

SHELTON PLANNING AND ZONING COMMISSION

SEPTEMBER 23, 2015

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, September 23, 2015 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Nancy Dickal
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Frank Osak (alternate)
 Commissioner Jim Tickey

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

Tapes (1), correspondence and attachments are on file in the City/Town Clerk's Office and the Planning & Zoning Office and on the City of Shelton Website www.cityofshelton.org.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Parkins called the September 23rd Special Meeting of the Planning & Zoning Commission to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that they would be having two public hearings on the agenda and she reviewed the procedures for a public hearing and the sign-up sheet for any individuals wishing to address the Commission as well guidelines for speakers.

PUBLIC HEARINGS

APPLICATION #15-13: WILLIAM HODOSI FOR ZONE CHANGE (R-3 TO CB-2), 803 RIVER ROAD (MAP 12, A PORTION OF 28)

P&Z Secretary, Comm. Harger read the Call of the Hearing for Application #15-13. There was no additional correspondence.

Mr. William Hodosi, owner, Body Shop, 803 River Road, Shelton addressed the Commission. Mr. Hodosi stated that he was requesting a simple zone change and nothing was going to change – the land or anything like that. The parking area is already there.

Mr. Schultz stated that Mr. Hodosi advised Staff that there was an encroachment including grading and parking onto the property to the north and immediately abutting it. It was determined that the property owner would sell to Mr. Hodosi and there was a need for an extension of the commercial zone. Accordingly, the Applicant is here tonight to ask the Commission to extend that zone into that area of the property that he'll purchase and allow the use to be a permitted use because it is presently zoned residential, R-3, which does not allow an auto body shop type of use. He provided a site map of the area for the requested zone change.

Comm. Harger asked the Applicant to discuss a little bit about the encroaching.

Chair Parkins asked Mr. Hodosi if he did the encroachment.

Mr. Hodosi responded yes.

Chair Parkins asked if he inadvertently encroached.

Mr. Hodosi responded yes.

Comm. Harger asked if he was just acquiring this piece of property for...

Mr. Hodosi responded for parking and it will remain exactly the same as it has been since he opened the business – nothing is going to change.

Chair Parkins asked if he would be expanding or anything like that.

Mr. Hodosi responded no.

Comm. McGorty asked if that was the upper area in the back.

Mr. Hodosi responded yes.

Comm. McGorty asked if there were any houses in that area.

Comm. Harger responded yes.

Comm. McGorty asked how close.

Comm. Harger asked if there was a house up on a ledge to the right of it – a log house.

Mr. Hodosi responded no, that log house was nowhere near him – he is further down. There are no houses in that general area. He added that if you went up the mountain and looked over the top of the rock, there is nothing (inaudible)...on road in back of the hill – nothing touching his property.

Comm. Harger asked if there was anything on the end of lower Long Hill Avenue.

Comm. Pogoda stated that it's a two-story building and he parks the cars on the top inside the building.

Comm. Harger stated that the encroachment is on the rear.

The Commissioners reviewed the site plan (comments inaudible)...

Chair Parkins asked the Applicant if there was an existing gravel parking area up there right now.

Mr. Hodosi responded yes.

Chair Parkins asked about the existing gravel parking area and if it was to the right of the existing property line and if he had already purchased some of the property.

Mr. Hodosi responded no, he is in the process of purchasing it right now.

Chair Parkins commented that wasn't just a little encroachment, it is a rather large encroachment.

Mr. Hodosi responded yes, it is.

Chair Parkins commented OK, he must have an arrangement with the land owner if he isn't ...she stated that they are going to hear from his representative as well. She clarified that the gravel parking area is existing and he just wants to make it a part of his property, needs to change the zone but has no intention of expanding the business – he's just keeping it as a gravel parking area.

Mr. Hodosi responded yes, correct.

Comm. Harger asked about the size of the parking area and if it was 2/10 of an acre.

Mr. Schultz responded that it was 9000 square feet.

Comm. McGorty asked if that area was for cars in queue to be worked on.

Mr. Hodosi responded that you can't see it from the road. It has always been up in the back.

Chair Parkins asked if it was visible from anywhere – from any other property.

Mr. Hodosi responded no.

Mr. Schultz asked Mr. Hodosi if he wanted to submit his certified mailings.

Mr. Hodosi submitted the certified mailings for the record.

Chair Parkins asked if it would become any kind of junkyard of any sort.

Mr. Hodosi commented no and added that he's sure with everyone on the Board being from Shelton has driven by there has noticed how nice he keeps the area.

Chair Parkins responded that she did, as a matter of fact.

Mr. Hodosi added that since the beginning he has kept it very nice. He never leaves cars outside at night. All the customer cars go inside and there has never been a junk car in the front ever.

Chair Parkins asked the Commissioners if there were any other questions or comments. With no further comments, she asked if there was anyone in the public wishing to address the Commission regarding this application.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. Atty. Thomas indicated that he represents Dominick Simone who is the owner of the property that surrounds this. Mr. Simone had coordinated with Mr. Hodosi because Mr. Hodosi gets access to the rear of his building through a driveway that is on the Simone property. However, at some point, approximately a year ago or so, Mr. Simone, who has not developed this property of multiple acres, discovered that there was an encroachment. Atty. Thomas indicated that he was hired to represent him in regard to this encroachment. After lengthy negotiations and discussions about restoration of the property, it was thought to be in the best interests to sell the property to Mr. Hodosi because it would not impact how Mr. Simone might develop the property in the future.

He added that this agreement would be conditional on Mr. Hodosi getting the appropriate zoning approval. He pointed out that it was a residential zone so he couldn't even park his commercial vehicles for his business there so that is a result of that application. Atty. Thomas stated that his client is in favor of the application so that it would allow the agreement to go forward for the purchase of the property.

Atty. Thomas added that one of the considerations is the location of where this is way down in the front by River Road. His client's property goes all the way up into the rear of the houses that are on Long Hill Avenue. It is a quite a distance and it has about a 10 foot access there up to Long Hill Avenue but there are no houses in the immediate vicinity. Also, there are no houses on his client's property which surrounds it.

Chair Parkins asked if there was anyone else in the audience wishing to speak for or against this proposal. With no one wishing to speak, she asked for a motion to close the public hearing.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to close the public hearing for Application #15-13.

APPLICATION #15-16: DOMINICK THOMAS ON BEHALF OF SAMMY ALANZ AND STEPHEN MIKLOS FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (RESTAURANT WITH BAR), 333 RIVER ROAD (MAP 80, LOT 172).

P&Z Secretary, Virginia Harger read the Call of the Hearing and correspondence from the Fire Marshal.

***See attached correspondence dated September 22, 2015 to Richard Schultz, P&Z Administrator from Fire Marshal, James Tortora.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT addressed the Commission representing the Applicants. He submitted documents to the Commission including photographs of the posting and the certified mailings. He presented that he filed to Staff, prior to the commencement of the public hearing, a Revised Site Plan. As a result of communications with Staff, he discovered that the Site Plan which he had been given and which had been done by an engineer did not contain property boundaries and was not based upon an A-2 Survey. He added that apparently, there was not an A-2 Survey that had been done. Last week, his client was able to obtain someone and have an A-2 Survey done and an accurate location survey of all the property was completed.

Atty. Thomas stated that one of the reasons why there was concern, and he apologized for looking at the prior Site Plan and thinking a certain line was the property line when it was not, was because he wanted to identify the location of the State right-of-way. He added that this was CT DOT Route 110 and the location of the State property line was in relation to – there is actually a fence that is going to be taken down and a sign that is on the property.

Atty. Thomas indicated that he submitted the new Site Plan and he was going to present 11 x 17 copies of this new Site Plan and 11 x 17 enlarged photos of the zone and photos of the existing conditions. He passed out copies to these items to the Commissioners. He indicated that he filed double-sided copies.

Atty. Thomas explained that the blown up photos of the zone show the site highlighted and there were three photos of the existing site. He indicated that this site is in a CA-2 zone and it has been since the inception of Zoning. This is a commercial area on both sides of River Road and Route 110 stretches down toward heavier commercial areas.

Atty. Thomas stated that this a Special Exception Permit and he represented that the CA-2 zone permits by Site Plan, their Schedule A, a sit-down restaurant in Line 35. This is probably why people have to hire lawyers because after looking at their Schedule A and seeing that it is Site Plan Approval then you have to go and read the fact that 5.18 of their Regulations defines “*any food service establishment whose principle business is the sale of foods and beverages in a ready to consume state at a counter for consumption, at the restaurant or for take-out*” as a high-traffic generator.

He commented that it still doesn't tell you that it is a Special Exception because you then have to go to Section 33 of the Regulations and once you get there, you might come upon Section 33.2.1D that says “*any high traffic generator needs a Special Exception Permit.*” He stated that the fact is that they began with, in their Regulations, that a restaurant in the CA-2 Zone is a permitted use. This proposal is for a relatively small restaurant in an existing building that has had many uses. In his research, he found it has been for a mortgage broker, a farm stand and many other current uses. For the last few years it has been owned by Ace Property LLC in which one of the members, who has signed the Application as an authorized member, is a podiatrist who has offices in the rear portion of this building. She only operates two days a week from 8 a.m. to 1 p.m.

Atty. Thomas indicated that the total area of the restaurant including non-patron area is approximately 1150 square feet with 611 square feet, if totaled up, in total patron area. When looking at the architectural plan done by Pat Rose, they will see occupancy limits. He was doing the plan for the purpose of Fire Code Regulations not for the purpose of how many people are going to be in there. He put in the Fire Code Regs for each area. The size of the patron area is a very small bar with five or six stools, a small dining area with about five tables and a small lounge area totaling 611 square feet. It is the intent of the individuals making this Application to offer East Mediterranean food. The rear portion of the property is used for the podiatrist office and she has consistently used it only on a part time basis and has another location. She is the owner of the property and she is aware that the rear of the property will be impacted by the front use of the property.

As to the parking on the property, he explained that the use is a permitted use and 42.5.10 of their Regulations states that the parking requirements for a restaurant not in a CB-3 zone is one space per 75 square feet of patron area and those spaces must be located within 300 feet of the restaurant.

Atty. Thomas stated that the patron area of the proposed restaurant is 611 square feet divided by 75 is 8.1- rounded to 9 spaces. As they can see from the revised Site Plan that he submitted, there will be 17 spaces even though there is really no conflict when you look at the Statement of Use filed by the Applicant; there is no conflict with their proposed hours.

Atty. Thomas stated that the podiatrist's hours are 8 a.m. to 1 p.m. two days a week and even if she were to go to five days a week, the hours of operation being proposed and the Statement of Uses submitted is for 2 p.m. to 12:45 a.m. Sunday through Thursday and 2:00 p.m. to 1:45 a.m. on Friday and Saturday. It would commence after even a lunchtime crowd. Hopefully, if they are successful, their success would be for the dinner time crowd and thereafter, because obviously, it does have a bar in it. It would not conflict with the podiatrist operating during the day. He added that they are providing many more parking spaces that would be needed.

He commented that he has provided photos and they have seen the property is already paved. He wasn't sure but he thinks that at one point it was also used as a church. The front semi-circular area has supports with footings in the brick and the area that is open right now is going to be enclosed and be part of the restaurant area. The Application complies with all of the bulk standards except for those bulk standards that are complied with as a pre-existing, non-conforming use such as it being smaller than size; these properties existed long before Zoning. The area abuts a residential zone but also has two other restaurants – maybe even more – that really abut residential zones – in both Carmines and Danny O's. He added that Carmine's and Danny O's were much larger than the proposed restaurant here. It is a permitted use, it complies and he added that they were ready to answer any questions that they having.

Chair Parkins asked about the fence being taken down and if that was because it was currently in the right-of-way.

Atty. Thomas responded that they haven't told the State that yet but the intention was to take it down anyway.

Chair Parkins asked if it was encroaching on the State right-of-way.

Atty. Thomas responded that after conducting the Survey, it was determined that it was on the State right-of-way. As far as the sign that is there, that exists there, it can be seen in one of the pictures, it is also on the State right-of-way. He has dealt with that before and it requires him to go to Property Right-of-Way and they will execute a lease agreement.

Comm. Pogoda asked if he said that they were going to be enclosing the patio area.

Atty. Thomas responded yes, completely enclosed and a part of the building. He referenced one of the photographs; they will see that it already has footings.

Comm. Pogoda asked about the new drawings and what the size of the parking stalls was because he doesn't see that.

Atty. Thomas responded that without scaling them he couldn't tell him that.

Comm. Pogoda asked if they were going to be restriped because the spaces there right now...

Atty. Thomas responded that there is no striping there right now so they would have to be striped. All that would have to be done. He referenced the Site Plan and indicated that they will have to construct one further space where there is some grass up towards the front. He reiterated that there was a grass mound there now.

Comm. Pogoda asked where the dumpster would go because he doesn't not see any dumpster enclosure on the drawings. He needs dumpsters, grease dumpster...

Atty. Thomas responded that he wasn't aware – there was a parking space to the rear and there is room in the rear and four dumpsters he thinks were previously there but they aren't shown.

Comm. Pogoda stated that right now the dumpsters are sitting in the open area where the parking lot is.

Atty. Thomas indicated that they would have to be removed out of that parking area.

Comm. Pogoda asked where they would be going.

Sammy Alanz, 5059 Madison Avenue, Trumbull, CT addressed the Commission. Mr. Alanz responded that the dumpster would be in the back of the building and he showed the location on the Site Plan where the A/C units are located.

Comm. Pogoda stated that they have to have an enclosure around them. He asked how the truck was going to pick them up.

Mr. Alanz responded that as long as there is no car there, they can just pull right in and right out. There is plenty of space.

Comm. Harger asked if there would be four dumpsters.

Mr. Alanz responded no, one small one that would be dumped every couple of days if it was needed.

Comm. Dickal asked if one didn't have to be just for grease and the other one just for trash.

Mr. Alanz responded yes, right.

Comm. Dickal asked about the bar area and how large it would be.

Mr. Alanz responded it would be very small, he thinks he said 126 square feet (inaudible)...

Atty. Thomas stated that it was on the architectural drawing done by Rose Tiso. It is a very small bar.

Chair Parkins stated that it is a small bar area but there is a lounge indicated. She asked if he could explain a little bit about the lounge aspect.

Mr. Alanz responded that they drew that out but what they mean by lounge, it is two large 5 to 6 person booths in the corner.

Chair Parkins stated that it was up on a platform.

Mr. Alanz responded that it was just a one inch to two inch platform. It was just how they drew it out but all it is a little space for lounging – but it is very small.

Comm. Dickal commented that if there is a football game on and they have activity...

Mr. Alanz responded that they wouldn't have a TV.

Comm. Dickal asked for clarification that he would not have a TV.

Mr. Alanz responded that they would not have a TV and it is not a sports bar whatsoever.

Chair Parkins stated that it looks like a good-sized kitchen so if the purpose is to serve food why aren't they putting more tables in there.

Mr. Alanz asked where they would fit them.

Chair Parkins responded it would be instead of the lounge area.

Atty. Thomas stated that people can eat in the lounge area – there is no prohibition...

Mr. Alanz responded that the lounge is throwing them off but they are really just tables/booths.

Comm. Harger commented that they don't indicate a table – either one.

Mr. Alanz responded that is what they are – circular booths with a table that goes in front of them for eating and sitting.

Chair Parkins asked about the five employees and added that it would leave him about 9 parking spaces.

Mr. Alanz responded that it would not be five employees at once. It would be three at once – Security Guard, Bartender and the Kitchen – OK, it would be five with the Kitchen – she's right.

Chair Parkins asked why he would need a security guard.

Mr. Alanz responded that it would be at night time to keep things clean, keep the parking lot (inaudible), to be there for security – just a part of keeping things in order.

Chair Parkins stated that he would be the first in Shelton to have a security guard.

Mr. Alanz responded that he just likes to keep things in order. He isn't anticipating anything...

Comm. Harger stated that for the size here, five tables and five stools at the bar and the lounge area, she doesn't think...she asked if the nature of this business is strictly a restaurant.

Mr. Alanz responded yes, it has full menu.

Comm. Harger asked about the hours.

Atty. Thomas indicated that the hours are in the Statement of Use.

Chair Parkins stated that it would be 2 p.m. - 2 a.m. on Friday and Saturday and 1:45 a.m. (inaudible)...

Atty. Thomas commented that 1:45 a.m. and 12:45 a.m. are listed as the closing hours required by the Liquor Control Commission.

Chair Parkins asked if he was open seven days a week.

Mr. Alanz responded that it might be six days but they put down seven.

Chair Parkins stated that she's concerned about the parking.

Comm. Dickal commented that she had an issue with the parking too.

Comm. Dickal stated that she was a little bit concerned why he would think that he needs to have security.

Atty. Thomas responded that if anyone wishes to have security on their site, there is no reason why (inaudible)...

Comm. Dickal stated that she understands that but it piqued her interest.

Mr. Alanz responded that it was – for example, with the parking lot to make sure there are no problems and to make sure that people aren't trying to park on the road. It is really for keeping things in order not actual security work.

Atty. Thomas stated that he knows that they have concerns with parking but the Zoning Regulations are set – 75 square feet of patron area. They are providing almost double what is required because what are required are 8.1.

Chair Parkins commented about it being a high –traffic generator.

Atty. Thomas indicated that is what their Regulations provide. This is a permitted use so what their Regulations provide...

Chair Parkins stated that it is a Special Use for a high traffic generator.

Atty. Thomas responded that they are still governed by the Zoning Regulations.

Chair Parkins stated that they are well aware of the Regulations that they are governed by.

Atty. Thomas stated that what he is saying is that in this case, it does provide 8.1 rounded to 9 and they are providing 17 spaces.

Comm. Harger commented that there would be no TV and asked if there would be any type of band or any type of entertainment.

Mr. Alanz responded that they might have soft music in the background.

Chair Parkins asked Atty. Thomas where he was coming up with those parking spaces.

Atty. Thomas responded 17 spaces on the revised site plan that he submitted. He added that it would include the one where they propose putting the dumpster.

Comm. Pogoda commented that he would like to find out what the width of those spaces is.

Chair Parkins asked if they had that information.

Atty. Thomas indicated that he did not without putting a ruler on it – he reiterated that it was because they discovered issues with the previously submitted Site Plan. He didn't measure the size of the spaces.

Comm. Pogoda stated that he would like to know. He asked if they intend to have lighting in this parking area.

Mr. Alanz responded yes and added that he thinks it already does but if it needs more, yes, of course.

Comm. Pogoda stated that he is concerned about the homeowners in the back as far as any excessive lighting.

Mr. Alanz commented that if it isn't needed than they definitely don't want to put any up.

Comm. McGorty stated that it should be down-lighting anyway.

Atty. Thomas stated that it would be down-lighting regardless, it is a commercial zone.

Comm. McGorty stated that it should be full cut-off down-lighting.

Comm. Pogoda stated that he is concerned about it.

Atty. Thomas indicated that there are light poles on the site right now.

Comm. Dickal commented that there are also car headlights shining into people's homes at night because it looks like an extremely low landscaping here.

Atty. Thomas indicated that the property next to it is commercial property.

Comm. Dickal responded that she realizes that but two wrongs don't make a right.

Atty. Thomas stated that this zone is a commercial zone.

Comm. Dickal responded that she understands that.

Atty. Thomas commented that it is difficult when commercial zones abut residential zones but that is the way a lot of the Zoning was done throughout the entire Valley. In this case, the adjacent property, he believes is a hair salon so the adjacent property is commercial. Some of these properties that are commercial here may have apartments over them but it is a CA-2.

Comm. Dickal responded that she realizes that but a lot of developers have worked with the residents to make sure that everything coincides and they are in an area conducive to both parties.

Atty. Thomas stated that the area in the back goes up substantially and the homes are above it.

Comm. Dickal referenced the photograph showing the parking lot and pointed out the location of two different homes.

Someone in the audience agreed about there being homes and commented that it didn't go up high.

Chair Parkins asked that no one shout out and told audience members that they would be given the opportunity to speak after the Applicant finished the presentation.

Atty. Thomas stated that he thought she was pointing to the area abutting it which is a hair salon.

Comm. Dickal commented about the photograph and indicated that she was concerned about the parking and how it would affect the homes along there with car lights, street lights, and even noise. She added that if they are going to do something, they need to work with the people that reside there and the people who want to have a business there.

Atty. Thomas responded that he would check that but he thinks that the area she is pointing to is a commercial building next door. He reiterated that the building next door is a commercial building in the CA-2 zone.

Comm. Pogoda responded yes, but there are homes in the back and that is what she is referring to.

Atty. Thomas stated that in the back of the property, the way that the parking...

Comm. Dickal asked about the dumpsters in the back and how trucks were going to get back there.

Mr. Alanz responded that they weren't going to be there.

Comm. Dickal asked if they were going to be relocated.

Atty. Thomas stated that they were going to be relocated behind the building.

Comm. Dickal asked if there would be no parking in the back whatsoever and it would be empty spaces.

Atty. Thomas responded no (inaudible)...

Chair Parkins stated that the parking is shown on the Site Plan right there.

Comm. Dickal referred to the photo and asked about all of the space shown on it.

Comm. McGorty commented that it was the middle of the lot. Chair Parkins added that it was existing.

Comm. Pogoda stated that it has no lines indicating the parking.

Comm. Dickal commented that they would still have lighting that affects these homes no matter how you look at it.

Atty. Thomas indicated that he was confused because the way that parking is facing is toward the commercial building next door.

Comm. Harger stated that there is only commercial on the first floor.

Atty. Thomas stated that he didn't know if there was a person living upstairs but he thinks it is a hair salon.

Chair Parkins asked if they were planning a take-out menu as well.

Mr. Alanz responded that they haven't really decided on that but if it is a problem...

Chair Parkins stated that she thinks that this is going to be a high traffic generator so she would like to have a traffic study done for it. Her concern is about take-out food and if they are planning any kind of entertainment with the lounge area.

Mr. Alanz responded that as far as that - background music on the Pandora radio.

Chair Parkins stated that it's Mediterranean and asked if there would be any belly dancers or anything like that.

Mr. Alanz responded absolutely not.

Comm. Pogoda asked if there would be any music on the outside.

Mr. Alanz responded absolutely not.

Comm. McGorty commented that the concern with the take-out is that it will take spaces for the patrons and there will be stacking out to the road and it would impede traffic.

Mr. Alanz responded that he wouldn't do take out if it was a problem.

Comm. McGorty stated it would be OK if they had more space but they are kind of limited.

Mr. Alanz responded that it was understandable.

Chair Parkins asked if the Commissioners had any other questions.

Comm. Dickal responded that she didn't have any right now.

Chair Parkins commented that so far from the Commission and from what she's heard - she asked for a traffic study, a lighting plan and an indication of the width on the parking spaces.

Atty. Thomas stated that since they just submitted it, he has no problem continuing until the next meeting. He asked if they wanted a full traffic study by a traffic engineer for this.

Comm. Harger responded yes.

Chair Parkins stated that she would also like to see the dumpsters shown on the site plan.

Comm. Osak asked the Applicant if the revenue from running the business would be made from the sale of prepared food and accompanying drinks or as alternate someone comes in for a drink and pays for it and they get that revenue and that is where the revenue comes from.

Mr. Alanz responded yes.

Comm. Osak asked if there was not any other activity other than those two things to raise revenue there.

Mr. Alanz responded that's right.

With no further questions from the Commissioners right now, Chair Parkins opened the public hearing for public comments. She called the first person listed on the sign-in sheet.

Maureen Zaneski, 908 Amity Road, Bethany CT addressed the Commission. Ms. Zaneski stated that she was also a part owner of the property across the street at 330 River Road. She indicated that one of their tenants was approached for extra parking spaces, if needed, and they don't want any extra parking spaces made available on their side of the road.

Jeremy Buchhold, 15 Hamburg Street, Shelton addressed the Commission. Mr. Buchhold stated that he read the format for the public hearing and he wants to make sure that he does this correctly. He asked if comments, questions, opinions and so forth would be welcome.

Chair Parkins responded yes, absolutely.

Mr. Buchhold indicated that he lives on Hamburg Street in Shelton and he has three children. His twins are two years old and he has a five year daughter. His daughter attends Sunnyside School, one of his sons goes to the daycare down the street and the other one has been in the hospital for about three months now. He was born and lived in the hospital for 1 ½ years; he is on a ventilator and full life support, feeding tubes and he has a very rare condition. He added that his son was the March of Dimes Baby of the Year and lots of other things.

Chair Parkins commented that she was sorry to hear that.

Mr. Buchhold responded thank you and stated that he was in the Chamber of Commerce, Rotary International and he is very opposed to the restaurant going in for several reasons. The first reason is that they hear the noise from Danny O's already. They can afford one place that makes a little bit of noise but two of them would be, and it is much closer to his home and the lighting as well would be a disturbance. It is in view, especially in the winter there are no leaves on the trees and you are just looking straight down. Mr. Buchhold commented that that noise would affect his children keeping them awake at night. He stated that he thinks that a security guard at a restaurant for 10 people, he thinks that raises some eyebrows as well. He asked if he was allowed to give his opinion on this.

Chair Parkins responded yes, absolutely.

Mr. Buchhold stated that he feels that the testimony from the attorney is completely false. There is no way they could be asking for those few parking spaces. He asked if 8.1 were allowed to be rounded up to 9 because he was curious about that.

Chair Parkins stated that she didn't hear that but no, 8.1 would not round up to 9.

Mr. Buchhold commented that when it comes to having a restaurant with security guards operating until 1:45 a.m., having one meal per day doesn't strike him as something that should be in their community. It came to his knowledge that the people applying for the permit are also affiliated with gentlemen's clubs throughout the State. When it comes to having a lounge with no tables in a restaurant, 2 inches off the ground, it sounds like it is going to be a sham when it comes along to what is actually going to be there. Those parking spaces are being eliminated in the back with the dumpster and he has put a lot of work into the house that he put there. He moved out of Waterbury to get out of that type of element to raise his kids in a proper community and to put that right across the street from their school, basically right next store, he doesn't think that is the type of town that he wanted to move into.

Mr. Buchhold commented that he already had one gripe when they took away his paved road and made it into a gravel road which they did with most of the streets there. He stated that he has put something in the ballpark of \$100K into his home to retrofit it for generators, retrofit the

electricity; he needed control there for his son, handicapped accesses and so forth so with that type of noise and that type of traffic, he is not in favor of that. He thanked the Commission.

Chair Parkins asked the audience to hold their applause so they could hear the names being called. She called the next speaker.

Ralph DeSanti, 67 Oak Valley Road, Shelton addressed the Commission. Mr. DeSanti stated that he rents from Mrs. Zalenski and has the 24 Hour Heating & Air Conditioning business across the street from the proposed restaurant. He indicated that his concern was any possible overflow parking because people were just going to end up over there in his lot. It is a busy road and the nearest cross walk is a quarter of a mile away down by Sunnyside School. He commented that sometimes it takes him a minute and a half to two minutes to pull out of his lot and to take a left-hand turn and head toward Stratford. Mr. DeSanti stated that he was concerned about people possibly being over in his lot, crossing the street, it could be a dangerous situation. It is on a slight curve and he doesn't think that the line of sight for drivers would be a good situation.

End of Tape 1A, 7:45 p.m.

Mr. DeSanti indicated that it was a 35 mph zone so it is not like getting out of restaurant in downtown Shelton, there are no sidewalks so his concern was about people parking in the middle of the night because he has a 24 hour operation with his trucks coming in and out at night. He is concerned about cars in his spaces. He thanked the Commission.

Judy Reeves-Heznay, 11 Fairview Avenue, Shelton, CT addressed the Commission. Ms. Reeves-Heznay indicated that she resides behind and to the left of this particular building. She stated that she had written something out in advance but many of the things have been mentioned by other people so she doesn't want to say it again. She indicated that she wanted them to be aware that the neighboring residential community is not in favor of this. The establishment itself is commercial; the house next to it, the Options Beauty Salon is also commercial but there are people living above it and on the other side of it and all of the people up behind, Glendale, Montgomery, Colony - it is an entirely residential area.

Ms. Reeves-Heznay stated that after she received the certified letter, she went to P&Z and obtained copies of the plans and the thing that bothered her most was the hours of operation. If this is going to be a restaurant, as Atty. Thomas stated, her feeling is the need to keep a restaurant with 5 tables open until 12:45 a.m. Sunday through Thursday and 1:45 a.m. on Friday and Saturday; it doesn't seem to be consistent. The statement was that there were only five seats in the bar and the Fire Marshal – and Atty. Thomas said it was going to be a small bar – there are five seats in the bar but the occupancy can be 26 people. There can be people standing in that bar in addition to the five seats there. The issue of the 17 parking spaces sounds decent for five tables but if they look at the occupancy allowed by the Fire Marshal, it would total 58 plus five employees bringing the total to 63 and that would be the amount of people allowed in this establishment before it was improper according to the Fire Marshal.

Ms. Reeves-Heznay asked where the additional patrons and employees would park their vehicles. She added that they would obviously be parking in their residential area. They are already looking to get spaces at the building across the street. Currently no vehicles park on #110 and she asked if that would be allowed now. Police reports can verify that this road is constantly the site of multiple motor vehicle accidents and having another bar on this road will only increase the incidence of additional accidents.

In reference to the lounge area, it was said that the bar had five seats, 26 occupants and it also showed the lounge area with circular seating for 9 occupants and a platform. She asked why there was a need for a platform in a restaurant bar. The first thought is a live band or DJ but the second thought is even worse. As it was alluded to, Sammy Alanz is the current permit tee of Mystique Gentleman's Club on Main Street in Bridgeport. She stated that she has an article from the Connecticut Post but she didn't know if it was permissible to read it.

Chair Parkins responded no, it is not relevant.

Ms. Reeves-Heznay stated OK but added that this is what many of the residents fear in this surrounding area and she thinks that they almost alluded to it themselves in regard to the platform, why they aren't more tables for dining, etc. As can be demonstrated by people here tonight, the community does not want this restaurant bar at this location. Other restaurant bars in the area such as Carmine's and La Scogliera do not have live music or entertainment. Carmine's closes at 10 p.m. Sunday through Thursday and 11 p.m. on Friday and Saturday. La Scogliera closes Tuesday through Saturday at 10 p.m. and 9 p.m. on Sunday. Both restaurants are closed on Mondays. While there are other restaurants and bars in Shelton, the ones staying open later are either in strip malls in self-contained areas surrounded by other businesses, bars that may have been grandfathered in or bars in downtown Shelton. None of them are surrounded by residences that will be directly affected like theirs will.

Ms. Reeves-Heznay stated that being that this is a bar and it was going to be open late, they are sure that there are going to be some questionable activities going on – there always is – liquor bottles, drugs and other things. They don't want their children exposed to these items as well as being faced by alcohol or drug impaired individuals, parking on their residential streets will be negatively impacted, drunk driving and motor vehicle accidents will increase and property values will decrease. For these reasons and many more to be addressed by other residents, she urged the Commission to deny pending application #15-16 and to please allow their quiet residential neighborhood to remain.

Christine Ziniak, 9 Fairview Avenue, Shelton addressed the Commission. Ms. Ziniak stated that the previous speaker just said it all but her house is diagonally across from 330 River Road. She indicated that she had three children; she worries about the noise, the overflow of parking and everything that Judy just stated. It is a quiet neighborhood, a great neighborhood and they don't want to have the property values go down or hear the cops at night while the kids are trying to sleep. When bars close, fights happen so she is opposed to it.

Hamparsum Dinkciglu, 23 Colony Street, Shelton addressed the Commission. Mr. Dinkciglu stated that he lives right behind this building so he is concerned about noise. He has two children and he is against this – too much traffic, noise, etc.

Chris Straborny, 14 Wright Street, Shelton, CT addressed the Commission. Mr. Straborny indicated that he lives about 1/3 of a mile from the proposed location. It is zoned commercial but he doesn't see the need for a restaurant/bar as the right application for that area. There is already enough on that road so he would be opposed to this.

Jennifer Theiss, 19 Colony Street, Shelton addressed the Commission. Ms. Theiss stated that she lives next to Mr. Dinkciglu who just spoke. She indicated that from her deck in the back of her home she can see directly, diagonally into the property there. The light that is currently behind that property shines onto her property because of the way that the opening is in the trees. Ms. Theiss stated that you can tell that they have been doing work and cleaning down there in the evening because she can hear the noise inside that building. She added that the noise from anything down on River Road travels up the hill completely. It is just the way the terrain is. She is currently selling her house and she doesn't want her property values to decrease while she is in the middle of selling so she is definitely opposed to it.

Ms. Theiss commented that another speaker alluded to the fact that there is a curve in the road and the curve is concave looking out of the property. Having had difficulties coming out of Hair Options to turn left or even to turn right and certainly in coming out of Belmont or this business, because of the road curve it is difficult from a traffic point to see during high peak travel hours. When Sikorsky lets out from 3 p.m. on, River Road is extremely high traffic. Her cat got run over on River Road. She has concern about the traffic and when you are facing the property, there is a residence on the left where an elderly man lives and everything to the left of that building is residential and everything behind it; so, obviously, 12:45 a.m. for a closing time on the weekend with children... There a special needs children living in the neighborhood directly behind there and up the hill so the noise levels will affect the kids that have to get up and go to school in the morning. It is not ideal for residences in that area to have a bar open that late at night with noise, traffic and the lights from cars coming in and out, patrons, laughing or singing – it is not ideal for the residents.

Emerson Reynolds, 339 River Road, Shelton addressed the Commission. Mr. Reynolds stated that he is in the house next door to this establishment. He indicated that he has lived there for 55 years and River Road has been reconstructed. People here are talking about the traffic but they aren't saying how fast that traffic is going. It is like a race track there sometimes, motorcycles going by do about 90 mph and his concern is the traffic. Right now the lights are going through his backyard but he goes to bed late at night so it doesn't matter to him about the noise or the lights really but he is concerned about the traffic. He's had cars go right through his yard more than once and accidents from cars in the road hitting other cars. If people are drinking it is going to be a bad problem so he is completely against this mostly because of the traffic.

Ron Hiznay, 11 Fairview Avenue, Shelton addressed the Commission. Mr. Hiznay commented that he lives corner to corner abutting this property. In regard to the pictures and the questions about the parking, he commented that he couldn't see anyone pulling into one of those parking spots without their headlights shining into his kitchen. Right now, since the development of the property a few years ago they cut a beautiful tree down on the corner which opened his backyard up to all the lights so they constantly have a light shining into the window. As far as the dumpsters, they are picked up at 3 a.m. or 4 a.m. and he hears that, the slamming, the gates opening and everything because that is how close they are. He indicated that they don't need more dumpsters, more noise at 2 a.m. and no one is going to tell him that there won't be some kind of revelry as people leave a bar at 1 a.m. He thanked the Commission.

Chair Parkins asked if there was anyone else in the audience wishing to speak. With no further comments, she asked if Atty. Thomas if he wanted to address any of the concerns mentioned.

Atty. Thomas responded that he is assuming that based upon the questions asked that the hearing will be kept open.

Chair Parkins responded yes.

Atty. Thomas stated that with respect to the concerns it is difficult to address many of the points in that this is a commercial area and this is a commercial use that is permitted within this commercial area. Obviously, they have to address the traffic issue and certainly any lighting would be, if there is existing lighting that is shining, because this has been an existing commercial area, has to be down lighting which is the Commission requirement. Any lighting that isn't down lighting would have to be changed.

Atty. Thomas responded that it is hard to respond to assumptions that people leaving the bar are going to be rowdy. He indicated that was not something he could address. As far as the hours of operation, the hours are put in there because under a Liquor License those are the maximum hours of operation that people can operate on. As far as how late food is served or how late things are done with respect to a restaurant, he thinks that the fact that some restaurants close at 10 p.m., some close at 11 p.m. and some close at 12 a.m. for the restaurants in the area, he doesn't think that any restaurant, at least for Zoning purposes, is going to create a disturbance within the area. He noticed that everyone jumped on the comment of his client being intent on having a security guard on the site to watch that parking was appropriate but no one realized that if he was going to go the extra mile to do that, he would address any problems on the site.

At the request of the Commission, he will discuss with his client the issue of the traffic study and address Comm. Pogoda's request to identify the way that the spaces are and he'll address some of the issues with of the way people pull in and out and the location of the dumpsters. Obviously, as far as the dumpsters being emptied at night or anything like that, they can put restrictions on that. The proposed hours don't start until 2:00 p.m. so obviously morning or late morning removal of any dumpsters would be appropriate in this situation. He added that he thinks that most of the issues and concerns can be addressed. Many of them would apply to a good many commercial uses that would be done on this site also.

Chair Parkins asked if there was any landscaping being proposed.

Atty. Thomas stated that there is potentially some area for landscaping in the front. There is really no area for landscaping from the site plan.

Chair Parkins asked if there was any way to shield these many residents who would be impacted by the light.

Mr. Alanz responded that if they were in the parking lot they could.

Atty. Thomas indicated that he really couldn't comment on it without looking at it. The pavement goes pretty close to the side, if there is any area beyond the pavement, certainly some landscaping could be considered. He stated that the property has been developed so it isn't like they are going to be paving. The only area of grass to be paved is along River Road where there is a small area of grass that is being taken over within the property line to add another parking space.

Chair Parkins stated that it has always been a low intensity use – at least for the 30 something years that she has lived here. She stated that they will continue this public hearing until October 13th and she asked for a motion.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to continue Application #15-16 until Tuesday, October 13, 2015.

Chair Parkins stated that she wanted to remind the audience and the Commissioners that this hearing has been kept open. The Commissioners cannot have any dialogue with anyone. The only people who can have dialogue would be Staff and the Applicant. She asked the audience members to please not contact any of the Commissioners because their Regulations do not allow it. It can compromise the hearing.

OLD BUSINESS

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

Al Zaidi, Grandis Construction, New Jersey addressed the Commission. Mr. Zaidi stated that he was the construction contractor and he brought blueprints to show the Commissioners regarding the exterior renovations being proposed by Burger King. He indicated that his company has done many renovations for Burger King restaurants throughout Connecticut. He indicated that all of the Burger King locations are being remodeled. They are doing a reimagining and he provided photos of some completed renovations in Connecticut.

Comm. McGorty asked if the external renovations were for aesthetics and asked if there were any internal renovations.

Mr. Zaidi responded that they are doing only the dining room and the exterior which is mostly cosmetic.

Comm. Pogoda asked about the colors and what they are going to be doing here at this location. He added that he didn't care about any other Burger Kings in Connecticut.

Chair Parkins asked if they were all pretty consistent.

Mr. Zaidi responded that they are all the same exact colors and ...

Mr. Schultz stated that this was a result of the national CEO, the new president and because the sales are flat.

Mr. Zaidi responded yes. There is a new president. The buildings are really old so they are trying to change the look of them.

After a significant attempt to find the correct blueprints, Mr. Zaidi indicated that he was unable to find the drawing addressing the exterior modifications because he took it out of his packet to mark it up and left it at his hotel.

Chair Parkins indicated that they need an artistic rendering of what they are proposing for this location. Just coming with photos of what other places look like...she stated that they want to see the existing location and what they are proposing it look like. She commented that they were opposed the last time and they will maintain their opposition for the "Home of the Whopper" huge signage. She commented that they know that Burger King is the Home of the Whopper and they don't need it advertised in bright lights. She indicated that she thinks she can speak for the whole Commission in saying that has to be eliminated so anything that he comes back with should not have that on there.

Mr. Schultz asked if they were putting new siding on this or repainting it.

Mr. Zaidi responded that they are building towers like this and it will have siding on it.

Chair Parkins asked if it was going to be blue, brown like these photos, orange – what ...

Mr. Zaidi responded that it was going to be these colors in the photos.

Chair Parkins stated that they need to see that on the drawing. She stated that this is a Planned Development District and the Commission maintains a lot of control over the architecture and the signage and they aren't going to just listen to Burger King say that this is the model and it is what they're going to do. It is not going to fly here. She reiterated that they need an architectural rendering of what this building is going to look like. It may take him a little bit of time to get that done but that is what they need before moving forward with this.

Mr. Schultz asked if they had worked in any special zones.

Mr. Zaidi responded that Manchester was a special zone like this and they are doing it right now. They have about 15 that they need to do and they've done about 7 already. The special zones have been here and in Manchester.

Comm. McGorty asked if there was anything local that would be representative of what they are trying to do that they might go drive to and see in their travels.

Mr. Zaidi responded New Haven but it isn't really local – on Whalley Avenue.

Mr. Schultz commented that they are generic though and not the special zone.

Chair Parkins indicated she saw one renovated with the Home of the Whopper and she was like ...no way.

Mr. Zaidi asked if the sign company came in for it.

Chair Parkins responded that they did and they tried to get that but the Commission said no.

Mr. Zaidi asked if she meant that they said no to the "Home of the Whopper."

Chair Parkins responded yes.

Mr. Schultz stated that the sign company needs the exterior to get modified before they can install the sign. The Commission put restrictions on the sign replacement but they can't do anything until they get the exterior modifications.

Mr. Zaidi responded OK and indicated that he would work on that. He asked when he should come back.

Mr. Schultz responded October 13th.

Comm. Pogoda stated that if he isn't sure, he should communicate with Rick Schultz.

Mr. Zaidi responded yes he has been and he's been helpful.

Mr. Schultz stated that they don't want him to have to keep coming back and they want them to get it done.

Mr. Zaidi responded that he would come back prepared with a colored rendering next time.

Chair Parkins stated that they wanted a rendering of what they are proposing, what it is going to look like including colors, siding, everything.

Comm. McGorty added that if they have any of the proposed material samples, he should bring them too.

Mr. Zaidi responded that he would do that and added that it was stucco and Hardy Plank siding.

Mr. Schultz stated that would be maintenance free, no staining.

Chair Parkins commented that they are presenting a whole bunch of colors here.

Mr. Zaidi responded that all of the colors are the same on all of the remodels which are red, beige and black but he'll prepare a drawing. Right now there is a shingled roof and it will be an aluminum roof.

Chair Parkins commented that she didn't think so and added that if there are shingles on there, they have to get back to when this was originally designed because there were designed specifications. It had to be specially designed to be there to begin with so they can't just take their architectural...it has to blend in with what they have got down there.

Mr. Schultz indicated that they have a major corporate office to the south of here.

Chair Parkins commented that she knows Mr. Zaidi is just the contractor but added that they are going to have to come up with something different because metal roofs and black siding is not what they want to see down there.

Mr. Zaidi responded that he understands that it is a special zone.

Comm. Harger asked if anyone accompanied him, like an architect, to the hearing in Manchester.

Mr. Zaidi stated that Manchester approved it and they are working there right now. He stated that the photos that he brought were from Manchester.

Comm. Harger commented that she thought it was unfair that he is the one presenting things that someone else designed it. The person who designed it should be here to explain it.

Mr. Zaidi asked if they wanted him to bring the architect next time.

Comm. McGorty responded yes, and then they can ask him everything.

Mr. Zaidi indicated that he would be there for the October 13th meeting.

Chair Parkins stated that if he isn't available or doesn't think that they'll be ready by the 13th, they will have another meeting on the 27th.

Mr. Zaidi commented that this Commission was very strict. They will be doing Watertown and he heard that they have a special zone too and they have a problem with Home of the Whopper too.

Mr. Schultz responded that it was the type of zone that they use. He informed the Commission that all of the Chili's will be upcoming their exterior, awnings and signage next.

On a motion made Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table Separate #293.

**SEPARATE #0478: VAZZY'S CANTEEN, 1000 BRIDGEPORT AVENUE,
TEMPORARY MOBILE CATERING VAN**

Mr. Schultz indicated that the new owners of 1000 Bridgeport Avenue, where People's Bank used to be, are now putting in a full cafeteria. The person he spoke to who wants the temporary catering van was unaware so the broker called yesterday and went over the particulars. The Commission is going to be seeing the interior renovation work is significant on the first floor; probably most of the People's area. He provided a site map including Bridgeport Avenue and he pointed out the back area of the site where they have picnic tables. He said that they would like up to five months; they expect the cafeteria to be in place before five months so they would like up to five months for the temporary van.

Mr. Schultz showed where the van would be parked in the back and said it won't be seen from Bridgeport Avenue.

Chair Parkins asked if it would be left there overnight like Smoke & Bones was or will they take it out.

Mr. Schultz responded no it will be taken out. It is an expensive van – a van that is taken to private residences for private parties.

Chair Parkins asked if it was registered in Shelton.

Mr. Schultz responded that he did not know.

Comm. Dickal asked where people would eat during the colder weather.

Mr. Schultz responded that they will take the food back to their office but he thinks that they will eventually prepare an area on the first floor for people to sit down but right now they have the picnic tables.

Chair Parkins commented that this is temporary because they are going to set a six month temporary period.

Mr. Schultz responded five months – no more than five months and it is temporary in nature with the understanding that a permanent cafeteria – the Commission has always asked for a cafeteria for these large multi-use office buildings.

Comm. Pogoda asked if they had to get a permit first from City Hall.

Chair Parkins asked why it needed to be permitted.

Comm. Pogoda responded that a food establishment has to be permitted – like when they had it down by the reservoir.

Chair Parkins stated that they aren't street vendors because they are on private property. They don't need a City permit.

Mr. Schultz responded that because it is private property, it has to go before this Commission. It is an accessory use and they have to determine that the accessory use works and doesn't impair the traffic circulation.

Chair Parkins stated that she thinks it is providing a service for people that don't want to walk over to Burger King.

Comm. Pogoda stated that as long as it is temporary.

Comm. Dickal agreed and if they can do something later inside the facility that is even better.

Comm. Harger stated that her concern is what drove this all of a sudden. That facility has been there for years, even when it was fully occupied, it was never requested.

Chair Parkins responded that they were probably having a hard time occupying it.

Comm. Harger stated yes, she went (inaudible) today and there are a number of empty buildings.

Mr. Schultz commented that they were and most large office buildings have the cafeteria.

Comm. McGorty stated that they want to keep as many people on site as they can.

Mr. Schultz stated that Vazzy does catering and they like the food.

Chair Parkins indicated that they are trying to cater to the tenants (inaudible)...

Mr. Schultz indicated that Vazzy will probably be the caterer there.

Comm. Harger asked what would happen when they have inclement weather because it is beginning that season right now. She asked if they would have to go outside to get their food.

Comm. McGorty responded that they would have to leave anyway if they went to a restaurant.

Chair Parkins indicated that they have pizza trucks that come up to the Corporate Towers that come and go so this will come and go to.

Mr. Schultz stated that this is here for four days out of the week.

Comm. Tickey responded that they are leaving though.

Mr. Schultz indicated that they would be there for several hours but the other ones come and go.

Chair Parkins stated that they are there during inclement weather; when it rained, the pizza truck came and they got their food and went back inside.

Comm. Harger asked if this was going to go the way of the collection bins where all of a sudden people think that they can park a catering truck anywhere in town with an empty parking lot.

Mr. Schultz responded no.

Chair Parkins stated no because you have to have owner permission for one thing and without owner permission then you need a City permit for the street.

Comm. Harger commented that with the collection bins they just started dropped them in the middle of the night.

Mr. Schultz stated that is an enforcement thing (inaudible)...

Comm. Tickey stated that the bins are harder to get to, there are going to be people in trucks that they could police.

Comm. Pogoda agreed with that point but finding out this is a temporary thing only due to them establishing a restaurant for the building itself, he is more comfortable with that. He doesn't go for the idea of just parking a truck...

Chair Parkins stated that Smoke & Bones did that over at the B P Station. It didn't work for them and people find that out but they can't stop them from trying.

Comm. Pogoda stated that they don't want to find food trucks parked all over.

Chair Parkins agreed that they can't have them just pulling into parking lots.

Comm. Dickal commented that she's hopeful that this is a new venture and they are successful and then they will move it indoors for the cafeteria. She added that it was a plus.

Comm. Pogoda stated yes it was a plus for the tenants. They are trying to keep it going in this market.

Mr. Schultz indicated that they want that amenity that they don't have right now. Staff recommends approval with the five month limit.

Comm. Harger asked what hours they want it there.

Mr. Schultz responded Tuesday, Wednesday, Thursday, 8 a.m. to 1 p.m.

Comm. McGorty stated OK, it's breakfast and lunch.

Mr. Schultz stated that it was two employees.

Comm. Harger stated that years ago when Joe Pagliaro was the Chairman of this Commission and Dutchess made an application, he was consistent about take-out and things like that and that's why Dutchess has china inside. They have to make sure that they have sufficient garbage cans or whatever.

Mr. Schultz stated yes, Staff does that.

Comm. Harger commented that they keep that property nice but she just doesn't want to see things blowing onto Route 8 or Bridgeport Avenue.

Mr. Schultz stated that as this Commission knows, it is very competitive getting Class A tenants and they need this amenity.

Comm. Pogoda commented that brown baggers that use those benches would use the same thing as they would get something from the truck. They keep the area clean and it is kept up nice.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #0478.

APPLICATION #15-13: WILLIAM HODOSI FOR ZONE CHANGE (R-3 TO CB-2), 803 RIVER ROAD (MAP 12, A PORTION OF 28)

Mr. Schultz read the Draft Resolution for Application #15-13 for the zone change.

***See attached P&Z Report Resolution for Application #15-13 dated September 23, 2015 for Zone Change (R-3 to CB-2) for The Body Shop, 803 River Road (Map 12, portion of 28).**

Chair Parkins asked for any comments, a motion, second and a roll call vote.

Mr. Schultz commented that this was a very reasonable neighbor to (inaudible). Bill Hodosi has been there for years and they didn't get an as-built of the grading, just the building. No one said anything and the owner knows his property.

Chair Parkins stated that it was not up to them to verify boundary lines. When he first said encroachment, she thought a little encroachment but it was a lot.

Comm. Pogoda commented it was a 1/8 of acre but everything is there already and staying exactly the same. He keeps everything very clean and you never see anything outside, even if it were up top it couldn't be seen.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously roll call voted to approve the zone change (R-3 to CB-2) for Application #15-13.

Chair Parkins reiterated that there is no discussion with anyone regarding the open Application #15-13. She asked for a motion to adjourn.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to adjourn the meeting at 8:27 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary