t be good and once they start advertising and have word-of-mouth people will know what is served there.

Comm. Osak stated that they’ve come a long way because he remembers in 1965, somebody applied for a liquor license in Huntington Center and there were about 150 people at the meeting.

Mr. Panico responded yes, for the license.

Chair Parkins stated that they had a license to serve wine and beer here.

Mr. Jarrin responded yes and added that it is in the process. They are applying for it – just beer and wine, nothing else.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #0223 for business occupancy and signage with specifications for the awning and amount of window coverage.

SEPARATE #0453: CT SIGN, DAVID HEMMING, 701 BRIDGEPORT AVENUE, SIGN

Mr. Schultz stated that this is for the Chipotle sit-down restaurant with take-out. He provided renderings of the proposed signage.

Chair Parkins asked when they would be opening.

Mr. Schultz responded that he heard from the Building Dept. that it would be in about a month. He asked the Applicant if these would be internally illuminated.

Mr. David Hemming, CT Sign for Chipotle, 701 Bridgeport Avenue, Shelton addressed the Commission. He responded that they would be internally illuminated.

Mr. Schultz stated internally illuminated and consistent.

Comm. Harger asked if it was just one for the front and one on the side.

Mr. Hemming responded yes.

Chair Parkins asked if there was a monument sign there and if it was being added to the monument sign as well.

Mr. Hemming responded yes, they are.

Mr. Schultz stated it was for building signage and monument.

Chair Parkins asked if this rendering was showing a separate monument sign.

Mr. Hemming responded that it was a panel on the existing sign.

Comm. McGorty stated that it looks like a regular one that is there right now – it just doesn’t show the other (inaudible...)

Comm. Harger asked if it was fitting in with something else.

Chair Parkins indicated that there is already a monument sign there but they don't know what it looks like because there is no photo of it.

Mr. Panico responded that he assumes that it a representation of what goes there.

Chair Parkins clarified that they don't know if these are all just plain black letters.

Mr. Panico responded OK, he doesn't know what the other fonts are.

Chair Parkins asked Mr. Hemming if he knew what fonts are being used for what is there now.

Mr. Hemming responded the street number and the address.

Mr. Panico asked about the names, other occupants on the monument sign.

Mr. Hemming responded it was Sears Hardware and probably Sikorsky Credit Union.

Chair Parkins indicated that she wanted to know about the lettering.

Mr. Schultz asked Mr. Hemming if this rendering was the Chipotle logo.

Mr. Hemming responded correct.

Mr. Schultz commented that this is a deviation because this is their logo.

Chair Parkins stated that they can't always do (inaudible)... and everything else is standard black and white.

Mr. Panico indicated that they have plenty of building signage so before they see the monument, they will see the building. There are signs on all four sides of the building.

Comm. Harger responded no, it is on two sides.

Chair Parkins indicated that she personally didn't want to approve the monument sign until she knows what they're doing. She has no problem with the signage on the Chipotle building.

Mr. Schultz commented that he'll ask the Applicant to prepare a more detailed rendering of the monument sign.

Mr. Hemming requested to move forward on the building signage right now and come back with the other.

Comm. McGorty responded yes.

Mr. Hemming asked if the other signs are not logos, he asked if the Commission wanted him to use the same font.

Chair Parkins responded that if there is standard black lettering on them than that is what they want.

Mr. Hemming asked if there is a TruValue® logo up top and some other logo on the bottom, then they are OK.

Chair Parkins responded yes.

Mr. Panico stated that a picture of it would help and he can superimpose what they want to do on to it. Comm. McGorty agreed that it would be good to know what is already there.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve the building signage only for Separate #0453.

SEPARATE #0463: JOHN TODICE, 155 KNEEN STREET, IN-LAW

Mr. Schultz indicated that John Todice is here regarding taking care of his father. He provided a floor plan for the homestead on Kneen Street. It is in a multi-family zone but it is a single-family dwelling on an oversized lot. They have a couple of different of options but John prefers to add on – a 48 foot x 16 foot addition, 700 square feet – so he'll be able to maintain the single family dwelling with family members and have a specific room for his father.

John Todice, 155 Kneen Street, Shelton addressed the Commission. Mr. Todice stated his mother passed away in July and she had lived in the house with his father so she was able to help him. He indicated that his father is 90 and he needs hot air because of his equipment and this is the only way it is going to work to keep up the temperature. He'll have his own room and everything and one of his crazy cousins will live there with him.

Mr. Schultz asked if this was a ranch or a split level.

Mr. Todice responded that it was a ranch.

Chair Parkins asked for clarification that the existing living room and dining area was a part of his home.

Mr. Todice responded that it was his father's house - #155. Mr. Todice stated that he lives next door.

Chair Parkins asked if the apartment was being added on for the cousin.

Mr. Todice responded no, for his father. He stated that this is his father's house and it has three or four bedrooms and he is there all by himself. He showed where they would have his room, an entrance through the existing kitchen so he can still go back and forth. Right now there is a double window (inaudible)...he wants the egress.

Mr. Panico asked who was going to be the occupant in the other part.

Mr. Todice responded that it was for one of his crazy cousins who was going to come and take care of his father.

Mr. Schultz clarified that it would be a family member.

Mr. Panico indicated that was mandatory.

Mr. Schultz stated that this house was set back so you really have to look...it is one of these homes that has a large front yard and has a lot of land for Kneen Street.

Chair Parkins asked if he realized that the Regulations specify that it has to be a resident who is a relative and each year he has to sign an affidavit acknowledging that - so if something happens to his 90-year father, he can't rent this out as an apartment.

Mr. Todice responded that he is aware of all of that. He added that if his father were to pass away, he would turn it into a two-family and come back to the Commission for a multi-family application because this is in an R-4 zone. He is doing this to best accommodate his dad.

Mr. Panico asked where the driveway and/or garage is located.

Mr. Todice showed the location of the driveway and the garage on the site drawing. He indicated that the driveway was about 75 feet back from the road. He showed the location of the three existing garages underneath that he wants to go up with.

Mr. Panico responded OK, the existing garages are underneath and he is building above the garage.

Mr. Todice stated yes, exactly and added that right now the house is an “L” and he is going to turn it into a “U.”

Mr. Panico asked if one of the walls shown on the drawing exists.

Mr. Todice responded that the bottom wall exists but not the upstairs. The upstairs is just a den right now.

Chair Parkins indicated that it was an addition over a garage.

Mr. Todice responded yes, correct.

Mr. Schultz stated that he doesn't need new footings.

Mr. Panico asked if the garage was only 18 feet deep.

Mr. Todice responded yes.

Mr. Panico commented that was shallow.

Mr. Todice stated that this house was built sometime in the 40's.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0463 for an in-law apartment.

SEPARATE #0471: FIRST UNITED METHODIST CHURCH, 188 ROCKY REST ROAD, GROUND SIGN

The Applicant (unidentified) thanked the Commission for taking his application so late.

Chair Parkins asked if this was for a new monument sign.

The Applicant responded yes it was a new ground sign. He provided a rendering of the proposed signage.

Chair Parkins indicated that it was a message board.

The Applicant provided a sample of the material to be used and added that this would be replacing the existing sign on the lawn so instead of wood, the new sign would be made out of stucco.

Chair Parkins asked if it would be brick.

The Applicant responded that it was actually a stucco on both sides – a faux brick.

Chair Parkins asked what was currently there.

The Applicant provided a photo of the current wooden sign on the lawn. He said that they would replace that and it would be double-sided, non-illuminated. He reiterated that it would be made out of the material of this sample he brought to show them.

Chair Parkins commented that it is a brick.

The Applicant responded that it was faux brick – foam actually (inaudible)...The lettering will be a gold Roman plastic lettering. The white stripes will be the interchangeable strips for when they change the hours of the things like the kindergarten class, etc. to give them some flexibility.

Chair Parkins reiterated that it would be a message board.

Mr. Panico asked how the width of this sign compared to the width of previous sign.

Chair Parkins stated that it was 60 inches wider.

The Applicant responded that it looks larger because they've included the posts on the side which are 12 inches thick. The actual sign area is actually a little bit smaller than the current sign.

Mr. Panico stated that he assumes that is a measurement on this island or something. He asked if this was an island in the parking lot.

Chair Parkins indicated that it is five feet plus the pillars.

The Applicant responded that it was a flower bed and at the end of that flower bed facing the church, there is a flagpole and a large lawn area.

Mr. Panico stated OK it is on their property and not on the street.

Comm. McGorty indicated that there were no sight line issues.

The Applicant indicated that they would install it in the exact same spot.

Mr. Panico asked about the lighting.

The Applicant responded that it was not internally lit but they have provisions for a flood light currently ground lit so they would probably provide provisions to have an external light shining down on the sign not upwards so it's externally lit.

Chair Parkins asked for clarification as to where they would place the light.

The Applicant showed the location on the proposed sign rendering near the two beams where the sign – kind of like a gooseneck light design – so it would shine down only on the sign. It would be on a timer and go off at a certain hour so that there would be no reflection into any residential areas.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve signage for Separate #0471.

APPLICATION #15-18: WATER'S EDGE OF SHELTON FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #78 (DRIVEWAYS, BUILDINGS, MARINA), 500 RIVER ROAD (MAP 54, LOTS 33, 24 AND 42).

Alan Tempkin, P.E., Berkshire Engineering and Surveying, 143 Bantam Lake Road, Bantam, CT addressed the Commission and introduced himself and Dennis McMorrow.

Mr. Tempkin provided a site rendering of Water's Edge and stated that there were three items that would like to discuss. He stated that they are looking to eliminate the Marina in front of Unit #12 but keep the existing deck in front of Unit #12.

Mr. McMorrow pointed out the location of the existing deck.

Chair Parkins asked if they needed to pull that permit from the DEEP or do they just take it down.

Comm. McGorty asked for clarification that he said they would eliminate the marina component.

Mr. Tempkin responded yes but they're retaining the deck. The second item involves eliminating the driveway access from the existing house at #41 Fanny Street and only having an emergency entrance and exit.

Mr. Schultz indicated that all of those units would be internally accessed from River Road directly.

Mr. Panico asked for clarification that there would be no access to anything from Fanny Street.

Mr. Tempkin responded yes, correct.

Comm. Harger asked if the black top from that point up would be made into a lawn.

Mr. Tempkin responded yes.

Comm. McGorty commented that they talked about that for emergency access.

Mr. Tempkin responded right and they will still have emergency access.

Mr. McMorrow stated that they moved the new gate to the grass area.

Mr. Tempkin indicated that on Units #15-#17 in the same disturbed area, instead of having one massive building they would like to have a 15 foot breezeway separation and they would like permission to have that either between Units #16 and #17 or between Units #16 and #15. They have a couple of clients who are making up their minds as to where they would like it but it is the same disturbed area. It would be more visually appealing from the water and from the site.

Mr. Tempkin stated that for the last item, he pointed out the location of some tuck-under units which are very large, they are looking to change two of them from a tuck-end to a type like the units on the water at a lower pitched roof and not a tuck-under garage. He added that would be for Units #1 and #2.

Mr. Tempkin summarized that: 1) The marina would be gone with their permission; 2) They would have no entry except the emergency entry from Fanny Street; 3) Units #1 and #2 would be "A" type units instead of a tuck-under units; 4) Unit #15 and Unit #17 would be allowed to have a 15 foot breezeway between Units #16 and #17 or between #15 and #16.

Chair Parkins clarified that the breezeway would not be between both of the units (Units #16 & #17 and Units #15 & #16).

Mr. Tempkin clarified that it would not be between both.

Mr. Panico commented that with the elimination of the marina there is no more public marina component; therefore, they are eliminating those restrooms that they had to build so the appendage that was originally on there is being eliminated.

Mr. McMorrow added that the area off of Unit #10 would be eliminated.

Chair Parkins asked if there was still a marina up above.

Mr. Tempkin responded no.

Mr. McMorrow pointed to an area on the plan and asked if that was the area she was referencing.

Chair Parkins responded yes.

Mr. Tempkin indicated that there is a dock that's there. They are keeping the deck and the dock in front of Unit #8 as it was and they aren't enlarging it. It was always that way and wasn't ever a part of the Application to the DEEP.

Mr. Panico commented that the two public spaces are still being reserved for passive enjoyment of the water.

Mr. McMorrow added that they still meet the CAM requirements for the public access.

Chair Parkins indicated that she just wants to make sure that they handle the elimination of the dock correctly with the DEEP so that it doesn't remain as a possibility (inaudible)...

Mr. Tempkin responded that they were putting it into their regulations.

Mr. Panico stated that obviously, it is up to them. If they simply withdraw their request for this from the DEEP and say that they aren't going to have a marina; they don't have to set up a public docks. There is always the possibility that the DEEP will write them a letter saying that passive use of the water doesn't sufficiently address the public component. He added that he didn't know if they would or wouldn't do that.

Mr. Tempkin responded that what they were intending to do was to amend their documents and eliminate the marina because they have to notify their clients that there will formally not be a marina as far as they are concerned.

Mr. Panico indicated that he thinks that the Chair is concerned that in doing that they are really also amending their Coastal Area Management application that was approved.

Mr. Tempkin responded that he thinks that what happened is that that dock component was approved prior to them, as they may recall for Sacred Heart University.

Mr. Panico stated that their plan that they processed had a CAM component to it and that CAM component included public marina spaces and they were required because they were putting in a public marina. The passive use of the public and the two boating slips were deemed to satisfy the water orientation requirement. They never had any flack with that but now they are going to eliminate the boating component which he thinks everyone at the table is in favor of but he doesn't know what the reaction is apt to be from the DEEP.

Comm. McGorty asked if the docks were for public use.

Mr. Tempkin responded that no it was not.

Chair Parkins commented that one or two slips (inaudible)...

Mr. Panico indicated that they mandated that if they were going to have six docks out there, they had to reserve two of them for the public.

Comm. McGorty responded OK, he thought there was supposed to be an area that wasn't parked or utilized where you couldn't keep or leave your boat there but it was for picking up and dropping off.

Mr. Panico responded that they usually look for 25% for the public use.

Chair Parkins added that then they would have to provide restrooms for them to dock there. Everyone who came out to speak from the neighborhood against this proposal, they didn't want public access, docks (inaudible)...

Mr. Tempkin stated that they were going to eliminate it in the amendments and whatever their attorneys think that they need to do will be done.

Chair Parkins responded OK.

Mr. Panico agreed that they would just deal with it and if they come back with a comment then they'll address it.

Chair Parkins asked if they would be on the same footprint by putting in the extra breezeway.

Mr. Tempkin responded that it would be the same footprint and the same disturbance.

Chair Parkins asked if they had to make them a little bit smaller to accomplish it.

Mr. Tempkin responded no and they went over it with Staff; it is the same disturbed area.

Mr. Panico stated that how this came about is that Mr. Tempkin came in and wanted to do a free-standing single family home here and they said that it didn't comply with the PDD because there is no single family home provision so either they have to go back and amend that with a public hearing or they have to physically design it so that it is a part of the same structure.

He showed where the foundation would go around, include the breezeway and the same roof, so that it is one structure with a common foundation and a common roof for this one structure. It takes on the semblance of two from the water side anyway. They were concerned that from the land side that it looked like the rest of them so they had Alan prepare an architectural design. Alan created a design and he's carried the same architectural treatments through so there is consistency with the architectural treatment. Mr. Panico stated that Staff is satisfied that what Alan wants to do is acceptable solution as long as the Commission approves.

Chair Parkins asked about one of the buildings and asked about it becoming a single-family.

Mr. Panico responded that it was two units there. Originally one unit was the existing home and a second unit in the back was coming out the other way. They wanted that to be a part of the development so they cut off the Fanny Street access, took that driveway and turned it into what was their emergency drive, took the emergency access gates and moved them. He added that the emergency access gate isolates the project from Fanny Street and all of the residents of the development will come and go this way.

Chair Parkins asked if it remains two units.

Mr. Panico responded that it is still a two-unit building.

Mr. Tempkin stated that Tony was right but he had just realized that he failed to provide some information that he wanted to share. Mr. Tempkin indicated that the person who came in and bought the unit wanted one unit and to make it easier for the neighbors and easier for the site, they made it one unit so it will be one unit there as a part of the condo. He showed the location on the site plan.

Mr. Schultz indicated that it was the existing #41 Fanny Street.

Mr. McMorrow stated that they weren't building that, it was an existing house.

Chair Parkins commented (inaudible) was talking about the single-family use.

Mr. Panico reiterated that it was a pre-existing building.

Comm. McGorty stated that it looks nice, being totally renovated and it is in keeping with the architecture of the rest of the units.

Mr. Panico indicated that from Staff's point-of-view, this is a much better layout by reversing that building around.

Chair Parkins asked what's the back of those two units, #1 and #2, backward facing – so now the back is facing.

Mr. McMorrow pointed out the location of the patio and deck.

Mr. Tempkin indicated that it is what they would have had; the tuck-unders would have had two decks, a master bedroom deck and a living room deck but here they are just going to have one deck and a walk-out.

Mr. Panico provided further clarification as to how the unit would flip around.

Chair Parkins stated that she just wondered about the aesthetics of having someone's backyard deck in someone else's front yard or driveway.

Mr. McMorrow pointed out the location of different decks and added that the “C” units are designed to have decks on the water side.

Mr. Tempkin indicated that if it was facing the way that it was, they would have two decks and a garage so instead of that they will have one deck and no garage, just a walk-out there. This was just so massive coming in and this is really much more pleasing.

Comm. Harger commented that she thinks that was a good judgment call on their part (inaudible)...

Comm. Tickey stated that he thought they were welcome changes.

On a motion made by Virginia Harger seconded by Comm. Tickey, it was unanimously voted to approve Application #15-18 for Minor Modification of Detailed Development Plans for PDD #78.

APPLICATION #15-19: CONTINENTAL PROPERTIES FOR MINOR MODIFICATIONS OF DETAILED DEVELOPMENT PLANS FOR PDD #76 (CLUBHOUSE, LANDSCAPING AND BUILDING ENTRANCE), 740 BRIDGEPORT AVENUE

Patrick O’Leary, VBH (Vanasse Haagen Brustlin, Inc.), 54 Tuttle Place, Middletown, CT addressed the Commission for the Applicant Mr. O’Leary introduced the applicant/owner of the property, Mr. Howard Rappaport. Mr. O’Leary indicated that hopefully this would be the last set of modifications that he has to come in with. He hopes that the Commission feels that all of the modifications that he discusses tonight will be perceived as minor and actually improve the project.

He provided a site plan rendering that the Commission approved at the last modification in October labeled Site Plan Exhibit #2. He provided packets of the Site Plan Revisions for the Commissioners.

Mr. Schultz asked if “The Mark” was now the official name.

Mr. O’Leary responded that “The Mark” was the first change. He thinks that the official name was previously Valley Glen but it is now “The Mark.” The plan in front of them shows no changes in building orientation, siting or otherwise associated with the project. They are still maintaining 459 parking spaces on the site as originally approved. If they recall, originally they had 72 deferred parking spaces of the 459. It then changed to 35 deferred parking spaces of the 459 and now they are back to 34 that are being deferred. The reason is that these parking spaces that they suggested be constructed during Site Plan Modification #2 are going to go back into the deferred column and not be constructed at this time. He indicated that he will discuss that shortly.

Mr. Panico indicated that the ones that they are most concerned about are the deferred ones that are around the perimeter road that provided pockets of green. They didn’t want to see them go away unless they really needed them.

Mr. O’Leary responded yes and added that they are putting more back in the deferred because they are going to be taking these spaces, still deferred and just not constructed yet.

Mr. Panico stated that if they find that they are having a problem, go back to those spaces and leave the others alone.

Mr. O’Leary responded that he understood. He explained and showed an area on the plan with a minor issue where they are putting curb stops in the parking spaces. They have a 5 foot sidewalk in that area and because of its proximity to the Clubhouse, the sidewalks and walking area, they don’t want cars going in there and overhanging on the sidewalk or reducing the width of the sidewalk particularly in that area. It is one thing in front of the buildings themselves because those people live there but this is a multi-use facility from a Clubhouse standpoint so they want

to make sure the sidewalk stays clear. They will be putting wheel stops along those parking spaces. He showed the location on the plan.

Mr. Panico asked if there was any way that they could just widen the sidewalk and forget the wheel stops.

Mr. O'Leary responded that they are out of space and he added that he thought they might ask that.

Mr. Panico stated that they hate the wheel stops.

Mr. O'Leary indicated that the reason that he is comfortable with this project is because of the type of project that it is. This is very high-end, there is a great deal of time and thought going in to the maintenance of this project and they will hear that on a couple of their other issues in regard to maintenance as they go forward. The intent is to keep this very well maintained. The clientele will insist that it be well maintained so as opposed to a 7 Eleven with some wheel stops, they will (inaudible)...

Chair Parkins asked if he was talking about the cement things.

Mr. Panico clarified that they were bumpers.

Mr. O'Leary indicated the area where they would place the wheel stops, the lower vinyl type that go down with reinforcing rods into the concrete as opposed to the concrete bumpers. They may have seen them before, they are yellow with a black stripe bottom.

Comm. Harger asked if there was anything that they could do on the edge of the curbing like low fencing.

Mr. O'Leary responded that typically with fencing at the edge of curbing, the cars back into it and they're out there putting up fencing because they can't see their bumpers and knock it down.

Mr. Panico asked what the width of that walk was right now.

Mr. O'Leary responded that it was five feet. There is no requirement for it but they are just trying to keep the sidewalk open and they realize that people will hang their cars over it. If the wheel stops don't work from a maintenance perspective, the owners will take the wheel stops out. There is no Zoning requirement for them.

Mr. Panico asked if he thinks it would work to make that a 7 foot sidewalk instead of a 5 foot sidewalk.

Mr. O'Leary responded that then they would have to take out of the parking spots and the parking spots would only be 16 feet in length.

Mr. Panico asked what the depth of that stall was right now.

Mr. O'Leary responded 18 feet.

Mr. Panico indicated that what he plans to do is, in effect, is reduce it to 16 feet because they are going to put the wheel stop 2 feet in. They would still give them credit for an 18 foot depth of stall if the curb is 2 feet into it.

Mr. O'Leary commented to Mr. Rappaport that they could get rid of the wheel stops and just make the sidewalk wider and they'll still be Zoning compliant.

Mr. Rappaport asked Mr. O'Leary if he thought that would work.

Mr. O'Leary responded yes, absolutely.

Mr. Panico added that they weren't changing the position of the vehicle and it will look better.

Comm. McGorty added that it would be less to maintain.

Chair Parkins commented that wheel stops are ugly-looking and they move and get shuffled.

Mr. O'Leary responded OK, he understands and that will work fine in that area. When no cars are parked there, it will look nice with a 7 foot sidewalk versus the 5 foot and no one will see the difference. He added that at no time will people see the wheel stops so he thinks that is a good solution to the problem here.

Mr. O'Leary showed an area where they have added a 20 foot x 40 foot maintenance building specifically for maintenance of the property. There is no housing or anything else; it is only for landscaping equipment and tools for the site. He showed its location in the back, tucked away and not visible to the community at large, on the end of this service area with the deferred parking. It was part of the reason for eliminating the deferred parking in that area. There is no reason for it and they don't want vehicles, maintenance vehicles or things of that nature parked there.

Mr. Panico asked how they are going to treat where they have the parking spaces delineated there and if they were going to pave it, stop the paving, or...

Mr. O'Leary responded that they are going to stop the paving and it will be grass in that area. He showed the grass area and indicated that it was reserved as the deferred parking; if it has to be built in the future, they will rip out the grass and pave it.

Mr. Panico commented that he didn't want to see the pavement go in because right by the service building – that was just going to attract the accumulation of service-related materials.

Mr. O'Leary pointed out the page in their packet where it shows the area filled in with grass.

Comm. Harger commented that the driveway goes up around the back of the buildings (inaudible)...she asked if the vehicles would come up the (inaudible)...

Mr. O'Leary responded no, it is just purely maintenance for the storm water detention facilities up there so it isn't paved going up there. There is a maintenance schedule associated with the Storm Water Management Plan as well as the Inland Wetlands permit. It is so that they can get a vehicle in there for access to get down into this area periodically so that it can be cleaned and maintained, pulling weeds, etc. he added that sediments get built up over time and have to be hauled away. He commented that a lot of times they will see great storm water management plans but there is no way to maintain them in the future so that is what that provision is for.

Chair Parkins asked if there were 10 spaces that they were deferring there.

Mr. O'Leary responded correct and added that parking counts stay the same. It is more than adequate. They still have less deferred spaces than originally approved but it has been bouncing back and forth to meet tenant demand and to provide as much landscaping and green space as possible without arbitrarily paving from side to side.

Comm. Tickey asked where the fire lane would be.

Mr. O'Leary showed where the fire lane would be all the way through the entire site. He responded that because they have 24 foot drive aisles plus the parking areas, they don't have to have defined parking lanes associated with it because they have full circulation around the site. All the travel lanes are fire lanes.

Mr. Panico asked about the emergency connection to the adjacent property and if it would be gated.

Mr. O'Leary responded correct, it is gated. No change from a site plan perspective for that. The other changes really become very cosmetic in nature. He referenced the hand-outs and indicated that some of them weren't changes but they were bringing the Commission up to speed on it so

that they know what has been going on over the last 4 or 5 months. He added that they want to keep everyone informed.

Comm. Harger asked about Buildings #1, #5 and #6 and if the Fire Marshal approved the driveways being fire lanes and not having to worry about getting into the back.

Mr. O'Leary responded that was correct. There is a 300 foot criteria for fire hose which satisfies circulation for fire protection around the building.

Comm. Harger asked if, in lieu of a ladder truck going into the back.

Mr. O'Leary responded correct. He commented that the majority of the other changes or enhancements that have been are really in the center area, pool house area and garden landscape area. He commented that the photo of the sculpture shows what will be placed in the hard scape area. There are no dramatic changes to the hard scape area materials. He provided Mr. Schultz with a copy of the final details of the hard scape and materials.

Chair Parkins asked if there was no gazebo.

Mr. O'Leary responded that there was no gazebo here but they were still going to have a gazebo in the project. He referenced the following two pages showing the gazebo structure and he showed the location of it on the Site Plan. He indicated that the attached 11 x 17 rendering is of the gazebo itself. To accommodate the gazebo there have been some minor changes in the walking path going through there. It is a little bit more curved than linear, got pushed back a little bit closer to one of the buildings there but if they look at the gazebo shown on the site plan they will see out in front of the gazebo there are a number of planters going around. He explained those would be the boxes that they see in front of the gazebo in front of the sketch.

Mr. O'Leary clarified that they would be community planters. They will be used by residents within the community for planting flowers and things of that nature. If residents choose not to maintain them then the maintenance crews will be maintaining them so it doesn't become a nice community idea gone awry. They will be maintained in the event that the people initially motivated to plant don't maintain them, they will be maintained. They are trying to create a sense of community here between the hard scape areas, the gazebo – they want it to be vibrant, outside and utilizing the green areas out there.

Hopefully, they have been back a couple of times talking about shade structures around the pool. They are not permissible so the pool will not have any shade structures anymore by virtue of Connecticut Building Code. They cannot be in the pool area so they are putting the gazebo back out there to create something with a garden area around it that is amenable to everyone and create a pedestrian presence to the pool and kiosk area.

Mr. O'Leary referenced the page with the mail kiosk area located in their hard scape originally. There were two being shown and that is being changed to one unit. He referenced the rendering and added that it was compatible with the architecture of the buildings on the site.

Mr. O'Leary indicated that relative to the buildings themselves, they have one minor change. He indicated that they have not changed in size, number of units or otherwise. He referenced the originally approved plans from last October and indicated that they are requesting one change shown on the following sheet. He indicated that at the center entrance, a minor change to the entrance feature that goes there because it blocks the windows. He stated that was the reason that they were requesting to make it lower down in profile so that the people with those two apartments don't have to look at roof top out there. They can't have the gable there anymore and it changes into a pitch (inaudible) roof at that point.

Chair Parkins asked if it was a standing seam rather than an asphalt roof.

Mr. O'Leary responded correct.

Mr. Panico asked that if it was just for that one feature.

Mr. O'Leary responded that was correct just for that one feature.

Mr. Howard Rappaport, property owner, addressed the Commission. Mr. Rappaport stated that the purpose was so that people know that can be an entrance to the building because they have two fire entrances on either side but they want that to clearly be the main entrance and have some distinction.

Mr. Panico commented that probably also to apply the (inaudible) for the asphalt roof.

Chair Parkins asked how that affects noise for people living in that apartment if there are downpours of rain.

Mr. Rappaport responded that they've had it on other projects and haven't heard that concern but he has a 145-unit project that has three buildings like this with the same kind of roof on it.

Chair Parkins commented just the fact that unit is right there on that roof.

Mr. O'Leary stated that there is one built if they went out there and looked at it when it was identified as a problem, one of the units actually has it fully built.

Mr. Rappaport stated that the light and air is completely compromised (inaudible) looking out of the window to see this pitch of the rooftop.

Chair Parkins asked if they were replacing that.

Mr. Rappaport responded yes.

Comm. Harger stated that be that as it may at the main entrance, she asked if that could be accomplished with signage outside rather than changing the roof treatment.

Chair Parkins commented that it blocks the windows.

Comm. Harger responded she knows but added that instead of going standing seam and the other ones are asphalt.

Chair Parkins commented that they are a different (inaudible)...

Mr. Panico indicated that standing seam treatment is what creates the identity to the main entry level.

Comm. Harger commented that what she is saying is that kind of roof treatment is not suitable for the center main entrance roof instead of standing seam.

Mr. Panico stated that the pitch that results on that roof design is too flat for asphalt. They can do asphalt but they can't do asphalt shingles. They would have to use rolled asphalt or something

Comm. Harger responded OK, she just wondered why they wouldn't necessarily match the ones on the side.

Comm. McGorty asked about the mail pavilion and if there had been two.

Mr. O'Leary responded that there were two but now it would be one and he pointed out the location for the mail kiosk. He explained that it opens up a little bit more area and indicated the location of the sculpture there. It didn't make sense to have a mail kiosk blocking the sculpture from that standpoint because they were trying to create a focal point from the parking areas. Putting the two kiosks into one tucked into the landscape made more sense.

Mr. Panico agreed that made sense.

Mr. O'Leary showed the location of an electrical charging station over by the Clubhouse so there will be two on site now. It is just another amenity; generations are looking at things slightly different. He showed another location with two structures and added that there was one shade structure when they first showed it. One structure will be a pool house to cover the mechanical equipment, piping, and filters. The pool house is 10 feet x 12 feet with matching architectural features as the buildings and the Clubhouse so it isn't a metal building. It will have the same material construction as primary residences and the Clubhouse.

Mr. O'Leary pointed out the location of a shower changing facility, 18 feet x 25 feet with the same architectural theme and detailing with stone and water lines along the bottom to work with the pool house.

Mr. Panico asked if the footprint of the Clubhouse stayed the same.

Mr. O'Leary responded that it was essentially the same, there are minor tweaks when they get into the architectural detailing (moving doors, adding 2 inches here and subtracting 2 inches there) but it is essentially the same footprint for the Clubhouse since the second Site Plan Modification. He indicated that takes care of all the changes that they have knowledge of right up to having (inaudible) constructed that didn't work at that point. He stated that they are hoping this is the last set of changes. He commented that he appreciated the Commission getting them on the Agenda tonight and added that he thinks these changes only add to the project across the board. There is nothing, in their opinion, that would actually detract from the project. He indicated that they are looking forward to completing it and starting operations.

Mr. Panico asked when the Open House would be.

Mr. Rappaport responded that they anticipate occupancy in February 2016.

With no other questions or comments, Chair Parkins asked for a motion if the Commissioners feel this is minor enough in nature.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #15-19 for Minor Modifications of Detailed Development Plans for PDD #76.

Mr. O'Leary thanked the Commission and indicated that he would submit a copy of the Site Plan without the wheel stops to Mr. Schultz.

APPLICATION #15-06: ROMANO BROTHERS BUILDERS, LLC FOR FINAL SUBDIVISION APPROVAL (3 LOTS: PARCEL A), 84 LAKEVIEW AVENUE (MAP 138D, LOT 20), R-4 DISTRICT

Jim Swift, P.E. and Landscape Architect, 102 Village Drive, Shelton addressed the Commission. He presented a site plan and indicated that this was a matter-of-right subdivision. He commented that it was very straightforward with the only odd thing about it being some issues with the width of the street and the right-of-ways coming into the project. He added that those have been settled out with the City Engineer who is requesting some pavement widening. Right now the pavement is 18 feet and he has requested 22 feet. He doesn't have any issue with the P&Z Commission approving it subject to the approval of the City Engineer because the City Engineer has to sign the subdivision map.

He stated that if they can convince him that some of his conditions can be modified than that is great but if not, than no. The City Engineer has control over the subdivision map anyway. They have agreed to the conditions in the City Engineer's letter and unless the Commission has any issues they are all set.

Comm. Harger asked if it was one existing house and two additional lots.

Mr. Swift responded yes.

Mr. Schultz asked if everyone knew the location and read the applicable reports from the City Engineer and the Staff Report.

***See attached correspondence dated September 1, 2015 to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz.**

***See attached P&Z Staff Report dated September 8, 2015 from Richard Schultz, P&Z Administrator.**

Chair Parkins asked the Applicant if he felt comfortable in terms of what the City Engineer is looking for.

Mr. Swift responded that they are going to have to because he has to sign the record map.

Chair Parkins asked if there was space to do what he was requesting.

Mr. Swift responded that there is room to do what he is requesting so it won't require any easements or anything so physically it is possible. One of their issues is the State Law that improvements directly in front of and impacting the subdivision – Case Law states that they aren't supposed to have to do that but in this case they are going to have to work with the City Engineer to accommodate him.

Mr. Schultz commented that as a side note the water pressure is 52 psi. They have only had one situation off of Soundview where the water pressure was so low that boosters had to be provided and the property owners were very upset. He added that was just one area that had extremely low pressure. The Commission asked Staff to make sure that the psi is up there because they don't want that to be an issue.

With no further questions and comments, Chair Parkins asked for a motion with the condition that the Applicant adhere to the conditions of the City Engineer.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Final Subdivision Approval for Application #15-06 with the condition that the Applicant adhere to the Conditions of the City Engineer and the Open Space.

APPLICATION #15-09: BRIDGE STREET PARTNERS, LLC FOR MINOR MODIFICATION OF CONCEPTUAL PLAN AND DETAILED DEVELOPMENT PLAN APPROVAL (MIX USE DEVELOPMENT), 64 HOWE AVENUE AND 44-58 BRIDGE STREET (MAP 129D, LOTS 37, 38, 39 AND 40).

Atty. Steven Bellis, Pelligrino Law Firm, New Haven, CT addressed the Commission. Atty. Bellis asked if they received correspondence from the City Engineer.

Mr. Schultz responded yes and they already went over that.

Atty. Bellis indicated that he wanted to comment on the Statement of Uses and Standards that was adopted on February 1, 2008. Since 2008, they had a property survey map and he would like to work with Rick to amend that map because they purchased some land from the State of Connecticut on Bridge Street. The description for the boundary for the PDD should be slightly different.

Mr. Jim Swift, P.E. and Landscape Architect, 102 Village Drive, Shelton addressed the Commission. He commented that along with that he wanted to provide the A-2 maps.

Atty. Bellis stated that the City Engineer made a comment about that so he wanted to make sure that was corrected.

Mr. Schultz responded that was an administrative issue.

Angelo Malisi, Bridge Street Partners addressed the Commission. Mr. Malisi asked if that was basically the balance of the street.

Atty. Bellis responded not the entire balance but a portion of Bridge Street that was purchased. He added that it was procedural; otherwise, he'll read the description as well because it might have changed slightly because of the purchase. Those would be the only things he would be amending on the Statement of Uses – everything else was already adopted.

Atty. Bellis indicated that they were here tonight with the architect, Joe Mingolello and Jim Swift P.E. They have samples of materials that they would like to use to show the Commission for the façade of the building.

Joe Mingolello, Mingolello & Associates Architects, 90 Huntington Street, Shelton addressed the Commission.

Mr. Panico asked, if before he gets into the siding, he asked if he made the adjustments on the building, getting the wall away and internal adjustments of the units.

Mr. Mingolello responded that on that one line they pulled it so that those units are five feet off of the property. He added that yes, they made those adjustments.

Mr. Panico asked if they were pulling it over just at the upper level and leaving the ground level three feet.

Mr. Mingolello responded correct. It is basically the parking and the commercial, there are no windows along that and it is a service corridor on the backside.

Mr. Panico indicated OK because they'll have a wall (inaudible) on the other wall. He asked how they would handle that.

Mr. Mingolello provided a rendering and pointed out the property line and explained that they were three feet there and four to the inside and then it follows through on the commercial plaza level at the Howe Avenue elevation and stays there. Further up, the next level, he showed where they pulled it back, the location of tenant storage where there are no windows. He showed the location of a studio apartment on the far end of it. He showed another location where they pulled it making it five feet at that level so there is a roof area in the back between buildings. He added that you never ever see that.

Mr. Panico responded that it was a piece of flat roof.

Mr. Mingolello stated no – it isn't a sloped roof but yes, they pulled it back. This building pretty much hides it but they talked about keeping off five feet and if eventually something got done there, it would be five feet and ten feet, hopefully between buildings at that point. He showed where it steps back in at the third and fourth floor.

Chair Parkins asked if that was the second floor.

Mr. Mingolello responded yes this is the second floor and its steps (inaudible) ahead the second floor also so the second, third and fourth step in. He said that they also talked about the canopy that runs around the building and talked about it being a hard canopy as opposed to a soft, fabric canopy. He added that they have a sample of that and the (inaudible)...

Mr. Panico asked if he could go back to the floor plan.

Mr. Mingolello provided the floor plan and Mr. Panico asked if the other wall moved also or not – the wall on the plaza.

Mr. Mingolello responded no they didn't touch, it stayed.

Mr. Panico asked if they took two feet off of the units.

Mr. Mingolello responded that was correct. They made them a little smaller. He indicated that they didn't want to touch the Plaza by moving it this way – they really liked the Plaza. They

thought that would be the easiest thing to do and take a little bit out of the square footage of the apartments.

Comm. Pogoda asked about getting rid of those doghouses.

Mr. Mingolello responded that they really like the doghouses because they add some character to a long roof and they can add something to it. Each bay is about 30 feet so they centered the doghouse over each one of them. There is nothing up there and they aren't occupied but they'll be lit, on and off, at night so that it seems like there is activity. It is really just an architectural roof treatment to break up the long roof.

Comm. Harger stated that it was an entire architectural point that she did not care for and she brought it up at the DSC.

Atty. Bellis asked her if she didn't like them.

Comm. Harger responded no, she didn't.

Chair Parkins asked if they would have a solid roof across there.

Comm. Pogoda responded no, they could have combos. He suggested combining them so instead of two small doghouses just have one. He referenced the four of them at the side that could be made into two. He commented that he had recommended that before.

Mr. Mingolello responded OK, they can tweak that, and they can make a bigger one in the middle there.

Comm. Pogoda commented that it would make (inaudible)...

Atty. Bellis held a sample of the canopy material and asked Joe Mingolello to tell the Commissioners about it.

Mr. Mingolello indicated that they talked about this being an asphalt shingle roof up above and what they didn't like was an asphalt shingle roof. He said that he thinks these materials are going to be very elegant between the stone, the brick and the stucco. They thought about what they could use for the canopy that is different than asphalt, standing seam, a wood roof...so what they decided to do, and he's done it in a couple of other buildings, is imitation slate.

Chair Parkins asked if he meant for the roof.

Mr. Mingolello responded for the roof, just the canopy roof, and it looks like slate but it is made out of recycled rubber tires. It is made by EcoStar and it is very elegant and it is blended with a number of the colors shown taking a couple of shades of gray, lights and darks, and introducing a third color at about 10%.

Mr. Panico asked how much support, architectural support, would be shown along the outer edge of the canopy.

Mr. Mingolello responded he thinks nothing. He's thinking that they can't leave this canopy out (inaudible)...

Mr. Panico stated that is going to look odd to him - theoretically, a heavy slate roof without any supports except the projecting (inaudible)...

Comm. Osak commented that to an engineer it would look bad but...

Mr. Mingolello responded that was a point - if structurally he has to incorporate something than he would work in a segment where he puts a structural bracket out there that looks architecturally nice from out on the street but it would also be functional. He hasn't gotten that far as to how to hang the thing out there; however, he's right because there is some weight going out there because it is not canvas anymore.

Mr. Panico stated that from their point of view they want to eliminate potential for a series of columns.

Mr. Mingolello indicated that he didn't want a brick column. He wants to do something that ...

Mr. Panico commented that the walkway functions as one big walkway, not a covered portico and a terrace outside of it.

Mr. Mingolello responded that's correct. They really want to have something – he pointed out the Plaza, the canopy (inaudible)...He indicated that maybe they would have a bracket in a couple of places so architecturally they'll have some nice features happening at the sidewalk level. He stated that he hasn't really figured out how they'll hang that out but that is the Plaza look. He indicated that it is nice, they have a lot going on and they can see all of this happening here but it comes on up where this elevation starts climbing and the other is down in the hole, so when you stand back and look at it some of the building disappears.

Mr. Panico commented that his biggest concern is the final treatment of that pedestrian walk because that is an important pedestrian link to all the development down on Canal Street so they have to be careful how it is done. He isn't happy with the way that it is shown right now.

Atty. Bellis asked Tony Panico if he was talking about Bridge Street.

Mr. Panico responded yes, what is left of Bridge Street.

Atty. Bellis indicated that he thought that they were going to be working with the City on that.

Mr. Panico responded that the Commission needs to be involved in terms of what happens there too. He asked why they would work with the City when it is State land – unless they get the City to do some work for them. He stated that he just wants some assurance so that the Commission knows at least what to expect have happen there. The treatment – that surface is important to them and he doesn't support Jim Swift's proposal for those planter cut-offs at all.

Mr. Swift asked if they had a copy of the new plans.

Mr. Panico responded that he has the plan showing the three planters sealing off the Howe Avenue end.

Mr. Swift stated no, they submitted new drawings after their meeting with him.

Mr. Panico responded OK, than he won't take up time discussing that.

Chair Parkins asked if they had those plans. Mr. Schultz responded (inaudible)...

Mr. Swift rephrased that there are still planters shown on the plan in which he did the landscaping only to make absolutely clear that there is absolutely no vehicular traffic. If they find a different way, if they are comfortable that it isn't wide enough or that they don't need the planters, than they can be taken out.

Mr. Panico indicated that he thinks that those planters are a deterrent to pedestrian flow so they need to work that out.

Mr. Swift responded that the planters can go. They aren't important for purposes of their design.

Atty. Bellis stated that they should discuss the brick.

Mr. Mingolello stated that it was a blended brick – he pointed out the photograph showing the distinction of the lights and the darks, oranges and red and a little whitish beige. He commented that he really thinks that it will look nicer. He provided a sample of stone (inaudible)...

Mr. Panico asked if those medallions are consistent with those colors.

Mr. Mingolello responded yes and the medallions are probably on the dark bricks that they would like to get in there with the heavier colors. He provided a sample of the stone that they would like to use and when it is put up against the brick, he stated that he thinks the two will work nicely together.

Chair Parkins asked what they would do for the vertical brick shown there.

Mr. Mingolello responded that it was the same brick and they aren't going to see a difference. It won't ever really read like that because it is just a change in the pattern. He submitted a picture the last time that they met.

Mr. Panico agreed that the panelization really won't come out (inaudible)...

Mr. Mingolello added that it was subtle and you can barely tell the difference with a little bit of banding, a little bit of shadow. He indicated that they did that on his own building about 20 years ago and you have to look closely to see that stacking on the brick.

Chair Parkins stated that with the stars on there, it will (inaudible)...

Mr. Mingolello responded that they took those from the other building. They have a couple of elements that they are going to incorporate into it, pieces from the old Pulaski Club and bring them into this building to give a nice touch.

Comm. Harger asked to see one of the renderings closer.

Mr. Panico asked about the commercial windows and the upper windows and if they were vinyl clad.

Mr. Mingolello responded that they would be (inaudible) maintenance free, aluminum clad, vinyl or a fiberglass and they are all pretty maintenance free. All the trim work will be white and consistent from the ground up.

Comm. Harger commented that the reason that she wanted to look at this rendering was because of the expanse of this treatment and if anything could be done to break it up.

Atty. Bellis stated that she was talking about the stucco.

Mr. Mingolello responded that he tried to bring in the medallions somehow into that part of it. He said that they figured out how to do that with the (inaudible) and then it is going to start looking spot – and sometimes “less is more.” He commented about keeping it simple and elegant.

Chair Parkins reiterated about doubling the doghouses.

Comm. Tickey agreed with that point about putting two doghouses together then they would only have four. He commented that he thinks that would go well.

Mr. Mingolello responded yes, they are going to do that with one in the middle and have four instead of six.

Chair Parkins stated that she thinks that will help to give it some separation.

Mr. Mingolello added that at the same time it adds interest to the roof and they don't want to lose that element but simplifying it will work fine.

Atty. Bellis commented that was pretty much what they had to present to the Commission. They were hoping for a consensus tonight so that Tony could draft a resolution for the Modification of the Initial Concept Plan that was previously approved and approval of the Detailed Development Plans. He will work administratively (inaudible)...

Mr. Schultz stated that he advised the Commission that his client was interested (inaudible) preparation work (inaudible)...because the Commission would need to authorize that and bonding (inaudible)...

Atty. Bellis responded yes, the next meeting is September 23rd and if there were to be a consensus tonight; otherwise, he will wait to hear about it, but if there is a Commission consensus, he would like to ask if his client could begin some of the site work only. The demolition permit was already pulled for the Pulaski Club and site work would be prepare the site so that they could begin pouring the footings and getting the site level.

Chair Parkins asked how that would affect the outdoor entertainment events already approved for Bricks & Barley.

Mr. Malisi responded that there wouldn't be any more because it is too dangerous.

Atty. Bellis indicated that they had a lease with them and it ended. The last event was in August.

Chair Parkins responded OK she just wanted to make sure they weren't doing it at the same time.

Atty. Bellis reiterated that the request would only be for site work and they would put up the Erosion Control.

Chair Parkins stated that she was still a little dismayed at the stairs going down from that restaurant because she thinks that in order to get a higher quality restaurant in there, they aren't going to want people coming up the stairs in front of the restaurant where people are eating. She indicated that she thinks that might be a deterrent to a higher quality restaurant.

Comm. McGorty commented that they talked about that at the last meeting.

Chair Parkins reiterated that she thinks it was going to be a deterrent.

Mr. Mingoello asked if they would have a problem if they put the gate there and a sign saying "Exit Only" in case of an emergency to go down the stairs and out.

Comm. McGorty commented that he would have it be an emergency exit only. He added that people will congregate on those stairs, skateboard or whatever...

Multiple comments (inaudible)...

Mr. Malisi stated that he is presently speaking to one high-end restaurant right now and they want the stairs so that their customers can park in the back and not have to walk around the whole block. He indicated that they definitely wanted them.

Chair Parkins asked if they understood that it wasn't just going to be their own customers. It would be everyone who wants to use that (inaudible)...

Mr. Malisi responded that they are taking half the space. They are taking 5000 out of 10,000.

Mr. Panico commented that it is over on the edge.

Chair Parkins stated that if people are utilizing that as a way to come up to Howe Avenue...

Comm. McGorty indicated that the other alternative is to police it.

Mr. Panico commented rather than walk the ramp (inaudible) would they do that.

Mr. Malisi indicated that they have a municipal lot going into where Chromium (inaudible), his lot at Dunkin Donuts, and the spaces across along the railroad tracks. They are talking about over 100 spaces and those people would have to go around the block at that point instead of just coming up the stairs which is going to be the focal point.

Chair Parkins asked if he was proposing that stair be for restaurant use only.

Comm. McGorty responded no, he's saying keep it open but the restaurant will have to stay on top of it if people are loitering up there or causing a disturbance while people are dining; otherwise, their business will suffer.

Mr. Mingoello stated that he thinks that people are going to use the walkway and the ramp going up as opposed to climbing the stairs and (inaudible)...if it is wider and open and if they embellish it...

Mr. Panico stated unless they want the attractiveness of walking up the Plaza area. He asked if they would struggle with the steps or enjoy the walk up the Plaza.

Comm. Harger asked about if there was going to be an elevator from the parking garage going up to the commercial level.

Mr. Malisi responded yes.

Comm. Harger asked if there would be a stop on the restaurant level.

Mr. Malisi responded yes.

Comm. Harger asked if that wouldn't be another way for patrons to come in so they don't have to come up the stairs.

Mr. Malisi responded that they've talked about it but they haven't come to a decision as to how they would do it. Somehow they were going to try to connect their lobby at Dunkin Donuts into that but just haven't figured it out yet.

Comm. Harger stated that it would be another way of getting the patrons from the back and going up without having to use the outside stairs. They could perhaps gate the stairs.

Mr. Malisi stated that they definitely would have a gate there but they definitely don't want to eliminate the stairs.

Chair Parkins asked if it would be a gate at the bottom or a gate at the top.

Mr. Malisi responded a gate at the bottom or do you want (inaudible)...

Mr. Swift stated that the plans call for (inaudible)...He stated that if they have the stairs there than they have the option of policing it, converting it to an emergency egress only – they can shut that stair down if need be.

Chair Parkins stated OK, so you want to build it and then figure it out.

Mr. Swift responded yes, then they have options.

Mr. Mingoello added that in terms of emergency, if there were ever a fire, it would be another way out, so for the Code.

Mr. Malisi stated that with all of the lighting that they will have and Chromium coming down, he thinks the area will get better and better. He added that he didn't think it was going to be as much of a problem as they may have thought a year ago.

Chair Parkins agreed but added that she was thinking in terms of people dining outside on the patio and to have people constantly walking by watching you eat doesn't seem right.

Mr. Malisi responded that they may end up putting up a sign that says for "Restaurant Only."

Chair Parkins stated that she understands that they want to just build it and then decide how best it will work with the tenants.

Mr. Malisi added about the elevator and stated that they just haven't gotten to that point.

Atty. Bellis stated that they are going to have to monitor it. He doesn't know that they can legislate it.

Mr. Panico indicated that the only alternative to that is to go partially up the walkway and notch into the Plaza area and put the stairs there; a stair that lands at the end of the restaurant. He asked to see the latest site plan.

Comm. Harger commented that it would be as many stairs...(inaudible)...

Mr. Swift responded that he thinks that idea of bringing that stairway into the Plaza midway chews into the Plaza to some extent.

Mr. Panico commented that it chews into it at a point, theoretically, where the dining area terminates, like setting that aside as the dining area of the Plaza. He reviewed a Site Plan and showed a possible location for a stair near the middle to walk up and isolate one area for outdoor dining. He added that he didn't know if that alternative would be worth looking at.

Chair Parkins indicated that they could isolate that as outdoor dining by putting a fence around it.

Comm. Osak asked for clarification about the restaurant location.

Mr. Panico explained that the restaurant is at the Howe Avenue level on a level plaza that gets wider. He showed the location of the retaining wall that goes up, and the existing street with different treatment and with no more vehicles. He showed the area which becomes outdoor dining for the restaurant at the level of the restaurant floor and Howe Avenue.

Mr. Swift stated that it gets as high as about 12 feet – goes from 0 to 12.

Mr. Panico showed the stairs which take you from the Plaza level down to the Canal Street level as opposed to going the other way.

Comm. Osak stated that the only people who would use that would be in the upper level.

Mr. Panico responded yes or the casual walker going from Canal Street to Howe Avenue and finds it more attractive to walk by the storefronts.

Chair Parkins commented that on the other hand if they are going to have outdoor dining there and it was fenced off with wrought-iron gates off then no one would bump into people dining there.

Comm. Osak asked why they needed a stairway there at all.

Mr. Malisi stated that they could actually put it on both sides next to the restaurant and (inaudible)...

Comm. McGorty responded for access from the back.

Chair Parkins indicated that was the question because there is going to be a lot of parking back there and housing so to get up there...

Mr. Panico indicated that there are a few spaces under the bridge but there is parking lot right there and how showed the location of excess right-of-way starting there in which the City is hoping to generate parking spaces.

Chair Parkins indicated that it was a faster way to get to the restaurant or that area rather than going around.

Mr. Panico stated that there may be customers that may take advantage of the Dunkin' Donuts site that Mr. Malisi owns.

Mr. Malisi responded that is 40 spaces and they were talking about spaces (inaudible)...along the tracks.

Mr. Panico indicated that with this parking resource and the other parking resource, he is concerned that the restaurant operator would like to have customers be able to take the stairs to come up to the restaurant without having to go all the way around to get in.

Chair Parkins reiterated that if they gate off that outdoor dining area than she thinks they will figure it out and it will be fine. She just doesn't want it to impede higher end dining because that is really what they need Downtown.

She stated that she was fine with that issue. She asked if the Commission has a consensus for Tony to move forward with the preparation of a favorable resolution.

Mr. Panico indicated that he would still need to meet with Jim and work out some more details and stated that he would need three weeks to a month to complete it.

Chair Parkins commented that she believes it is a favorable consensus for him to prepare but the Applicant is also requesting to begin site work.

Mr. Panico responded that he's convinced that nothing is going to change as a result of their final Staff comments that would impede them from going forward with that.

Mr. Schultz indicated that they would need a motion to approve beginning site work and posting the bond.

Atty. Bellis asked if the approval could include site work and footings than it doesn't matter when the resolution is completed.

Mr. Panico stated that all the major parameters of the project have been established. He indicated that he wanted to clarify about the stone treatment on the base of the building and if that would apply to the retaining wall too because at one time some stone facing material was discussed.

Mr. Mingolello responded that it would be stucco.

Multiple comments (inaudible)...

Mr. Panico indicated that he wouldn't want to see the stone there because it would be a poured concrete wall, properly brushed with a stucco look.

Chair Parkins stated that it has to be something that is easily maintained.

Mr. Malisi responded that it has to be because if there is graffiti (inaudible)...

Chair Parkins asked for a motion for the Applicant to begin site work, footings with applicable bonding.

Comm. Osak asked how they set the bonding on this and what the bond collateralized.

Mr. Schultz responded with the City Engineer. He explained that they had two types of bonding. One is a cash bond for Sediment Erosion Control and that is \$5K per acre or any fraction thereof and the Site Stabilization Bond is in the event that the developer abandons the project and they need stabilization. The second one is the higher bond and the City Engineer has his formula.

Mr. Panico commented that they don't actually bond the building structure.

Comm. Osak responded it protects the building in case it is abandoned.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to allow the Applicant to begin site work and footings with proper bonding.

APPLICATION #15-10: MATTO FAMILY REALTY, LLC FOR INITIAL CONCEPT/FINAL SITE DEVELOPMENT PLAN APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (MIX USE BUILDING), 434-456 HOWE AVENUE/70-72 BRIDGE STREET (MAP 129D, LOT 55), CB-2 DISTRICT AND CBD OVERLAY (PUBLIC HEARING CLOSED 8/11/15)

Mr. Schultz indicated that subsequent to the closing of the public hearing, Staff consulted with the Mayor's Office to ensure that the proper coordination takes place. The Mayor's Office felt that the Applicant should take care of the sidewalk treatment and the Applicant indicated that they can continue to do some more work in the right-of-work where the parking is going to take place on Bridge Street but that component is going to have to take place by the City, Bridge Street proper. Mr. Schultz stated that it is imperative that the Applicant coordinate.

Mr. Panico responded that he thinks that the Applicant understands that and realizes that to have a functioning building he has to take responsibility for the sidewalk against the building and then worry about the City, that transition between the sidewalk and the pavement because there is parking there and islands to be taken care of.

Mr. Panico indicated that from Staff's point of view, they've gone through many of the Site Plan details and things look like they are in very good shape. He thinks that a lot of the details have been worked out and they pretty much know what they intend to do and have looked at it pretty comprehensively. They are satisfied that they're 90 – 95% of the way there.

Mr. Panico commented that as Rick pointed out, he thinks that they have to work with the City a little bit as well to make sure that they are on board to do certain things. They don't want to see a beautiful building out there, beautiful sidewalks and the same old street with nothing having been done to it. They have to do their share also; obviously, as a part of their proposal they have made a land swap or will be doing a land swap with the City and that will cause some modification in a parking pattern for the remaining City lot there.

Chair Parkins added that it was enhancements.

Mr. Panico indicated that they need to find out who is going to make those physical modifications in the field or they'll look at it and see if it can stay just by cutting it. They know that Mr. Matto, the architect, prepared a nice layout showing how the excess pavement could be incorporated into a planting area in the middle but it is work that somebody has to do. They want to make sure that the City is on board and will do that at some point in time. He stated that they just have to dot some i's and cross some t's.

Mr. Panico commented that he thinks the biggest thing outstanding was to make sure that the Commission is satisfied with the architectural treatment of the building and the overall design of the building.

Chair Parkins indicated that she had no issues with it. Comm. Tickey commented that he didn't either.

Chair Parkins commented that one of her concerns had been that it just looked like a gray mass but it was explained to them before that it was an architectural rendering that did not adequately show the sheen.

Mr. Panico stated that he just recalled that there was one more thing that they needed to work out with the City in regard to the treatment of the first two floors of this building. He talked to Joe Matto about it and they are both sensitive to it but there are constraints because the City doesn't own that park, it leases it. He commented that as a representative of the Commission, he would like to see the City make a commitment to that park being there forever because if they do then they have Mr. Matto change his treatment there to be more reflective of that; otherwise, Joe has to protect himself and Code in terms of what he can do there.

Comm. Osak indicated that the City can take it over in fee simple and they own it.

Mr. Panico responded yes, sure or a 99 year lease – it doesn't matter how they do it but they need some commitment from the City that says it is going to be a park forever and then Joe and the Commission can react and get the right treatment on the end of the building.

Mr. Schultz stated that the Conceptual Plan shows it for the block.

Mr. Panico indicated that he thinks the Mayor is in tune with that. He stated that in conversations that he's had with the Mayor, he always visualizes that as being a park.

Mr. Matto addressed Mr. Panico and reminded him about their discussion regarding access to the block.

Mr. Panico responded that the Mayor is aware of it because he realizes that from the corner of Howe and Center it is important to have access into the apartment core of that building.

Chair Parkins agreed that it keeps it open as well. She asked if it remains a park, how the treatment of the first floor would differ.

Mr. Panico indicated that if it is a park and if they know it will never be built on then they can treat ground floor and second floor in a manner that reflects that.

Chair Parkins responded OK, so overlooking...she stated that she didn't think the park should become an outdoor dining area for whatever restaurant is in there because she thinks it is a park that should be open to the public and not designated for an outside eating area.

Mr. Matto told Mr. Panico that there were two issues including the view out, the light into the building and it is also the south side of the building so it is also going to affect getting past the facility into the building. Additionally, view from the street to a building that's got some fenestration, windows, and doors and not just a blank wall.

Mr. Panico indicated that it was a much more attractive building with that wall treated properly. He looked at some of the other renderings that had the plain wall and that was when he became concerned.

Chair Parkins commented that having windows that look out over the park...

Comm. Osak asked who owns that property.

Comm. Harger commented that it was the Sylvester family.

Comm. Osak asked if the City leases it for that purpose.

Mr. Panico responded that the City leases it – he didn't know, \$1/year or whatever, but he thinks it is a renewable lease. He doesn't know if it has an length or term to it.

Comm. Osak stated that they need something more substantial than that.

Mr. Panico responded yes, otherwise Joe has to respect the fact that it could disappear and somebody could come in and want to build a building there. He doesn't want to invest all that money in ground floor treatment only to have somebody throw a building up against it.

Comm. Osak indicated that it was clear what has to happen. The Mayor has to buy it.

Chair Parkins stated that they don't have that time. They don't have the time for them to figure out if they can buy it, or take it or whatever...they don't have the time or this project will never get off of the ground.

Mr. Panico responded no, but he thinks that if they sat down with the Mayor and got his assurance that was going to happen that would be good enough for him.

Comm. Osak stated he could take an option on the property.

Mr. Panico responded that he wasn't going to tell the Mayor how to implement it.

Comm. Osak stated that he isn't going to want to lay out the cash right away; what they want him to do is tie it up.

Mr. Matto showed Mr. Panico the location of the egress windows for the bedrooms so if a building goes there, they can't have apartments.

Mr. Panico indicated that it has a dramatic negative impact on the building design and functionality.

Mr. Matto added that because it is symmetrical, whatever happens on one side will happen on the other side – everything is connected.

Chair Parkins asked if they could prevent a building from being built.

Mr. Panico asked how they could prevent a property owner from the right to developing their property.

Chair Parkins responded that they could only build a one floor building or a two floor and not allow them to go higher and block windows.

Mr. Panico indicated that he would work with Rick on this.

Chair Parkins commented that she did not want to keep prolonging this application. She commented that she likes that the windows downstairs look out over the park. It is a great feature for the restaurant but she just does not want to see it become a designated eating area for that restaurant because it is a rather small park; it is a pocket park.

Mr. Panico responded that how that the park is something that the City can decide down the road.

Chair Parkins commented stone benches or something.

Comm. Osak stated that it would be the best for that particular park or property to be in the hands of the developer of the Matto building.

Mr. Matto told Mr. Panico that down the road, once they get established, they might be interested in leasing and or buying it.

Mr. Panico stated that he knows what they have to do. They have to get it to the point where they are comfortable with it and have the legal right go ahead and approve something on that representation.

Comm. Osak asked if they had to get the Mayor involved in this.

Chair Parkins responded that the Mayor was involved in this.

Comm. Osak stated that he wasn't involved enough to solve this problem and that is a problem. They have to get him involved to make a commitment.

Chair Parkins commented that right now it is a park.

Comm. Osak responded that doesn't work.

Mr. Panico stated that it doesn't give them enough of a solid basis. They will straighten it out.

Mr. Matto told Mr. Panico that the first thing that the Bank is going to ask him next week is who owns that park. They can't proceed with their financial plans without absolutely surety of what is happening all around the building.

Comm. McGorty commented that for this rendering it is a show stopper then.

Mr. Panico stated that on the premise that they can put it to bed, let's go ahead and finish what they have to do.

Chair Parkins agreed that it would be a priority for financing. In terms of the architectural design, etc...she asked for Commission comments.

Comm. Harger stated that her concern was that it was very similar to the one that Milone and MacBroom presented to the DSC, their particular (inaudible)... She commented that maybe it was the colorization that was throwing her off but (inaudible)...

Chair Parkins responded that it was.

Comm. Harger indicated that the layout inside was well done but she was concerned about the outward appearance of it because it looks like two Supreme Court buildings side by side and she thought it would blend in more with some of the other buildings downtown. She understands where they are coming from.

Mr. Panico indicated that they had some discussions with the Applicant about exterior siding materials and he was going to attempt to get some samples.

Mr. Matto told Mr. Panico that they have some samples of materials but not all of them and he would like to put them together on a single sample board so they can see how the colors balance off of each other. Some colors are very subtle and they are absolutely gorgeous. They got cladding samples in but haven't gotten the pilaster samples in. He added that the pilaster is going to be against the cladding and when they see it together, there is a very sharp contrast - the pilaster is a brilliant white and the brushed aluminum surface on the metal cladding. There are six colors to choose from and they're all very subtle. He couldn't really show the difference on a drawing.

Mr. Panico stated that he'll think that they'll be very satisfied when they see samples of the material and get a real feel for the contrast that you expect to see. He reiterated that he doesn't think it should delay the Commission from coming to a consensus.

Comm. Harger stated that she thinks she was looking for something with a little bit more of a dental-type of trim along the top and things like that. This rendering is very different from what is down there right now. It would be great if they could say that in the next 20 or 30 years all of Downtown is going to be built like this and what Angelo is doing but she doesn't want it to stick out.

Mr. Panico stated that the building is going to carry the imprint of the designer.

Comm. Harger agreed but commented that they should all blend in. She referenced an area in Southbury, a new section, where all of the buildings blend in.

Chair Parkins agreed about them blending in but stated that they also don't want them to be cookie cutter designs either. There needs to be some color differentiation, designs, materials, and roof treatments.

Comm. Harger commented about some other things from Milone and MacBroom that she thought were very classic-looking so she just wanted to bring that out.

Chair Parkins stated that the consensus is for the PDD approval and the Concept Approval.

Mr. Schultz commented that it was also Final Detailed Development Plans.

Mr. Panico indicated that the Applicant has provided them with significant detail to achieve that Detailed Development Approval.

Chair Parkins asked if they were ready to move forward with a consensus to have Tony move forward and fine tune the park issue. She indicated that he can work on the Resolution which will take a few weeks and she'll have a conversation with the Mayor because this has become an issue and they need to resolve it. She added that he may already know about it.

Mr. Panico responded that he thinks the Mayor understands it because at the last presentation before the DSC he talked to him about this concern. The Mayor reassured him then that it really needs to stay as a City park; hopefully, he still feels that way so that they can try to figure out how to implement that and base a Zoning decision on it.

Comm. Osak suggested introducing him to a concept other than that because he may not be thinking as currently as they are and bring him up-to-date.

Mr. Panico responded that he wasn't sure if the Mayor had seen the final architectural renderings and things so that he can see how critical it is to the design to know what will happen there.

Chair Parkins stated that also the bank is asking that question and she wasn't aware of that before. It is a wrinkle but it is not insurmountable.

Mr. Panico stated that the zoning authorizations that are available to that property owner can't really be compromised. Whatever zoning says that they are allowed to get in, they are allowed to get in. It is difficult to use Zoning to limit the amount of development because they have to keep the park open.

Chair Parkins indicated that with a consensus they will ask Tony to move ahead with a Resolution on Application #15-10. No motion is required.

APPLICATION #15-11: GARY KNAUF FOR INITIAL CONCEPT/FINAL SITE DEVELOPMENT PLAN APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (COMMERCIAL BUILDING), 561 BRIDGEPORT AVENUE (MAP 50, LOT 10), LIP DISTRICT ZONE CHANGE (COMMERCIAL BUILDING), 561 BRIDGEPORT AVENUE (MAP 50, LOT 10), LIP DISTRICT (PUBLIC HEARING CLOSED 8/11/15).

Mr. Schultz indicated that the Commission heard the proposal for the need for a Zone Change because of the different uses involved and LIP is too restricted for their anticipated commercial uses. It is a modest building on Bridgeport Avenue and the issues were addressed on the entrance and the traffic lanes. Architecturally, the Commission liked the renderings; it was clean and the landscaping was sufficient.

Chair Parkins indicated that she just wants the Applicant to know that this is PDD. The Commission has control and changing the use to include food may prove very difficult in there. As they experienced with the building that is now Pet Supplies Plus, there were a lot of proposed uses for that site and the Commission kept denying them. She commented that she wants the Applicant to be aware that will be the case here too and it will be scrutinized so that they don't have a high traffic generator in that location.

Mr. Panico stated that they were going to take another look at the Statement of Uses to see if that can be tweaked to convey that.

Chair Parkins commented that she thinks that they have that already within the PDD Regulations because they did it over and over again at Pet Supply Plus. She just wants the Applicant to be aware up front that is a possibility here.

Comm. Osak asked for clarification as to the building location. Chair Parkins indicated that it was located near the present Quest Labs on Bridgeport Avenue.

Mr. Panico commented that it was the last site on Bridgeport Avenue before coming to the Wells property on the right hand side near Quest Labs. He indicated that they will be excavating in front and building a two-story building.

Chair Parkins added that Gary Knauf plans on using it for his own office with two other areas and an upstairs.

Comm. Harger asked if the excavation was similar to River Road by the Sports Center.

Chair Parkins responded no (inaudible)...Mr. Panico stated that it won't be as dramatic as that. There is a building next door and this will carry that treatment down.

With a consensus from the Commissioners, Chair Parkins directed Mr. Panico to prepare a favorable resolution on Application #15-11. No motion was required.

APPLICATION #15-12: MIKE BALLARO FOR SITE PLAN APPROVAL (COMMERCIAL BUILDING), 405 RIVER ROAD (MAP 66, LOT 230).

Mr. Schultz provided a site plan for the area and Mr. Panico pointed out the location of Laurel Heights Road coming down to River Road. He showed the location of a small ten unit apartment complex with two brick buildings on the corner and explained that there was heavy evergreen landscaping in the front. He indicated that this was a very irregular shaped parcel of land with a pretty good amount of frontage on River Road and on Laurel Heights Road but none in the back.

Mr. Panico showed the location of a boundary to a residential zone that had certain requirements that minimized the usability of that land. Recognizing those constraints, the Applicant went to the ZBA and got relief from some of the Zoning criteria. With respect to the irregular site, they got the setback standards compromised to the point that you could reasonably get a building on the site. To gain utilization of this upper level, they had to get permission to be able to use the resident district's setback area for parking purposes. They received that variance also from the ZBA.

Mr. Panico indicated that the third thing is that they got a minor adjustment in the minimum parking ratio requirement because they felt it was all they needed for their site. The good part about that is that it ruled to expand this upper parking so that they could add more spaces in but really eliminate the need even for the variance but it works the way it is being shown.

Mr. Panico commented that they solved two or three of the site issues that they had on grading and landscaping so everything has been addressed on the site. The Applicant provided some very schematic type of architectural renderings to indicate the building. It is a very simple two-story building. The way the building is designed, it is designed to cut into the slope. He showed the River Road side and commented that it was at the River Road grade. He explained that it goes into the slope so that the second floor is at grade with the upper side of the site so that he can get at grade on both sides. It allows one parking area to serve the upper level and this parking to serving the lower level and it works out pretty well.

Comm. Tickey asked if this was for one tenant.

Mr. Panico responded that it is set up so that it could be two at the ground level but more than likely it will end up as one because it is so small. It is the same way for the upper level there could be a partition down the middle for a couple of offices.

Comm. Pogoda asked how many square feet.

Mr. Panico responded 15,084 square feet per floor. If they make two out of it, it's only a 7000 or 8000 square foot each; more than likely it will be one tenant on each floor.

Comm. Harger asked if the Applicant owns all of the property where it goes down to the point.

Mr. Panico responded yes.

Comm. Harger asked if the above-the-ground pool still exists.

Mr. Panico responded that the resident abutter on top has their pool and access all onto their property so he thinks that they were able to be very friendly about it.

Mike Ballaro, Applicant for 405 River Road, Shelton addressed the Commission. He commented that they didn't oppose the variance.

Jim Swift, P.E. and Landscape Architect, 102 Village Drive, Shelton addressed the Commission. Mr. Swift indicated that they have been talking to the neighbor and have it worked out with landscaping.

Mr. Panico stated that it was a simple site plan approval. He put together three or four findings and suggested an action of approval.

Chair Parkins asked the Applicant if there were any negative comments from any neighbors.

Mr. Ballaro responded no, they actually came to the ZBA Meeting to support this. They are very nice people and he's been very fortunate.

Chair Parkins asked if it was just them or were there other people.

Mr. Ballaro responded that the Piccolo's who live right next door, Dominick Loiacano is behind them who owns the pool and another guy at the end who didn't really care because it only touches him a little bit. Lia's is one who sold him the piece and also touches it.

Mr. Panico indicated that there would be landscaping protection for all of the residential and because of the grade situation there is going to be a guardrail installed at the top of the slope in case of any parking issue. They don't want anyone to have to walk down the slope. They have some grade conditions with guardrail where the cut occurs and other than that it grades out pretty well. He indicated that they did a simple report on it. He read the P&Z Staff Report for Application #15-12.

***See attached P&Z Report Resolution dated September 8, 2015 for Application #15-12 for Site Plan Approval (commercial building), 405 River Road (Map 66, Lot 230).**

There was a discussion about sidewalks per a comment from the City Engineer and Chair Parkins commented that she thought there were sidewalks on Laurel Heights Road.

Mr. Schultz responded no but there are sidewalks across the street going to Sunnyside School.

Chair Parkins recalled a hearing about doing sidewalks so there may be a plan for them in place and there has been discussion about it.

Mr. Schultz read the reports from the City Engineer and Mr. Panico discussed his recommendations and the Fire Marshal's report with the standard recommendations.

***See attached correspondence dated August 7, 2015 to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz.**

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

Mr. Panico added that in the Landscape Plan a lot of attention to that area along the front and the buffer between these three parking spaces and the residents beside the parking spaces face River Road so there won't be any headlight glare. It should work out well.

Mr. Schultz indicated that this is a site where they clearly did not want to see any residential. The ZBA indicated that they should make this a part of their Economic Development base and not any more dwellings.

Mr. Panico indicated that it was already in the right zone but they had to make something work in there.

Mr. Schultz stated that they needed relief and the neighbors had to support it.

Mr. Panico commented that they typically don't allow that but this is a unique circumstance and it makes a lot of sense.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Application #15-12 for Site Plan Approval.

APPLICATION #15-14: DOMINICK CERRITELLI FOR ZONE CHAGE (IB-2 TO CA-2), 415 HOWE AVENUE (MAP 129, LOT 33), (PUBLIC HEARING CLOSED 8/11/15).

Mr. Schultz indicated that Staff has prepared a Draft Resolution for the Zone Change. The second application is for the food establishment/café at this location.

Mr. Schultz stated that the Applicant is present and he indicated that he will be meeting with a contractor tomorrow on the sidewalk issue. The Mayor's Office is also indicating that the Chromium Process building is coming down soon – this year. He stated that they have a lot of things going on.

Chair Parkins commented that it will hopefully be this year but the Mayor never makes any guarantees. It was discussed at the Economic Development Meeting this morning.

Comm. Harger asked about a comment that the interior of the building has an open area. She asked if they could put some huge piping in that could be enclosed at some point and the buildings connected. She asks because that was done by the City in her parent's backyard years ago.

Mr. Panico responded that they need to take a whole fresh look when the Chromium Process building comes down because the whole back of that building is going to be in full view. They started working with an architect and he is hoping that the ultimate proposal is going to be a major renovation on that site.

Mr. Schultz added that is a work in progress. John Ruffalo is the architect.

Mr. Panico stated that early on he made one comment to the owner about that sheet metal walkway that ties in the two halves but he got a negative reaction - so let the architect work it out. Things like that have to be ripped off and they have to do something back there because it is ugly and fully-exposed. Right now it is screened a lot by Chromium Process.

Comm. Harger commented that they saw a lot of examples of how the rear of a lot of buildings and the sides of buildings were treated down in South Norwalk and they were very attractive.

Mr. Panico indicated that there are a lot of things that can be done; the owner has to have an open mind and have a good architect working with them.

Mr. Schultz commented that they know the location and how it is surrounded by West Canal Street, Center Street and Howe Avenue. He read the Draft Resolution dated September 8, 2015.

***See attached P&Z Report Resolution for Application #15-14 dated 9/8/15 for Zone Change (IB-2 to CA-2), 415 Howe Avenue (Map 129, Lot 33).**

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously roll call voted (6-0) for Application #15-14 Zone Change (IB-2 to CA-2).

Comm. Osak asked for clarification that this was for the parking lot all the way over to Center Street, that whole block.

Mr. Panico responded yes, that whole block.

APPLICATION #15-15: JUDY ROCKWELL FOR SPECIAL EXCEPTION APPROVAL(FOOD ESTABLISHMENT), 415 HOWE AVENUE (MAP 129, LOT 33), (PUBLIC HEARING CLOSED 8/11/15).

Chair Parkins commented that now that they have changed the zone, there is an applicant who wants a Special Exception to have a food establishment there.

Mr. Schultz read the P&Z Draft Resolution dated September 8, 2015 for Application #15-15.

***See attached P&Z Resolution Report for Three Bridges Coffee House, Inc. for Special Exception Site Plan Approval, 415 Howe Avenue (Map 129, Lot 33) dated 9/8/15.**

Chair Parkins clarified that this was for a food establishment and any other uses of those offices there are not included in this Special Exception.

Mr. Schultz stated that bookstore would be coming in for the next meeting.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously roll call voted (6-0) to approve Application #15-15 for Special Exception Approval.

Chair Parkins told the Mr. Cerritelli that they look forward to working with him on the back of that building.

Mr. Schultz asked him to call in regard to meeting with the DSC on an update of his enhancement plan.

Mr. Cerritelli responded yes, John Ruffalo is still preparing renderings of signage ideas which will be ready for their review. He's meeting with the contractor regarding the sidewalk.

Mr. Schultz asked if it would be a go for the front side on Howe Avenue this year.

Mr. Cerritelli responded yes it was his responsibility to his new tenant. He thanked the Commission.

PUBLIC PORTION

Chair Parkins asked if there was anyone from the public wishing to address the Commission on any item not on the agenda. With no one wishing to address the Commission, she asked for a motion to close the public portion.

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 THE MINUTES: 6/30/15, 7/7/15, 7/22/15 AND 8/11/15

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the minutes of 6/30/15; 7/7/15; 7/22/15 and 8/11/15 with modifications discussed.

PAYMENT OF BILLS

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

8-24 REFERRAL: DISPOSITION OF CITY-OWNED PROPERTY ON HOWE AVENUE (MUNICIPAL PARKING LOT ADJACENT TO DONUT STOP).

Mr. Schultz indicated that as the Commission is aware, he sent an email out when he received a letter from the Mayor's Office for the Commission to consider the disposition of this property. He stated that he spoke to the Mayor and he assured Staff that this is a part of a comprehensive program for the whole area. He and Tony Panico discussed comments that they want to share with the Commission and he would like to take out the maps.

Mr. Panico stated that in principle he doesn't have a real problem with it but the Commission may want to indicate the concern that if there is going to be a disposition, it needs to be in conjunction with a major development that is going to replace parking. He added that rather than a blanket favorable report or unfavorable report, he thinks it is good to get their thoughts down.

Mr. Panico read that after careful consideration, the Commission made the following findings. The existing parking lot serves a variety of parking needs for both commercial and residential uses in that area. Secondly, the location of that property is strategic to the overall comprehensive and optimum renovation and development of the area. Thirdly, that comprehensive development should incorporate parking facilities to satisfy the needs of any proposed development. He added that the fourth item was to allow the necessary flexibility in the design of that proposed comprehensive development, the subject municipal parking area has to be or should be incorporated so that they look at it comprehensively. He added that in order to facilitate that in consideration of those findings, they would report favorably on the 8-24 Referral.

Comm. Osak asked if he said report favorably to dispose of it.

Mr. Panico responded as part of a comprehensive restoration and redevelopment of that block.

Comm. Osak stated that it did not come across to him that way when he said it.

Mr. Panico stated that 1). The existing parking lot serves a variety of needs; 2) it is a strategically located property; 3) comprehensive development needs to have parking in it; 4) The location of the parking lot needs to be taken into consideration with that development.

Mr. Panico added that maybe if parking exists but not where the site is now so in order to allow somebody to go ahead and pursue a development, they need to know that they can control that property.

Comm. Osak commented that isn't the way it sounds to him. If they gave him that report and he was the person interested in it – give him the deed and he'll sign. He didn't say it enough. He didn't say don't do it until they get something done. He said just get rid of it.

Mr. Panico responded that they can get rid of it provided it is coming back as part of a development. He didn't know how the City would pull that off.

Comm. Osak stated that he didn't either. He added that he was glad he could speak because Comm. Dickal wasn't there. He commented that he thinks that they should say that for now, there isn't any need for them to get rid of it until the whole plan of downtown is done. It is surplus to their needs at that time than they can sell it but for now, they just don't know enough about it but to come back and say, after all that, to give an affirmative answer – if you do all these things you can sell it.

Mr. Panico stated that if you were a prospective developer and you needed to have that block as an integral component of a development proposal that you want to make, he asked if you would feel strongly enough in going forward if at the last minute the City would say no for some odd reason.

Comm. Osak responded no he would not.

Mr. Panico indicated that somebody has to bite the bullet and say OK we agree to sell it to you but it has to come back (inaudible)...

Comm. Osak responded that he would ask what they had planned for this area. He would ask what they planned to do with that particular property but don't give a blank check and say come back to me if you want it.

Mr. Panico commented that they have not been privy yet to any proposals. All they understand is that there are proposals being formulated for that block.

Chair Parkins added that they aren't the Economic Development. They assist Economic Development but they don't run Economic Development.

Comm. Osak asked who runs the Economic Development.

Chair Parkins responded the Mayor.

Comm. Harger asked if proposals hadn't been brought to them before.

Comm. Osak asked if the Mayor wants to dispose of it.

Chair Parkins responded that she would assume that is where it is coming from – from the BOA - so it is obviously under discussion with the BOA which is where the 8-24 Referral came from.

Mr. Panico indicated that in all of their Downtown planning, they had always visualized this as a comprehensive development of most of the parcels rolled into one - that in itself was a premise that this was going to go away.

Comm. Osak stated that everything in that block can go with the exception of the presidential units in the building.

Mr. Panico indicated that the old school is what visually separates the two unless someone has really ambitious ideas and wants to pull that in as well. He has no idea what is being considered.

Comm. Osak commented that the way it was phrased sounded like they should get rid of it.

Chair Parkins indicated that what they are saying is that they agree with the potential of disposing of it as long as it is used as an economic development but realizing that whatever is developed there is going to need parking. It becomes part of it but there has to be a plan for parking.

Mr. Panico indicated that at one time they had some very ambitious proposals with regard to a good chunk of that by Mr. Pettis who was basically leaving the City lot a lot and just using it to support his development. He thinks that the logical way for a more comprehensive development is to say this is going to be one big piece of land and asking how they can best put the development on it with all the necessary supporting land uses such as parking, buildings, etc.

Comm. Harger asked if proposals had come before the Board where approval is contingent on properties being acquired.

Mr. Panico responded that the problem is that for the developer to do something as specific as they would like to see costs money and he doesn't know that they would want to spend that money when on a whim they could say that the City wants to keep that lot. He added that they don't know how the BOA feels about it. They are only giving a Planning perspective. From the point of view of Planning, they have tried to say that is a parking facility that supports customers and residents in that area and depending upon how much this comprehensive proposal wipes out most of that need is going to be absorbed by the building that they are going to put back in there. As long as the building that they are going to put back in there satisfies all of those parking needs than they don't need to have it as a City lot. It is a very inefficient City lot to begin with; it is difficult and the grades are steep and it is under-utilized.

Chair Parkins commented that she barely knew it was there.

Mr. Panico responded that it is there but it almost like a private lot for some uses.

Chair Parkins agreed and added that they maintain it. She added that they got rid of another small lot about six months ago that was basically for the tenants living in that house. It hasn't been sold but they did an 8-24 Referral to approve the sale of it.

Comm. Tickey asked if it continues to be an active lot until a developer comes in with plans.

Chair Parkins responded yes because it is still owned by the City until somebody buys it.

Mr. Panico stated that all they are doing is telling the Aldermen that if they decide to go ahead and sell it (inaudible), they support it.

Comm. Osak asked if they were telling the Mayor not the Aldermen.

Chair Parkins commented that the Aldermen have to vote on it.

Mr. Panico stated that the Aldermen have to vote on it and take into account the Planning & Zoning Referral on it. If they decided to vote negatively on the proposal but they have an officially strong Aldermen vote it could go forward with it anyway.

Chair Parkins commented that at least they are putting their thoughts into it and they agreed with the conditions. She asked the other Commissioners if they wanted to think about it or vote on it.

Mr. Panico commented that if they are satisfied with that, want to add to it or throw it out, the Commission can do that. He added that he thought it needed something more than a yea or nay.

Chair Parkins asked the Commissioners if they were ready to vote on this 8-24 Referral.

Comm. Pogoda commented that the way he looks at it (inaudible) if it is a comprehensive plan it is a different story and gives purpose for it (inaudible)... it is needed especially in that area.

Chair Parkins stated that they don't want to just give away parking unless there is a strong purpose for it.

Comm. Osak commented that they give it away only if it is a part of a comprehensive plan.

Mr. Panico responded that in effect, that is what they are supporting.

Chair Parkins clarified that they weren't saying to give it away.

Comm. Osak responded that he didn't mean that they were going to give it away, he meant sell it.

Mr. Panico added that they will allow it to disappear only if it reappears in the form of parking (inaudible)...

Comm. Osak added that if it complements the total development of the area and if they can prove that then they'll sell it.

Mr. Panico indicated that up until now they were ready to have that continue as a municipal lot and they were going to pay to put parking in order for Mr. Pettis to build an intensive building on what he owned. Let the party doing the development absorb the whole site (inaudible)...

Chair Parkins agreed and commented to let them absorb the cost. She asked for a motion to report favorably as noted.

Mr. Panico stated to report favorably in consideration of the four findings that they made.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously roll call voted (6-0) to report favorably on the 8-24 Referral for the disposition of City-

owned property on Howe Avenue (municipal parking lot adjacent to the Donut Shop) in consideration of the four findings made by the P&Z Commission.

PERRY HILL ESTATES SUBDIVISION: REQUEST FOR 90-DAY EXTENSION TO FILE RECORD MYLAR MAP.

Mr. Schultz indicated that this is a statutory request so a motion is in order to authorize the 90 days.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve the request for a 90-day extension to file record Mylar map for Perry Hill Estates Subdivision.

BENCHMARK ASSISTED LIVING: REQUEST TO RELEASE CASH SEDIMENT AND EROSION CONTROL BOND.

Mr. Schultz stated that the next two are bond releases. The Commission wanted Benchmark to go through a whole season and that have \$10,000 remaining. All of the shrubs and trees on the site have held up nicely despite the drought because they have irrigation.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for release of the Cash Sediment and Erosion Control Bond for Benchmark Assisted Living.

781 RIVER ROAD: REQUEST TO RELEASE MAINTENANCE BOND

Mr. Schultz stated that this is in the amount of \$5,000 for the new commercial building across from the Sports Center on River Road. He added that things also held up there despite the drought. It is Howard Soffan's building.

Comm. McGorty asked if it had been a year.

Mr. Schultz responded yes.

Comm. Pogoda asked what happened, if he looked into (inaudible)...

Mr. Schultz responded yes that was conveyed - part of the curbing as you exit from the rear of the building going to River Road, a small portion of the curbing juts out a little bit. He asked Jim Swift, the Project Engineer, why that was done and he said there was really no reason.

Comm. Pogoda commented that, to him, it is a hazard. It is (inaudible)...

Mr. Schultz indicated that it was workmanship. There was no reason that it was done like that.

Chair Parkins stated that if it doesn't match the approved plans than he has to fix it.

Mr. Schultz responded that it doesn't comply.

Comm. Harger stated that they should hold off on this maintenance bond.

Mr. Schultz stated that it wasn't a large length but it impacts the cars following the curb line. He added that it has to be fixed.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to table the request for release of the Maintenance Bond for property located at 781 River Road.

STAFF REPORT

Mr. Schultz reviewed ZBA issues, CT Siting Council (antennas), Zoning Subcommittee, DSC, POCD Update and upcoming meeting schedules.

***See attached P&Z Staff Report from Richard Schultz, P&Z Administrator dated September 8, 2015.**

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to adjourn the meeting at 10:12 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary