

SHELTON PLANNING AND ZONING COMMISSION

OCTOBER 27, 2015

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, October 27, 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 Jim Tickey

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

Tapes (2), correspondence and attachments are on file in the City/Town Clerk's Office and the Planning & Zoning Office and on the City of Shelton Website www.cityofshelton.org.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Parkins called the special meeting of the Planning and Zoning Commission to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that there would be two public hearings this evening with one of the hearings being a continuation from September 23rd.

The Applicant for the #15-16 hearing will be providing some clarification and providing additional information that the Commission asked for at the last meeting. She briefly reviewed the procedures for a public hearing and told the audience members that there was a sign-up sheet for anyone in the audience wishing to address the Commission in the public portion of the hearings. She requested that audience members address only the new information and avoid repeating comments made at the previous hearing because there were a lot of people present and the Commission would like to give everyone an opportunity to speak.

PUBLIC HEARINGS

APPLICATION #15-16: DOMINICK THOMAS ON BEHALF OF SAMMY ALANZ AND STEVEN MIKLOS FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (RESTAURANT WITH BAR), 333 RIVER ROAD (MAP 80, LOT 172, CA-2 ZONE (CONTINUED FROM 9/23/15).

Chair Parkins opened the hearing for Application #15-16 and asked the P&Z Secretary if there was any new correspondence.

P&Z Secretary Virginia Harger read correspondence from the City Engineer.

***See attached correspondence dated October 23, 2015 addressed to Richard Schultz, P&Z Administrator from Robert Kulacz, P.E., City Engineer.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT, representing the Applicant, addressed the Commission. Atty. Thomas stated that he planned on responding to the comments and questions raised by the Commission at the last meeting. He indicated that he was not going to respond, nor do they deserve a response to the issues about a strip club (inaudible) but he will pass on that.

Atty. Thomas began by addressing the remarks in response to his client's position about saying the number of employees included a security person. His client's purpose in doing that is to insure that his restaurant/bar is always appropriate. If they had a restaurant or bar that had trouble, you would be asking why they don't have any security on the site. He stated that many restaurants and bars, because of the enforcement action of the Liquor Control Commission, do have security personnel to make sure people are properly (inaudible)...The fact that he wants to

have a security person is not a negative, but in fact a positive, as someone who wants to make sure that there are no issues related to his site. There will be, and despite everyone's comments, no valet parking or anything of that nature because they comply, plus one space, with the Parking Regulations.

Atty. Thomas stated for the record that he misspoke last time, he wasn't aware that their Parking Regulation online is separate than their Zoning Regulations but they do, in fact, fully comply with their new Parking Regulations. As a result of analyzing and looking at that and actually taking into account the comments made, he and his client and the architect, Pat Rose, sat down and basically redesigned the inside to create a better flow of people because there were some issues especially the location of the kitchen.

Atty. Thomas indicated that the Commission should have, because he provided six new full-size and 11 x 17 plans. He presented the full-size plan on the easel and he showed the major changes in the interior as it relates to their parking and parking ratio. He indicated that the kitchen is in the same location but they took the bathrooms and showed the location they were moved to. He showed the two dining areas and the location of the bar. He commented that a lot of people made an issue of the fact that the lounge was not near the bar which was a point that they discussed with the architect. There is now a small lounge with tall, stand-up bar tables next to the bar and the bar remains the same size.

As a result of the computation, they should also have a full complete parking analysis that he prepared for them which complies with the Regulation fully and the parking analysis shows that there is a total of 1343 square feet gross in the restaurant and that mandates 14 spaces (1 space per 100 square feet of gross floor area). The bar, patron area and lounge area – and he checked with their P&Z Administrator as to what should be included in that – comes out to 104 square feet for two spaces, one space per 50 square feet of bar patron area for a total of 16 spaces and there are 15 spaces provided on site so they are, in fact fully compliant, plus one, with the Parking Regulations.

Atty. Thomas commented about the conflict between the Fire Marshal and the City Engineer. He indicated that the Fire Marshal commented to him today - and he didn't know whether he got a hold of Rick Schultz but said he would – is that it is his job to establish fire lanes not the City Engineer's. In fact, the Fire Marshal's Report from the last hearing while somewhat confusing about the entrance clearly stated that there was a 24 foot clearance that needs to be maintained throughout the complex. When he spoke to the Fire Marshal today, he said absolutely not - 26 feet. He commented that he has told the Commission a few times that the reason he raised it to 26 feet, and there are a few locations when you impose 26 feet, it is to fit the aerial unit. He said that of course they aren't going to fight this fire, they probably aren't going to bring anything inside when fighting the fire.

Atty. Thomas stated that he invested in a new engineering ruler based upon the comments. He stated that the City Engineer says that the parking lane is 21 feet but he should always remember that if you write a report backwards, deny it and try to justify than it should be accurate. He stated that the parking spaces are 20 feet and he used the engineering rule at of a scale of 1-20, the distance in between the lane is 24 feet which is what the Fire Marshall requires. He indicated that that comment in the City Engineer's Report is meaningless.

Secondly, in his report he says that Parking Space #12 blocks the two dumpsters. Atty. Thomas stated that there are many proposals where dumpsters are blocked and it is appropriate. He stated that he has done several such as in a convenience store where the dumpsters are blocked because the dumpster pick-up is scheduled during an off time. With respect to this location, the restaurant doesn't intend to be open until 2 p.m., there is a very light use during the day and there is no issue with that space. They could afford to lose it but there is no reason to lose that space. He concluded that addresses the Engineer's Report.

Atty. Thomas indicated that the Fire Marshal's Report, and he spoke with him today and pointed out that this is an existing site. As an existing site, the entrance is appropriate, although it does measure out to be about 20-something feet. He summarized that the fire lanes and those issues are so that the fire trucks can set up. The reason for the 26 feet was for one single piece of

equipment – the aerial units with their legs total 26 feet. The Fire Marshal indicated that it was not a requirement here.

There was a request for a traffic report so they hired Milone and MacBroom and all of the Commissioners should have a copy of the Traffic Report. He stated that he wasn't going to read the entire Traffic Report but he would highlight it. At Milone and MacBroom, this traffic study was worked on by Dave Sullivan and Neil Olinsky who the Commissioners are familiar with. They point out that there is plenty of room with the width of the shoulders throughout this area of River Road for a car to bypass when someone is making a left hand turn.

The report goes into detail in regard to the size of the restaurant and the amount of patron area. There is comment in the report when talking about the 85th percentile of speed, not the speed limit but the higher speed. He referenced the photographs that he provided to the Commission. He showed one of the photos and commented that he took the picture standing up but not all the way out to the curb and stated that it shows what the report talks about. He pointed out a house on the corner of Belmont Avenue and River Road and the landscaping/planting in the State right-of-way. It is a difference of 67 feet according to the Traffic Report. He commented that in looking left, the arborvitae provides some blockage but if you pull all the way out to the end, you could see somewhat beyond them.

Atty. Thomas stated that he has the Department of Transportation (DOT), Property and Rights-of-Way on his speed dial because he deals with them all the time. It would not take much to make a phone call, if this Commission felt it was a significant issue, and get the trees cut down. They are on somebody else's property so he can't go on there and cut them down but they are unequivocally in the State right-of-way. As they point out in the Report, it also impacts and they point it out later in the summary, it also impacts the line of sight when people are coming out of Belmont Avenue. He reiterated that this house was on the corner of Belmont and River Road.

The Traffic Impact Assessment in the report and he referenced the weekday afternoon peak hour – there is no need to discuss morning peak hours because the restaurant isn't open – enter 15, exit 10 for a total of 25. It is a very minimal impact upon the traffic coming down. The Level of Service designations are in there – A and C – well beyond what is required. In the summary, they talk about if you wanted to remove the trees, you would have the full 467 feet of right-of-way. As it is with the trees there, they have 400 feet of right-of-way. Atty. Thomas stated that the evidence before them is that the traffic impact is minimal, if any, for this proposal.

Atty. Thomas commented that there were issues about lighting and cars. He went out to the site and took a series of photos to give them the best idea that they could see as to how high – how far above this property – the properties are to the rear. He referenced a photo taken from the site driveway and referenced the parked car to give a sense of the scale and height. The trees in the back, although they aren't a solid wall, are evergreens. He counted about six or seven but he doesn't know the specific type of evergreens. It doesn't mean you can't see the houses – but you can see the bottom of the houses directly behind and off to the right. You can see the houses but they are substantially higher. He referenced a different photo to give some idea of the height and explained that he walked up the hill to take the picture looking down.

Atty. Thomas mentioned that Comm. Dickal referred to the house next door. The property next door is a beauty salon in a house with an apartment on the second floor. Although it is totally unnecessary because the residents are on top, his client has proposed plantings along the side. He stated that this area, and he was able to walk up it, has a place for plantings. The rear retaining wall is on the property line and behind it the relatively larger evergreens are located. He thinks they might be white pines.

Atty. Thomas added that the site lighting would all have to be down lighting and it is that effect right now but there was some discussion as to which direction the car headlights would face. Whenever a car is pulling in or out – when they are pulling out the lights, of course, are mainly going to be facing River Road but if a car is pulling in there may be some ambient light above where its lights are pointing; the houses are substantially higher.

Atty. Thomas suggested that the Commission keep in mind that in this commercial zone without not-considered-high traffic generators and with little or no control over their hours, are retail,

cleaners, church, a private club or a fitness center are permitted uses within this commercial zone. There wouldn't be any concern about traffic coming in or out later at night but when they look at the actual photos and the actual location of this, there is nobody pulling in right at a house. The houses, by his estimation and with his engineering rule it is probably correct, the houses are a good 15 to 20 feet above the level of this parking lot.

Atty. Thomas referenced the last photograph showing the size of the rear wall as you get closer to the end. He showed where there was plenty of area for the two dumpsters in the back. They are shown on the plan in the back and they can easily fit. There is no reason at all not to have the parking space in front of it because the dumpster pickup would be during off hours and not when the restaurant is operating. With that he thinks that he has addressed all of the previous comments and they are ready to answer any questions from the Commission.

Comm. Harger asked why the traffic study only gave one table with entrances and exits for a weekday afternoon. She stated that the Applicant indicated that his operation would be Sunday through Thursday until 12:45 a.m. and Friday and Saturdays until 1:45 a.m.

Atty. Thomas responded that they were addressing the peak times during the weekday because that is when the heavy traffic is on River Road when the businesses let out. On the weekends there is substantially less traffic and he thinks that is referred to in the report.

Comm. Harger asked if the Traffic Report doesn't feel the need to show any activity from 6 p.m. to 10 p.m.

Atty. Thomas responded that it isn't a question of not showing any type of activity – they are showing the peak period. What they say, and he'll look through their analysis in the Traffic Impact Assessment – during the weekday the peak hour at 5 p.m. to 6 p.m. is when 973 vehicles travel River Road. They talked about the fact that at other times, such as later on, there is much less traffic impact. He could go through and identify the specific point in there to respond to that. He stated that everyone is welcome to get their own traffic study but their Traffic Study says that there is no problem at all and this is from two certified traffic engineers.

Comm. Harger stated yes but she thought maybe residents in the area, no matter what time of day, are always going to be concerned about the traffic on River Road and their ability to get in and out and travel through their neighborhood.

Atty. Thomas responded that they aren't impacting it and that was the reason for the request for the traffic report. They asked for a traffic report and they went to a traffic engineer for the traffic report, and the traffic engineer says that there is little or no impact.

Comm. Harger stated that in the 10 years that she has been on this Commission she can't count on any less than three fingers, the number of traffic reports that have come to them where there is going to be an impact – but they are always positive.

Atty. Thomas responded yes because if there is an impact, the main reason is, if there is an impact Staff usually tells them there is too much of an impact and there is no point in doing it. He pointed out that thing about a traffic study and added that he was not involved in it was a comment with the initial application for the Cranberry Subdivision. It was a very controversial subdivision and at that time, former Commissioner Perillo – and this Commission paid Fuss & O'Neil for an independent report not hired by the Applicant – and Comm. Perillo pointed out that the Fuss & O'Neill Report was more favorable to the Applicant than the Applicant's own Traffic Report. Atty. Thomas stated that they should go get another report and added that he guaranteed that it would come back more favorable than this report because people who work for applicants tend to be a lot more conservative in their analysis. He added that was one of the reasons that Milone and MacBroom pointed out the issues about the arborvitae and while he can't take a chainsaw to them he knows from dealing with the DOT Rights-of-Way that all it will take is one phone call and those residents will get a letter from the DOT but it is a matter of 67 feet.

Comm. Dickal asked about the right-of-way with the trees there. She asked for an estimate as to how long those trees have been in the right-of-way.

Atty. Thomas responded that from the way he looks at it, it doesn't look like they've been there that long. The house looks like it has been renovated but that is immaterial.

Comm. Dickal commented about him saying that it obstructs visibility for people coming out of Belmont. She stated that she was wondering if anyone who lives on that street has an issue with it.

Atty. Thomas responded that they may not because it doesn't block...the comment was made that it impacts line of sight but the fact of matter is that people make out pretty well, as they often do, and have more than enough sight to get out safely. They didn't discover any accidents in that area. The Traffic Report was conservatively pointing out that it is in the right-of-way. It is ornamental plantings within the right-of-way that impact the line of sight. It looks very nice and when he recently looked at them, they had just been mulched.

Chair Parkins commented that they seem to have a lot of entrances into this establishment. There are two doors; she referenced the floor plan.

Atty. Thomas responded that one of the doors is an emergency exit and would probably be designated as a fire door. The use of the other one could be a door but it would have to be determined but it was not going to be an entrance for people to walk in - the main entrance because that is off to the side.

Chair Parkins asked if the location of the main entrance was also the main entrance to the podiatrist's office.

Atty. Thomas responded no it is a separate door. He pointed out the location of the main entrance to the restaurant; there is a set of double doors and that's the main entrance to the podiatrist's office.

Chair Parkins commented that is why she just asked because it is the main entrance to the podiatrist's office but where it says "main entrance" there is an arrow that points to the single door and then right within the same portico area is the entrance to the podiatrist's office. She asked if that was correct.

Atty. Thomas responded correct.

Chair Parkins asked if the podiatrist was upstairs.

Atty. Thomas responded no, on the first floor.

Chair Parkins asked if there was any intention of expanding this into that area that isn't used except four hours a day, twice a week.

Atty. Thomas responded no, if they did they would run into a problem with the parking ratio. They have one space to spare so they would run into a problem with the parking ratio.

Chair Parkins asked if there was any plan to utilize that space.

Atty. Thomas responded no.

Mr. Panico asked what the extent was of that outdoor brick patio area.

Atty. Thomas responded that it was going to be enclosed. It has footings and whatever – and it is going to be enclosed.

Mr. Panico stated that he was talking about the area beyond the circular dining area because on the map it says "brick patio."

Atty. Thomas commented OK, yes, there is brick beyond the edge of it – there is brick beyond where they are going to enclose it. He stated that if they have the photos from the previous

hearing, there may be a picture showing it. There is no intention at this point to use outdoor seating or anything like that. They would have to come back before the Commission to do that if they wish.

Mr. Panico commented OK, so there would really be no residual brick patio. According to the photo from the last meeting, if the new wall is going where the lattice work was originally, there is still a significant patio area out there.

Atty. Thomas responded correct but there is no intention at this point to use it as a patio. They would have to come back before this Commission to ask permission for outdoor seating. It is not on their site plan.

Comm. Dickal asked about the security and if they have other establishments, restaurant establishments or is this their only one.

Atty. Thomas responded no this is the only one they are doing. In the past, one of the Applicants had an investment in a restaurant that he sold.

Comm. Dickal asked if they ever had restaurants prior to this.

Atty. Thomas responded not to his knowledge.

Comm. Tickey commented that he wanted to pick up on something that Comm. Harger asked which he thought was a really good question that he was also having a difficult time understanding. In the Traffic Report, there is a snapshot of a weekday afternoon saying that 15 cars would enter the site and 10 would exit but if it is a bar that is open to 12:45 a.m. or 1:45 a.m., he asked if it wouldn't be a larger number of cars coming in and out given that it is a bar.

Atty. Thomas responded this is the weekday afternoon peak hour and that is the way that traffic reports are done. They assess it at the peak hour because at the peak hour is when they have taken the Traffic Reports from the State of Connecticut DOT and then – as shown on Page 2 in the Traffic Impact Assessment they conduct a study of all of the other projects that are ongoing or pending possibly such as condo projects which would add to it. Once they reach that, they assess it for what the impact will be during the time that the peak traffic time passes by. The implication is that at other times of the day, it is not the peak so therefore the impact substantially falls off.

Atty. Thomas stated that he read through this and if they look at the bottom under that table, the volume of traffic – and this is from the DOT – the last paragraph states *“it is anticipated that the traffic turning into the site in the weekday afternoon hour will experience a Level of Service A. Additionally, as mentioned above, northbound thru traffic on River Road will be able to bypass any motorist momentarily waiting to turn left into the site. Traffic exiting the site during the weekday afternoon peak hours is expected to experience a Level of Service C. They note that the restaurant and bar may be busiest later in the evening after the afternoon commuter period.”*

In this case, the number of trips entering and exiting the site could be higher at that time compared to the weekday afternoon commuter peak hour; however, the volume of traffic on River Road is much less after 6 p.m. and the operations at the site driveway in the later evening will still be Level of Service C or better.

Atty. Thomas stated that is the way that they analyze it. The Level of Service is based upon the peak period going by a site and that is what they did. They do say yes, you'll have some heavier traffic potentially afterwards, but according to the DOT reports, the traffic falls off substantially after 6 p.m. mainly because a lot of the traffic is coming from Sikorsky.

Comm. Dickal commented about the lighting and a buffer for the residents who reside along that area. She asked about a house shown in one of the photos and a lamp post.

Atty. Thomas responded that the area she is referring to is the building.

Comm. Dickal asked if there were two lights back there.

Atty. Thomas responded yes, there are two night lights.

Comm. Dickal commented about patrons going in and driving in and that naturally it has to be lit well enough so no one falls. She asked where else the lighting might be.

Atty. Thomas pointed out the location of lights, down lights in a couple of locations and indicated that they have to comply with the lighting requirements. He showed the location of the light posts and added that he wasn't taking pictures of the light poles. He referenced a light pole in the back and in the front and three other locations on the site.

Comm. Dickal asked if that would be sufficient for patrons there.

Atty. Thomas reiterated that it was the required down lighting so it doesn't throw any light up. If they need another pole they will put another pole in without violating their Regulations.

Comm. Harger commented that she didn't see any notation on the plan for the sign or business identification.

Atty. Thomas responded that the issue with the sign and they will have to come back in before the Commission because the existing sign – they will have look at the photos from the first meeting – the existing sign is in the right-of-way so when it gets to that point...it is relatively high which is probably why it doesn't block the line of sight.

Atty. Thomas stated that he explained to the Applicant and the property owner that they have to go to the DOT Right-of-Way. The normal procedure now is if the sign is going to be in the right-of-way, the sign may have to be relocated back at which time they will have to come back before this Commission for a Certificate of Zoning Compliance for the sign. He asked Rick Schultz if he had the photo from the first meeting because there is a photo there that shows the sign. He added that at the last meeting, he represented that the chain link fence is coming down.

Chair Parkins asked where the hair salon was located.

Atty. Thomas looked for the correct photo and showed the side of the site it was located next to.

Mr. Panico asked if it was on the property next door.

Atty. Thomas responded yes to the right.

Mr. Panico asked if the sign was in front of their property or this other property.

Atty. Thomas responded that this sign is in front of their property, the Options Unisex Salon – looking left...

Mr. Panico responded OK, so he's not looking at the sign that is in front of their property.

Atty. Thomas responded no, that was in the photos submitted at the last public hearing.

Mr. Panico stated that they don't have a picture of that sign then.

Mr. Schultz looked for a photo of the sign.

Atty. Thomas stated that he thought there was one – it is a high sign, very high up and he thinks it references the medical person in there. Once the survey was done, it was discovered that it was in the right-of-way and when the sign is in the right-of-way, the issue has to be addressed with the DOT Rights-of-Way. It is irrelevant, that is why the traffic engineers already knew – there is a relatively large right-of-way on that side of the road.

Mr. Panico responded that the traffic engineer makes no note of that sign conflicting with the line of sight.

Atty. Thomas responded that the sign itself is very high up – you can see clearly underneath it in just about any type of vehicle because it is very high up with an open bottom and that is why it doesn't interfere. It is higher than the Options Unisex Hair Salon but even that is probably in the right-of-way, more than likely.

Chair Parkins stated that she knows that he has put a lot of effort into the parking situation but she is still concerned with five employees – the security guard, the bartender, a waitress, two people working in the kitchen, maybe a dishwasher and a cook – that is five people. Out of the 17 parking spots, he has 12 left with four bar seats, there is 8 spots left. If there are four people at the bar but you've got capacity for more than four so now it is seven. They are going to have space for one table to eat at for parking.

Atty. Thomas suggested that they hold a public hearing and modify their Regulations.

Chair Parkins responded that is where he is wrong because this is a Special Exception, high-traffic generator and the Commission has the right to consider that even though the Regulations state ...

Atty. Thomas suggested that she get an opinion on that because the parking ...

Chair Parkins stated that is why there are Special Exceptions.

Atty. Thomas responded that he understands that but when you have a Parking Regulation that says *“restaurant or cocktail lounge, or similar use for the sale of the consumption of food or beverage on the premises with more than 16 seats, one parking space for each 100 feet of gross floor area plus one additional space for each 50 square feet of patron bar or cocktail lounge area.”* He reiterated that was their requirement. He said that the fact is that he understands that they categorize it as Special Exception which means it is still a permitted use within the zone. He stated that they get to look at certain factors but, as far as the on-site parking, they comply with the Regulation. To say that it is insufficient is to say that they haven't complied with their Regulation. They can't point to any other Regulation in the book that they have the right to vary the amount of parking.

Mr. Panico commented that he believes the general provisions in the Parking Regulation give the Commission the ability to request additional parking if they deem that the amount of parking provided is inadequate.

Atty. Thomas stated that he guesses that would apply to any restaurant under their Regulations...this person complies with their Parking Regulation plus one and he thinks the comment was made that five was the total number of employees but, yes, if they want to accommodate their patrons than they can take issue with that but they comply with the Parking Regulation. If they apply the Parking Regulation in that fashion to count one for every bar seat, one for every employee, then he believes, having done other restaurants, they should have issues with the amount of parking.

Chair Parkins indicated that they have had issues. She recalled Madison's on Bridgeport Avenue.

Atty. Thomas responded right and that is why they changed the Regulation to this. The prior regulation was different and it actually had less parking.

Mr. Panico stated that in this case, he thinks that what the Chair is pointing out is that there is a disproportionately high ratio of potential employees to customers. If they have 5 or 6 employees potentially using up a third of their available parking, that's a lot.

Atty. Thomas responded alright but the comment was made last time that the total number of employees would be five. There could be a bartender, a waiter and a kitchen person. There was a comment made that they would have a security person on site to ensure that everything is appropriate. If that is the case, then establish that no employees can park on site. They would have to find parking elsewhere and be transported in if the Commission is concerned about that. He stated that he is only following their Parking Regulations.

Chair Parkins stated that he can hang his hat on that if he would like but she begs to differ that the Commission has the prerogative in considering that.

Comm. Tickey commented that if people are considering parking across the street on a very busy street, he would be very uneasy about people running across that street at night to get to that business.

Chair Parkins stated it was private property.

Atty. Thomas responded that no one is considering parking across the street. It would constitute trespassing. There was something mentioned a long time ago as a option in discussing possible situations. A question was asked to a tenant who has since been evicted from the property who told the property owner who ran with it as though it was a done deal. Once the layout was done by an engineer, they realized that they had sufficient parking.

Comm. Dickal asked if they had a total of five employees.

Atty. Thomas responded a total of five – not necessarily on the site at all times – not five on the site all the time.

Comm. Dickal stated that they are going to have to have the chef, a waitress, a bartender, a dishwasher, security – that is five and they will be taking up the parking spaces. She asked if they were going to carpool to work.

Atty. Thomas responded that is what most restaurants would have to do if they are going to enforce this the same way on all restaurants do even though that is your Regulation but they can impose that condition and it can be done.

Comm. Dickal stated that she knows that is up to whoever would like to go down that avenue but she thinks that is a crazy way to do business and shuttle your people into work because there isn't enough parking and if they have a good restaurant business, they are going to have a lot of business and have a lot of customers.

Atty. Thomas responded that then they should change their Parking Regulations.

Chair Parkins responded by referencing 4-11 which states *“The Commission shall determine the number of parking spaces needed to adequately serve the proposed use and adequately preserve the intent of this Section 42.”*

Atty. Thomas responded yes, and then it goes on to list specific Parking Regulations.

Chair Parkins stated yes, but it still gives the Commission the prerogative to do that. She stated that they weren't going to argue this point anymore. She asked if there were any further questions from the Commissioners. With no further comments from the Commission, she opened the public hearing to the public with the first audience member who signed up.

Michelle Vichiola-Van Wart, 22 Wright Street, Shelton addressed the Commission. Ms. Vichiola VanWart indicated that Wright Street is right off of River Road and she is not in favor of this Application because of concerns about traffic, safety, noise, and light in an area that is not used to having that sort of thing occur. It is very residential even though there are some businesses but the Application is for a restaurant/bar to be open until essentially 1 a.m. or 2 a.m. so she is concerned about that.

Ms. Vichiola-VanWart indicated that she did not have an engineering degree but she doesn't understand how there would not be a significant impact to the neighborhood and area traffic when they are opening a business and not analyzing what the factor is for an increase in traffic during those hours because right now there is none. She's sure that someone who has a better idea as to what that means could in fact say that the expectation is reasonable that they would have a significant increase in traffic in that residential area.

Ms. Vichiola-Van Wart commented that she was also questioning, although she may have just misunderstood, in the top row of photos where there is a house with plantings in front of it, she thinks that there is a property to the right of it which is actually on the corner. She added that she doesn't think that house is actually on the corner of Belmont but she may have misheard that but there is actually another property to the right of it. She thanked the Commission.

Judy Reeves, 11 Fairview Avenue, Shelton addressed the Commission. Ms. Reeves stated that the main reason she is here tonight besides voicing her opposition to the plan, is that the Shelton residents in the area have been very vocal about being opposed to this plan. They have circulated a petition and they have a petition here which she will read to the Commission.

She indicated that at the present time they have 140 Shelton resident's signatures on the petition against this. She read the following petition.

We the undersigned are opposed to Application #15-16 by Sammy Alanz and Stephen Miklos for Special Exception and Site Plan Approval for a Restaurant and Bar at 333 River Road. This is a residential neighborhood and the traffic and noise that would be generated by a high-traffic restaurant and a bar into the late night hours would be disruptive and dangerous.

Ms. Reeves reiterated that they have 140 signatures and in addition to the petition six people were actively circulating the petition. Each of them has signed an affidavit that was notarized.

The affidavit states that *"I, the undersigned, having been sworn, disposed and say as follows: I am over the age of 18 years and believe in the obligation of an oath. I personally confirm that all signers of this petition are over the age of 18 and I explained the purpose of this petition to each signer. I personally witnessed each person sign his or her name to the petition."*

Ms. Reeves indicated that they have this information to submit to the Commission tonight. She added that personally she had a small opportunity about 10 minutes before this meeting to look at the plan presented tonight and one main question she has is about the occupancy. On the original plan, the Fire Marshal's plan, it showed the potential of 58 occupants, five employees making it 63. This plan shows semi-circular booths with tables but no number as to the number of people who can take occupancy in this establishment. Ms. Reeves commented that she thinks that needs to be looked at further.

Ms. Reeves stated that as far as the parking she asked if they were going to allow people to park on River Road because she hoped not. She commented that people will look for more parking spaces which mean using the neighborhood and the side streets which are residential. She commented that River Road is zoned as commercial but if they look at River Road, Options Hair Salon is a commercial establishment and there is a commercial establishment across the street but everything surrounding it, even though it is commercial, to the right of this building and all the way down to the next street there are all private homes; behind it there are streets with private homes. It may be zoned commercial but it has a major impact on the neighborhood and this is why they are against it.

Ms. Reeves commented about the noise level and patrons leaving at 1 or 2 in the morning. Additionally, there is a no smoking ban in restaurants and bars right now so smokers will be going outside to smoke. She reiterated that there would be smoke, noise, and disruptiveness to the neighborhood. She commented that they hadn't gotten into it tonight but at the other meeting they said that there would be no entertainment other than a radio in the background but if there were to be loud music it would be disruptive to the area. She commented that this is a family area with children, handicapped and elderly residents and they are in opposition to this. She submitted the petition and notarized affidavits and added that she still needs copies for a couple of them for her records. She thanked the Commission.

Richard VanWort, 22 Wright Street, Shelton addressed the Commission. Mr. VanWort stated that he is in opposition to this proposal and one of his main concerns is that if this is going to be a family restaurant, he doesn't know but thinks a bar and an open area have to be separated with a wall or something, otherwise it cannot be a restaurant. Children can't be there looking right at a bar. He didn't know if that was correct but that was his understanding.

Chair Parkins responded that she didn't believe so.

Mr. VanWort commented about the parking and indicated that they show two spaces for the bar and the lounge area and if they total up the chairs at the bar which is seven and the chairs in the lounge area which look like four stools at each little table for 12 then they have 21 people and two parking spaces for them. He asked if 21 people could get there in two cars. He stated that he was concerned about that.

Mr. VanWort commented about the bathroom area and indicated that they had to have a circle for handicapped that is about 7 feet, 4 inches. It shows the circle on the plans but the circle is hitting the sink so he doesn't know - because it should be an unobstructed circle for a handicapped person. He indicated that he was concerned about that also.

Mr. VanWort stated that the parking is shown on an angle and he assumes that is to get the most amount of parking. Some of the cars on the right are coming out at an angle and when they have to back out they have to back around and the cars on the other side in the other direction are sitting there; he doesn't feel it leaves enough room to back up correctly even for a three-point turn. He added that he thinks that those people will probably back out onto the State highway. He referenced the plan that shows the angled parking spaces on the right side which helps them gain one space but indicated that angle won't help the car back out successfully in that area.

Mr. VanWort indicated that his last concern, which no one seems to be addressing, is about the plans and the trees on the side but they don't show the poor gentleman on the other side who is less than 20 feet away from the building who has a house there at the backside of this building, on the left side. They are showing the parking lot side where they have all the room but the other side doesn't have a lot of room but there is a house. He asked about that person who lives so close with this business being open until 2 a.m. He commented that he was concerned about the neighbors and he doesn't understand why a restaurant has to be open until 2 a.m. All the other restaurants close at 10 p.m. or 11 p.m. at the latest. He reiterated that he opposed this Application. He thanked the Commission.

Jeremy Buchhold, 15 Hamburg Street, Shelton addressed the Commission. Mr. Buchhold commented that there were a couple of issues that he wanted to address. The last meeting was his first time he had been at a public hearing so he attempted to do a little bit of homework on this one. He stated that he thinks that everyone has covered the parking so he would agree with the comments about the parking and he didn't think there was much more to add on that.

Mr. Buchhold indicated that in regard to Traffic Study he asked for clarification about the time it was conducted and if it was about 6 p.m.

Chair Parkins responded no, it was 5 to 6 - the traffic studies are based upon the peak traffic time times on the road.

Mr. Buchhold stated that when it comes to the traffic on River Road with the Traffic Study – and with the establishment's hours of operation from 2 p.m. to 2 a.m. – he thinks that if the Commission orders a further Traffic Study - a couple of other factors to consider include are school getting out at 4 p.m. at Sunnyside Elementary School which adds the buses, parents and about 350 students and the two separate times of 3 p.m. and 11 p.m. for Sikorsky employees getting out. If many of the Commissioners are long time Shelton residents he asked if they have ever tried to pull onto River Road at 3 p.m. or 11 p.m. because you can't. The cars come through like a convoy leaving the Army and they run the light right in front of Sikorsky to get out of there to go to the Merritt Parkway or taking a right down River Road. He asked if it was within the Commission's ability to order another Traffic Study on that type of thing.

Chair Parkins responded that they have some leeway.

Mr. Buchhold stated OK because just during that one time it wouldn't be sufficient and in reading the Best Practices of Traffic Studies that he did read, they are done multiple times and that was based upon the State of Connecticut who released that Best Practices.

The second thing he wanted to address was something that was brought up having to do with the Traffic Study. When someone is pulling in taking a left, there is adequate room to pass someone on the shoulder, in the State of Connecticut and every other state in this country, going over a solid line just to pass somebody on the right is illegal. He asked if they could recall who said that to the attorney because to have that impact on whether or not they should be allowed to get their permits based upon that are probably not the best thing to do. Other than that, he's finding out this is all based upon restrictions and guidelines so he doesn't have to say anything personal. He thanked the Commission.

Alton Rogg, 15 Colony Street, Shelton addressed the Commission. Mr. Rogg stated that he lived on 15 Colony Street and commented about the traffic. He indicated that he has lived there for 40 years and the traffic on River Road over the last 20 years has gotten crazy. They come up Belmont to get out that way, they come up Montgomery to cut through Colony Street to get to Belmont – that is how bad the traffic is. Like the other person said, 3:00 p.m. to 4:00 p.m. they have the school buses and everything, there is a gravel pit down there too where dump trucks come through there – it is all in that area with traffic all day long and it is crazy. He commented that he didn't know about that survey but they can take those surveys and throw them out the window because they don't mean anything. He added that he lives there and he sees it every day. People are slamming on their brakes and everything because there is so much traffic there. He indicated that was all he had to say.

Marie Curtis Zenisky, 90F Amity Road, Bethany, CT addressed the Commission. Ms. Zenisky stated that she lives in Bethany but owns property located at 330 River Road which is directly opposite this proposed bar and 336 which is right next to it which is a commercial building. She inherited the property from her father who passed away in 2013. She owns half and her sister owns the other and her Uncle John Curtis owns the remainder. She stated that she is representing her sister and uncle because they were not able to come.

Ms. Zenisky stated that they are opposed to having this bar directly across the street from their property for several reasons. There is a single family residential home at 336 River Road that they are fixing up (inaudible), spending a lot of money trying to make into a nice home for a good tenant. They don't want to have to tell any tenant that there will be a bar right across the street, especially if they have children.

Ms. Zenisky stated that they own 330 River Road which has a big parking lot in the front of it which is rented to One Hour Heating & Air-Conditioning and they need that space. They won't allow anyone, under any condition to park over there. It was discussed already. She asked what they would do if people parked there at 1 a.m. – she asked how they would know it or prevent it. They are very opposed to this bar going in at 333 River Road and they feel it could create the possibility of bad behavior with drinking, noise, etc.

James Atkinson, 26 Wright Street, Shelton addressed the Commission. Mr. Atkinson commented that he lives approx. ½ mile from this proposed restaurant/bar and if they count up the number of seats and only put two people at each, it comes to 35 or 40 for the number of people – and that is if there are only two people at each table. He stated that he didn't want to get into the parking any more than that except the attorney said that no one is going to park across the street or on the side streets and he can't say that. Maybe nobody that owns the restaurant or works there will park there but he can't control the patrons that go there. If they have 35 or 40 seats, they are going to have more people than that number of parking spaces and they are going to park somewhere. They aren't going to walk or bus in so it will happen and it is definitely something that they need to take into consideration. He commented that he didn't want to rehash anything anybody else said other than that but he is against it.

Atty. Stephen Bellis, representing Paul Van Stone who is a Shelton resident, addressed the Commission. Atty. Bellis pointed out that under their Special Exception permit of both their Shelton Regulations are State Statutes. Their Case Law allows the P&Z Commission to consider whether the use is going to protect public health, safety, convenience and property values – so those are considerations they are allowed to do when there are Special Exception by Statute in Case Law. They don't have the right to do that when it is just a Site Plan so there is a difference.

Under their Special Exception Regulations the Applicant has to give you a Statement of Use and that written statement has to describe the proposed use in sufficient detail to determine compliance with the Permitted Use Provisions of Section 23. Atty. Bellis stated that he thinks that the Applicant has the burden of telling them what type of bar this is going to be. He asked if it was going to have live music, bands, entertainers, DJ's, Karaoke – he thinks they need this information to determine how many people are going to be coming to this bar, what times they will be coming to this bar and how intensive a use it is going to be. It has to be in writing and it is required for the Regulations.

Atty. Bellis indicated that also under the Regulations, you have the right to determine under 33.4.4 the effect upon property values and taxable values in the neighborhood taking into account this Application. Again, it is up to the Applicant to put that into evidence. He commented that he didn't know if there was any evidence in the record, whether anyone has testified that this use will have an impact on the neighborhood's property values. If they haven't done so, the burden is on them.

Finally, under the General Considerations for a Special Exception 33.4.1 the size and intensity of the proposed use, the Planning & Zoning Commission has to take a look at that and he's heard from the comments and in looking at the layout of the tables and the way it is laid out, they are allowed to make a determination using common sense with the size, what the intensity is going to be to determine if there is sufficient parking. He stated that he wasn't hanging his hat on the Parking Regulations as Atty. Thomas is suggesting to the Board that they could use 33.4.1 to determine the size and intensity of the proposed use and then determine if the parking is sufficient to protect the public health, safety and convenience.

Atty. Bellis concluded by saying that their Supreme Court has said in the case of Treat vs. Town Planning & Zoning at 145 Connecticut 406, they affirmed a denial of an application for incompleteness so they don't have to order anything. If the Applicant hasn't given them enough information and they can't determine whether you can protect the public health, safety and convenience or property values based upon what is provided then they can deny it. He thanked the Commission.

Alderman John Anglace, 3 Long Hill Avenue, Shelton, Alderman for 3rd Ward, addressed the Commission. Alderman Anglace stated that he was going to speak on behalf of himself and Alderman Lynn Farrell who both represent this area. He began by saying that this has sure riled up his constituents as they can see from the number of signatures on the petition.

Alderman Anglace stated that he came tonight to encourage the Commission to deny this request. It is an inadequate and inappropriate use for the site, the building is too small for the proposed use, especially for parties of any size. The proposed hours of use would destroy the peace and tranquility of the neighborhood, the after hour maintenance needs would extend the hours of operation well into the night with dumpster-emptying waking people from their sleep. He commented that they are working with P&Z right now regarding numerous complaints of that nature all over the City. There would be more here. He stated that there was inadequate onsite parking for the proposed use and the spill over into the neighborhoods late at night. He commented that they were talking about 2 a.m., parking in a residential area and walking around pie-eyed, singing and waking the neighbors up.

Alderman Anglace indicated that the proposed use is a high-traffic generator and there is no provision for overflow parking. This proposal is within the 200 foot residential district and according to their Regulations it weighs heavily on that. The aforementioned factors would adversely impact the neighborhood's peace and tranquility. He stated that he could think of no reason why this request for a Special Exception would be a neighborhood improvement. Quite the contrary, it would only serve to destroy the quality of life now enjoyed by the residents of this neighborhood. He recommended strongly that a motion to deny be offered here tonight. It would lessen the resident's anxiety and restore order in everyone's life so they can all have a Happy Thanksgiving. He thanked the Commission.

Chair Parkins asked if there was anyone else in the audience wishing to speak that did not sign the sheet.

Alderman Lynn Farrell, 25 Buddington Park, Shelton addressed the Commission.

Alderman Farrell stated that she wanted to go on the record that she concurs with the information provided by Alderman Anglace, her partner in Ward 3. She encouraged the Commission to deny this and added that she is concerned about the citizens who live in that area and she is concerned that it could disturb the peace late in the evening and cause property values to go down. She thanked the Commission.

Judson Crawford, 8 Jordan Avenue, Shelton addressed the Commission. Mr. Crawford commented in regard to the parking, and asked if they were complying with the American's with Disabilities Parking Act. He thanked the Commission.

Nancy Gaiolini, owner and manager for Options Hair Salon at 325 – 327 River Road, Shelton addressed the Commission. Ms. Gaiolini stated her concern is her parking lot. She indicated that they renovated this building next door to her and she allowed them to use the lot while doing that; of course, when you give an inch, they take a mile...When her plowing came about she had to call and have the cars removed because her plow man couldn't get in there. She is worried about things like that.

Ms. Gaiolini indicated that the doctor next door works on Tuesday's and Thursday's and her salon is open as well sometimes until 7 or 8 p.m. Ms. Gaiolini stated that the doctor was working there until after 3 p.m. today so she is not done until 1 or 2 p.m. If she has patients then she is there and today there were three cars there plus the doctor's car after 3 p.m. so she is concerned that the parking there is not sufficient. She doesn't want to put gates up or anything else on her property at this time because she has a tenant who would have to get out, unlock the gate on a State road; as well as her customers. She stated that she was opposed to the Application.

Atty. Thomas commented that he found the picture of the sign, adding that he must not have submitted it. He submitted it for the record. To address the issues that were brought up – one issue was about the Fire Marshal occupancy. He responded that they could play that game with any one of their uses – that is all it really is, is a game because Fire Marshal occupancy is maximum occupancy. For instance, they have a requirement and in the past this has been used as a church. They have a parking requirement and that gets blown to hell simply by noting what the Fire Marshal permits...because it is the number of people per square feet in an assembly situation which, of course, would exceed any parking that they imposed on it.

With respect to the extent of the hours, Atty. Thomas stated that they have an abutting residential zone and a relatively short distance away, about a ½ mile away, they have Danny O's which is open the full amount of time with a much bigger parking area and larger restaurant. He stated that he wasn't aware of any complaints down there when people leave at 12:45 or 1:45 a.m. Carmine's closes earlier but it is another restaurant with a bar in the area. It also has an impact on property values. This is a commercial zone and this restaurant isn't going to have an adverse effect on property values within the area. They have an auto body place, a couple of other restaurants, a pizza place – it is a commercial zone so to put the burden on them – there has been no evidence that there has been any impact on any property values whatsoever.

Atty. Thomas indicated that they did submit a Statement of Use and they complied with all of the requirements so the Application is fully complete with respect to that. The comments by Atty. Bellis with respect to what the Commission can and cannot do is correct as to what the requirements of a Special Permit are but he failed to mention that they also point out in the court cases that Special Permits are permitted uses within the zone.

In regard to the issue of parking, Atty. Thomas stated that the comment of "the Commission shall determine the number of parking spaces needed to adequately serve the proposed use and adequately preserve the intention of Section 42" is right underneath the bold, underlined statement of "other uses not specifically covered above" – so that statement has no applicability whatsoever to the 36 statements that exist in their Parking Regulation with it, which means, if it only applies to that it means, of course, under judicial interpretation rules that it doesn't apply to the 36 items that precede it because it says that right in the Regulation.

Atty. Thomas commented that this Commission does have the right to look into, as stated, public health, safety and welfare. One of the members of the public who commented is right – he can't

predict what people are going to do or not do as far as parking outside where they are not supposed to park. He added that you can't deny something on the assumption that people are going to violate the law. If that happens, his client has been made well aware and has been advised by him that if anything like that happens, he will be met with a Cease and Desist Order and his business will have to be shut down because that is the way zoning operates. It is the way that Land Use operates.

Atty. Thomas stated that there was a comment about the Traffic Report and about...he clarified that the traffic engineers didn't just go out there with blinders on and only look at one hour of time – that is not the point. They look at the traffic studies from the DOT. He stated that he would venture to say, having been before this Commission numerous times for Bridgeport Avenue, that they have seen the phrase “there is plenty of width in the shoulder to go around to make a left hand turn” about 150 times in about every application that they've seen and every traffic report they've seen. It is a common phrase and it has nothing to do with violating the law or anything like that. It is just what traffic engineers do; they analyze the appropriate traffic movements when there is a situation. He added that certainly this does not warrant restriping or anything like that as often happens in heavy traffic areas on Bridgeport Avenue. There is nothing inappropriate or any inappropriate comment by a traffic engineer.

Atty. Thomas concluded with the fact that he thinks that they have complied with all of the requirements for this Application. They have complied with requirements of the Special Exception and in it they state the size and intensity of the proposed use. People are talking about the intensity. The intensity is a 1300 square foot restaurant. They can sit there are count pictures of seats and everything but the operation of the restaurant is governed by the number of spaces so what they are looking at is their own Regulation that was recently modified and they comply with it. The effect of the proposed use on any adopted comprehensive plan – this has been designated a commercial area and they have zoned it a commercial area. The capacity of adjacent feeder streets to accommodate peak traffic flows and hazards created by the use – they have provided a Traffic Report which indicates it is fine. The effect on property values and taxable values in the neighborhood taking into account the topography of the lot, character location and height of proposed buildings, (inaudible) fences, grading and landscaping – he has shown pictures to show how it impacts the neighborhood. It is a commercial area within a ½ of mile of other restaurants, pizza places and other commercial establishments so it isn't anything out of the ordinary or anything that would adversely impact it because there are similar restaurants.

Atty. Thomas commented on the number, location and arrangement of off-street parking spaces and the vehicular access to the lot – they have defined it, show it is appropriate and they've also shown how they comply with it. If that was a part of 34.4.1 under size and intensity of proposed use then there is actually no need to have that language in their Regulation. In regard to Fire and Police protection needs, they have complied with the fact – and the Fire Marshal has indicated that they have to have a 24 foot fire lane and they do.

Atty. Thomas commented there are no problems with water supply, sewage facilities, and drainage and erosion problems. He stated that they feel that they have complied with all the requirements of 34.4 and the Commission should approve the Application with the appropriate conditions.

Chair Parkins thanked Atty. Thomas and asked the Commissioners if there were any further questions or comments.

Comm. Harger commented that taking into consideration that there is an operational kitchen, she asked what controls the restaurant would have for cooking odors and interference of odors rising up to the neighbors. People have decks out in the back of their homes right above it and they wouldn't be able to enjoy the outside.

Atty. Thomas responded that there are restaurants up and down there and he has no idea what any of them do with respect to that.

Comm. Harger stated that she didn't think Carmine's or Danny O's were anywhere close to the back property lines.

Atty. Thomas responded yes they are right up against the residential in the back.

Comm. Harger stated not Danny O's and not Carmine's.

Atty. Thomas responded that those buildings across from the funeral home appear to be residences. He wasn't aware of odor issues or anything like that.

Comm. Harger commented that was why she was asking to have it on the record to see what kind of controls the restaurant would have to make sure odors would not interfere with the residents and abutters to have enjoyment of their property.

Atty. Thomas responded that they would have to comply with the Department of Health in regard to whatever appropriate hoods or anything else are needed. He stated it was a Department of Health issue.

Chair Parkins asked for a motion to close the public hearing.

End of Tape 1B 8:27 p.m.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #15-16.

Chair Parkins informed audience members that it was very unlikely that the Commission would discuss this proposal this evening because they still have another public hearing to get through tonight.

Five minute recess 8:31 p.m. – 8:36 p.m.

APPLICATION #15-17: PRIMROSE COMPANIES REALTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (MULTI-FAMILY DEVELOPMENT AND COMMERCIAL BUILDING), 6 BRIDGE STREET AND 131 CANAL STREET (MAPS 129 AND 130, LOTS 21 AND 2), RF DISTRICT

Chair Parkins resumed the meeting at 8:36 p.m. and asked the P&Z Secretary to read the Call of the Hearing for Application #15-17 and any applicable correspondence.

P&Z Secretary, Comm. Virginia Harger read the Call and read correspondence from the City Engineer and Fire Marshal.

***See attached correspondence dated 10/23/15 to Richard Schultz, P&Z Administrator from Robert Kulacz P.E., City Engineer.**

***See attached correspondence dated 10/23/15 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

John Guedes, principal, Primrose Companies Realty, LCC and principal, Guedes Associates (architects for project) addressed the Commission.

Mr. Guedes indicated that he was there to make a presentation regarding the Site Plan Approvals for these two sites which this Commission provided a zone change for some time ago to accommodate it.

Mr. Guedes stated that there is one note that he had to make that there is only one notice to go out and that was to the City. The notice went out but he did not get the receipt so he wanted to make that known. The City Clerk accepted it but he left his office without it. He will get it to Rick Schultz tomorrow.

Mr. Guedes indicated that the intent was to take the Mill Building, known as Spongex and to do a full conversion of it into residential units. It has been a plan since it was first initiated back about five years ago and in doing so, constructing a commercial building on the Rolfite site and

creating a new access drive that would allow for the curb cuts to be utilized as they exist both on Canal Street and Bridge Street.

Mr. Guedes indicated that the intent was that in the future at some point this new access drive would act as a bypass for the Bridge Street and they wouldn't have a blind intersection as they do now heading toward the Derby side.

Mr. Guedes provided a site map to show the expansion of the Master Plan that he offered back in 2006-2007 to indicate the expansions as they happened. He pointed out the location of the Birmingham and the Avalon Complex. On the next page he provided plans of Canal Street which is the River Breeze which this Commission has fully approved and they are working on the construction drawings now.

He pointed out the two sites to the south of the Bridge – the one building is Spongex and the intent is to leave the original – the first building that was made up of multiple buildings – the lower level buildings will all be demolished and they are leaving the original “L.” Out of that “L” they are looking to introduce 47 residential units which will consist of 14 one-bedrooms; 2 two-bedrooms; a total of 11 townhouses on the top floor of the “L” building and basically, they would wind up with 5 three-bedroom units in there because it is the space where the townhouses occur. The intent is (inaudible) – the only additional feature on the exterior being some additional dormers to introduce but for the most part, the building would be gutted. They would have the cupola reinstalled as it was originally – it doesn't exist now because at some point it was torn out or blown off. It would be reconstructed and would have new windows.

Mr. Guedes commented that it would be similar to the Birmingham but, obviously, they learned lessons at the Birmingham and here they would implement those lessons to make sure that they don't have the same issues but still maintain the loft environment. They are hoping that this, on 223, by the time they get (inaudible) the market will be back because the intent is to have them for sale. Right now the condominium market is still very soft; they are hoping that these units won't be on the market until the beginning of 2017 so by then, hopefully, the market will be back. He's confident, if it is based on how the real estate market has been going, it's slow but they have seen a constant improvement and he's hopeful that will happen.

Mr. Guedes commented that they have the two parcels separated by the access drive. The access drive will start on Canal Street where the existing curb cut is now. It would be a one-way street. The main roadway width complies with the Fire Marshal's requirements. The parking stalls and driveways within the complex would comply with the 24 foot driveway width. He stated that Bob Wheway with Codespoti & Associates is here to explain the site engineering. Mr. Guedes indicated that they have one building that will be converted into residential units and then they have the Rolfite site.

Mr. Guedes provided another rendering showing a better indication of the structures, the parking at the end, the “L” shaped building which is Spongex, existing Bridge Street, and as it has been stated anyone going on Bridge Street making the turn onto the Bridge, it is a very blind spot. By creating the bypass lane, it puts them in a “T” connection which is an easier way to handle it. He commented that he reviewed the City Engineer's letter which he just got today. He sent it to Dave Sullivan at Milone & MacBroom and requested that he put a program together based on the City Engineer's request for signage and whatever else is deemed necessary. He stated it would be a one-way only exiting out and the main reason is, initially they had some contemplation of making it two-way but it puts them in between the two railroad crossing gates and they didn't think that was a safe way to handle it; therefore, it is strictly one-way.

Mr. Guedes explained the history of the commercial building that many of the Commissioners know. The commercial building sort of floated from place to place until it was determined that the best location of it would be tucked into the corner where there is parking surrounding it.

In regard to the parking issue, he showed the 47 residential units and the total of the proposed 9,600 square feet of retail space on the first floor with 3,200 square feet of office space on the second floor for a total of 12,874 square feet. The total number of parking spaces being proposed are 122 which would be set up so that there would be shared parking. It would be set

up whereby eventually the properties would be separated based on the City's taking of the access drive.

Mr. Guedes indicated that they would have cross easement agreements in place so that the parking would be in perpetuate and serve both properties – not so much both properties but the residential will have access to parking on the commercial site. Right now the requirements are for the 2:1 ratio – basically the apartments would require 94 spaces and the commercial requirements are 52 but as a joint situation they believe that they have more than adequate parking. Most of the businesses don't require the parking after hours when many of the apartments, visitors and so forth would require them.

If there are no questions, he'll have Bob Whewey will explain the engineering part of this.

Chair Parkins asked how many parking spaces there are in the residential area.

Mr. Guedes responded that there were 34.

Robert Whewey, P.E., principal with Codespoti & Associates addressed the Commission.

Mr. Whewey indicated that they were responsible for the development of the site plans for the project before the Commission tonight. He briefly explained the first feature that they are looking at doing is a property line adjustment for the property. He referenced the existing conditions survey, Sheet SP1 in the packet where they can see the way the two parcels are segregated right now, Parcel A and Parcel B, there is a hodgepodge of breaks in the property line since it is a very discontinuous type of setup in that area. He commented that he didn't know how the lines came into being originally but that is where they are today.

As part of their proposal, what they are looking at doing is trying to clean that whole area up and do a property line adjustment which is on Sheet SP2 of their packet. He explained that they segregated the two parcels with Parcel 1 being set up for the residential component of the project and Parcel 2 being set up with the commercial portion. Within Parcel 2, they have also dedicated a 40 foot access way from Canal Street up to Bridge Street and that is where the proposed access drive will be located with the adequate easement in it.

In addition to that, there is also an access easement along the northeast portion of the property or immediately adjacent to the Housatonic River and that easement is proposed to be in favor of the City of Shelton as part of the River Walk continuation.

Mr. Whewey showed a site plan and explained that they are making use of the two access points that are presently on the site today. The first one being immediately adjacent to the railroad spur on Canal Street and that will be the main entrance into the site – a one way road all the way through as John pointed out and ultimately terminating at Bridge Street with the exit.

Mr. Whewey indicated that they have also got three entrances off the one way access drive to service the proposed development. The residential component Parcel 1 will have a single entrance coming into the parking lot which contains the 34 parking spaces. The other two entrances located to the southeast of the access drive will be primarily for the commercial building along with some of the parking to be shared with the residential component of the development.

Mr. Whewey explained that they have provided the sufficient radiuses at all access drives for emergency service vehicles to have access to the two parcels. Within that they have come up with a Site Plan element in there with basically a raised cobble of islands that will provide for better traffic flow as indicated by the directional arrows that are on the plan. In essence, for anybody attempting to leave either of the two parcels that raised cobble is going to give the effect that it definitely needs to pull you out onto that one-way road and get you back up to the Bridge Street component of that section.

Mr. Whewey discussed the Grading Plan and indicated that the existing site has three drainage culverts on the property which all terminate at the Housatonic River. They are proposing to tie all of their site storm drainage into the middle culvert so basically all of the run-off from the parking areas, the access drive and the commercial parking lot will all be collected through a

series of catch basins and discharged through a water quality structure (he showed the location on the site plan). The ultimate discharge from that water quality structure will be to the existing manhole for the 18" culvert which takes a direction toward the Housatonic River for the discharge.

Mr. Wheway stated that the City Engineer, Bob Kulacz has reviewed through drainage comps and found them to be sufficient for the proposed project in that area. Working with the rest of the utilities, they have access to the sanitary stores down on Canal Street. They will be running an additional line into service the proposed commercial building. The existing "L" building is already tied in so whatever additional sanitary connections will be made through those locations are there. The rest of the site has direct access to public water supply, gas, electric, and cable TV.

Mr. Wheway indicated that with respect to the grading, the site is somewhat – when they came up with the development of the access drive through here they were somewhat hampered by the two physical connection points with one being at Canal and one being up a Bridge Street. There is a relatively substantial change in elevation between those two points at Canal and Bridge Street. The other feature that they have to contend with from a grading or elevation perspective is the Housatonic River up in that area. For those that are familiar with the site, when you come in right now there is an existing retaining wall that is in the northeast corner of that site and that retaining wall is probably in excess of 30 feet height which comes right down from Bridge Street and drops right off to the Housatonic River (inaudible).

Part of what they were looking at when they were setting this up was being able to make the proposed commercial compliant with FEMA Regulations and setting the finished floor above the 100 year flood elevation and being able to provide reasonable grading for both parking lot areas and primarily for keeping the parking for the residential component above the flood elevation also. They left them with some fill being required for the northeast corner of the commercial site so they will notice on the proposed plans that they have two proposed retaining walls with one being along the parking lot of the commercial. The second wall will be a continuation or it will pick up from where the existing retaining wall is now for the access drive that exists and basically reconstruct that to coincide with the new access drive that will be going through the facility in through there.

Mr. Wheway indicated that they have shown them schematically on the drawings. As the drawings progress with construction details so will the details for both retaining walls and for both projects. For the remainder they have incorporated the Soil Erosion Control Plan which is found on sheet SP6 of the drawings. There is really nothing unique with regard to the S&E Plan; they pretty much have conventional measures in place, stockpile areas are delineated, mud dragging pads for both entrances, silt fences wrapping up around the perimeter and hay bale protections on the catch basins.

Mr. Wheway stated that Jeff Gordon who is a licensed landscape architect from his office came up and developed the Site Landscaping Plan for the site that is found on sheet SP7 of the drawings. Basically it's with a number of plantings within the green belt adjacent to the driveway access as well as the plantings of the islands that are scattered throughout the parking areas and some additional plantings proposed along Bridge Street right now. He concluded that was a quick overview summary of the site plan elements for the project. He offered to answer any questions that they have.

Mr. Guedes added that in regard to complying with the FEMA Regulations, the entire site had to be raised including the inside of the existing building. He thinks they added three feet of fill at the site of the existing building.

Mr. Wheway commented right, in the basement level.

Mr. Guedes added that the reason that it took them so long to get to this point is because they had environmental issues that had to be resolved and those are basically now dealt with. There is one monitoring report that they are waiting for that up to now, everything that had to be mitigated was mitigated but they are waiting for the closure on the reports – not only on the Spongex site but also the Rolfite site which is the one that the City is in control of.

Mr. Guedes stated that where they are with it right now, from what he understands, is that they are pretty much on the closure which would allow them, if this Commission sees fit to grant them the nod to proceed, they are probably looking at about 6 months to get them into construction mode.

Comm. Harger asked if there were any sidewalks on the new feeder road.

Mr. Guedes responded yes there are and found a site plan to point them out.

Mr. Wheway commented that for the proposed access drive, they actually have sidewalks on both sides of the street. They will be connecting from Canal Street all the way up to Bridge Street and the same thing along this area so the sidewalks are pretty much contiguous along there as well as for future development for the River Walk extension. He showed the location of the access point for the River Walk extension to get down that waterway system.

Comm. Harger responded OK and stated that the reason she brought that up is because she was just thinking about people coming over from Derby to an event on the Slab, she knows that it was talked about - that side of Bridge Street was going to be closed off and be more pedestrian.

Mr. Guedes responded that the intent would be that this would be a landscaped pedestrian way.

Comm. Harger stated that she just sees people trying to people cut across (inaudible)...

Mr. Guedes stated that they have to keep in mind that this has been designed in conformity with the City street system. The agreement was that they would construct that at the City standards. They spent a lot of time because there were restrictions on the land area that they had available for anything down on Canal Street; the same as at the exit. They worked closely with the Fire Marshal to get a sense of what was needed for the widths. Even though at this stage it is known as an access way because they still control it but the intent is for it to be developed and constructed in the same way as any other City street.

Comm. Harger commented OK she just didn't recall seeing them.

Mr. Panico asked about where the road connects to Bridge Street and if he will have sufficient width to provide for an exclusive left turn and right turn lanes.

Mr. Guedes responded that he did not believe so.

Mr. Panico asked if it could be increased.

Mr. Guedes responded no and showed where the building is and explained that there is just enough room there to have the road...

Mr. Panico asked if he could drop a sidewalk on one side.

Mr. Guedes responded that he did not know.

Mr. Panico commented that it would seem to him that is kind of important.

Chair Parkins agreed that was going to be tough to deal with.

Mr. Panico stated that if you are up there waiting to make a left turn, they don't want to bottle up traffic from falling off to the right.

Mr. Wheway responded that right now, with the constraints that they had with the existing abutments and the existing building, they have an 18 foot pavement width right at the intersection.

Mr. Panico commented that they had a sidewalk on both sides.

Mr. Wheway indicated that there is a sidewalk on one side and the other is a transition area because they've got the abutment and then actually, coming up to the abutment it is like a sloped paving. There are some bollards in there with a fire hydrant and a couple of other things.

Mr. Guedes stated that as he said before, Dave Sullivan is going to take a look at that.

Mr. Panico responded that they better tell Dave look at that because it is very important.

Mr. Guedes commented that at this stage...they have a problem because at this stage, they can't close Bridge Street. It has to be authorized by DOT. We can do this because it is within their property and these two driveways exist. The DOT can't stop this.

Mr. Panico asked if the intent was to get rid of Bridge Street.

Mr. Guedes responded right and added that at some pointed they do have the ability to configure this once they are able to close off Bridge Street.

Mr. Panico asked when that happens – in his sequence of activities why doesn't it happen as a part of this proposal.

Mr. Guedes responded because right now they don't have the ability to close Bridge Street.

Chair Parkins asked why they weren't seeking it.

Mr. Panico stated that he has the ability to petition for it.

Mr. Guedes responded that the City will have to do that when they accept the road.

Mr. Panico indicated that they went through this process across the street next to the Malisi building and it was not a difficult thing to accomplish.

Mr. Guedes responded that he thinks it is and the reason is because you are going to bring in the railroad, you are going to bring in all of the problems that they had on the other site.

Mr. Panico asked why they are going to bring in the railroad.

Mr. Guedes responded because this entrance is at the railroad crossing.

Mr. Panico stated no he is talking about Bridge Street.

Chair Parkins added it was about closing Bridge Street.

Mr. Guedes responded that in order to close Bridge Street, they would have to have DOT accept this as the bypass lane.

Mr. Panico stated that somebody better wrestle with this problem because it is a major one then.

Mr. Guedes commented that right now for this area here he can have Dave Sullivan take a look, as you suggested, getting rid of the sidewalk on one side because then...

Mr. Panico asked how he could tolerate traffic coming up Bridge Street to that same point conflicting with traffic exiting from this proposal.

Mr. Guedes responded that he didn't understand and added that these two parcels are private.

Mr. Panico stated no, right now you can drive up Bridge Street.

Mr. Guedes responded that you still can, right...

Mr. Panico restated that right now you can drive up Bridge Street, you can get up to the Bridge and that is an activity that should stop when his street is available.

Mr. Guedes responded that he will have to discuss that with the Mayor and see what he wants to do. He commented that the thing is this - he controls the activities here but what happens there is a City-controlled situation.

Chair Parkins commented that they had the same thing with Malisi. He controlled his property...

Mr. Guedes responded no he was abandoning the road.

Chair Parkins stated that they abandoned the road. He bought the right-of-way from the State.

Mr. Panico indicated that the first step was that the City abandoned the street.

Mr. Guedes stated that what he is saying is that the street was not required as an access.

Mr. Panico responded that's correct nor is it required here.

Mr. Guedes stated that sure it is. They have one way on the left side (inaudible)...

Comm. McGorty clarified that once the other road is in place then it is not required as long as it passes the litmus test and is approved.

Chair Parkins asked if he couldn't simultaneously be applying for that so that when this is done and the City accepts the road, it is only a matter of crossing the T's and dotting the I's.

Mr. Guedes reiterated that he would have to discuss that with the Mayor.

Chair Parkins commented that with all those people exiting that way, they are going to have a huge bottleneck with people trying to turn right and left.

Mr. Guedes stated he will discuss it with the Mayor to figure out how it can be accomplished.

Chair Parkins asked if right now there would still be parking along Bridge Street.

Mr. Guedes responded that right now this thing exists; right now this will have a Stop sign...

Chair Parkins asked if there was access to the building from Bridge Street.

Mr. Guedes pointed out the location of the main entrance on both sites.

Mr. Panico asked if that entrance relies on a street.

Mr. Guedes responded no.

Mr. Panico responded that he could understand the lower part of that where he has a few parking spaces there and that probably has to be addressed but beyond that it could be abandoned.

Mr. Guedes indicated that there was an entrance on Bridge Street and there is an entrance on the lower level. There are different levels. The main entrance is off of the parking lot on the back of the building.

Mr. Panico asked if he wants that entrance on Bridge Street to have vehicular access.

Mr. Guedes responded no, that is pedestrian.

Chair Parkins commented that he isn't counting on any parking spaces there to help satisfy parking.

Mr. Guedes responded no, right now the only thing being proposed, as depicted on the Landscape Plan, was just introducing some landscaping. The existing doghouse that is there now will be torn out and there will just be a sidewalk with some landscaping as part of the sidewalk.

Mr. Panico stated that he can understand at the lower end of Bridge Street it accesses a few parking spaces under the bridge. He asked if that was correct.

Mr. Guedes responded yes this here (inaudible)...

Mr. Panico stated that somewhere down there you probably cannot abandon it.

Mr. Guedes responded no, it stops somewhere (inaudible)...

Mr. Panico stated that from that point up it should be physically removed.

Mr. Guedes responded that again, he doesn't want (inaudible)...

Chair Parkins commented that they don't want to see the project delayed because of something like that but if it can be done simultaneously where he's applying to have that road abandoned, or the City abandoning the road (inaudible)...

Mr. Guedes responded that the only thing he can do is (inaudible) with the Mayor's Office.

Chair Parkins stated that by the time that development is finished then the next step would be to close that road.

Mr. Guedes responded that the intent is to close this off and that has been the intent.

Chair Parkins commented that they would like to see it as a part of the package.

Mr. Guedes responded that ultimately, obviously for everyone concerned, the reason that this has been pushed has been to create a safe way to maneuver in this area. The thought has always been that this was for the purpose of closing this off for people that live in the area and for people that frequent the area. He commented that he has had some close calls himself coming in and out of there so he understands clearly what the purpose of it is. It was the reason why he created this bypass so they will take a look at it and discuss it with the Mayor's Office to see at what stage that can happen. The way that he has been programming was that would seek to get permit and then seek to get the abandonment so by the time these were ready for occupancy this would be a part of the abandonment and reconstruction – the pedestrian way and so forth.

Chair Parkins commented that they are talking about the same thing – it is just a matter of timing.

Mr. Guedes agreed but commented that there is also the question of – with Malisi it was abandonment but Malisi took ownership.

Chair Parkins added that it took him years too...

Mr. Guedes commented that in this case he would prefer that the City make the ownership so this becomes public. He sees this as a landscaped pedestrian walkway but to do that it has to belong to the City.

Mr. Panico stated that they found out that on the other side, the State owned the entire right-of-way so that in order to utilize it Malisi had to buy part of that right-of-way from the State.

Mr. Guedes responded that here it is similar because this is still a part of DOT.

Mr. Panico commented that it may very well be entirely owned by the DOT. He didn't know where the property line is.

Mr. Guedes responded that he believes it is. It is more of – he would rather have the City approach DOT to say that this is their plan, they want abandonment and if there is going to be a pedestrian walkway which is what he believes it should be with landscaping than the City should own it. If it is privately owned than it is going to be closed up because no one wants the liability.

End of Tape 2A 9:13 p.m.

Mr. Panico stated that if he wants the City to own it than he better make provision for a public walkway.

Mr. Guedes responded that was what he was talking about is creating a landscaped area, a little park in the middle between a building and a (inaudible)...

Mr. Panico stated that he guesses what he is saying is that they can't just leave it up in the air and hope that it will all come together. They have to lay a program out and try to implement it.

Mr. Guedes responded that he knows the discussions that he has had and he knows what the intent is and how to control certain parts of it.

Mr. Panico stated that if he gets these things built he isn't going to be hanging around waiting for someone's intent to be fulfilled before you go ahead and occupy the buildings.

Mr. Guedes responded that obviously there is a lot at play.

Mr. Panico stated that there may very well be two physical solutions up there – an interim solution and an ultimate solution but they have to be prepared to live with the interim solution.

Mr. Guedes responded that he would take a look at it.

Chair Parkins commented about getting back to the residential units, she said that there were 47 residential units. She asked how many one-bedrooms there were.

Mr. Guedes responded 11 – there are 47 units with 36 ranch style (flats), 11 townhouses...

Chair Parkins asked if the ranch units were one-bedrooms.

Mr. Guedes responded no, there are 11 one-bedroom and on Page 81 on their plans, the breakdown is listed there.

Mr. Panico asked if some of the townhouses were two-bedroom and some were one-bedroom.

Mr. Guedes responded no, on the townhouses ...

Mr. Wheway indicted that there were one, two and three-bedrooms.

Mr. Guedes stated that there are 2 one-bedrooms, 4 two-bedroom and 5 three-bedrooms.

Comm. Tickey indicated that he didn't have that information. Comm. Dickal and Chair Parkins didn't have the info either.

Mr. Guedes stated that he didn't know why they wouldn't have the plans.

Mr. Panico indicated that his engineering drawings only go up to sheet 5 and the architectural drawings only show the new building with nothing on the Spongex building.

Mr. Guedes responded that all of the packages were delivered.

Mr. Panico asked if all the packages had all those drawings in them including the complete engineering drawings with the ones he just referenced.

Mr. Wheway responded yes because there was a request by the Inland Wetlands Commission so (inaudible)...

Mr. Schultz stated that he would get that issue resolved.

Mr. Guedes commented that when they do get the correct plans, the breakdown of bedrooms is on the front page and it stipulates what it is. This building has a portion which has a (inaudible) added and it allows for the creation of the townhouses so that if they look at the fourth floor, some units have a living room/dining room with one-bedroom with stairs upstairs to an attic. In the attics they can see the utilization of the space that is up there. It is large – they had a choice of either increasing the number of units or having larger units. Some of these units are 1,600 square feet, because of the parking he decided to stay with the larger units.

Mr. Guedes reiterated that he had a choice of making more units but then he'd have to deal with the parking issues or he could create attractive units. A 1,600 square foot unit in a downtown...at the Birmingham they have three bedrooms and there are in demand. There are some couples there that have children. The intent was to utilize the space the best way possible and he tried not to increase the number of units. They can't have 1600 square feet with just one or two bedrooms so they utilized the space.

Mr. Panico asked if each unit has its own washer/dryer.

Mr. Guedes responded yes.

Mr. Panico asked if it had centralized rubbish disposal.

Mr. Guedes responded that they will have to create that someplace.

Mr. Panico told him not to forget to put it in.

Mr. Guedes commented that it will go down as one of the thing that must be in every unit. He reiterated that here is a washer/dryer in every single unit.

Mr. Panico asked how he'll handle the individual mechanical systems and if it would be through the wall units.

Mr. Guedes responded that basically each one will have its own and the only thing that will go through the wall will be the vents; otherwise, the condensers will most likely end up being on the roof and screened because they do have a flat roof section. There is no land variance to put them.

Mr. Panico asked if the compressors and stuff would be on the roof.

Mr. Guedes responded yes. It is always a problem when you are dealing with conversion because you try not to cut openings through the brick but the thing that they are trying to do with all of these now is try to comply with the Energy Star® requirements for every project and as such they can't use a lot of the systems that they used to be able to use. Everything has to meet the insulating factors, sound factors, etc. so with the Energy Star® there will be individual furnaces in every single unit and they will have remote condensers and the condensers will be on the roof with the a/c.

Mr. Panico asked what he had for common area facilities.

Mr. Guedes responded that there is an exercise room and meeting rooms on the lower level and then there is the River Walk.

Comm. Harger asked if there were any issues about snowplowing and having sufficient space for snow.

Mr. Guedes responded that there are ample green areas. The problem is that unlike the Birmingham which is so tight for space, this site is such that there is enough landscaping, although not on Bridge Street, but there is enough room. He pointed out the location of green belts in different areas for storage of snow.

Mr. Panico asked how many elevators he had.

Mr. Guedes responded two, they are separate and there are four stairwells. The building – he knows that there have been comments about just knocking down the building and building something new – he reiterated that they learned some lessons from the Birmingham. They tried to achieve a lot of things at the Birmingham that afterwards they realized by achieving one thing they lost in another such as the features to maintain the exposed brick and wood but by doing so they lost the insulating factors.

Mr. Guedes stated that at this location they are going to try to balance where they wind up with a combination of both and try to maintain some of the features but deal with some of the problems they faced at the Birmingham. He indicated that was why the attic in the loft was to utilize all of the exposed wood, beams and so forth because there is no one above them and they are townhouses and they are set up that way.

Mr. Guedes stated that the intent was to restore the building to its initial (inaudible)...he knows that right now the building doesn't look like much but he thinks that they can make it look very nice.

Chair Parkins commented that they are going to keep the hearing open because they haven't had a chance to look at the plans.

Mr. Guedes responded that he understands – actually they don't have the plans.

Chair Parkins added that the Commission will have additional questions after they see them and they won't be able to ask if they close the hearing.

Mr. Guedes responded that was fine and maybe during that time he can have a discussion with the Mayor's Office and maybe Dave Sullivan will have more information on that intersection.

With no further questions from the Commission, Chair Parkins opened the public hearing for audience members wishing to speak.

Rebecca Twombly, 145 Canal Street, Unit #9, Shelton addressed the Commission. Ms.

Twombly indicated that her first concern is about the access road and added that she mentioned this at another Committee meeting that she attends. She stated that when she comes up Bridge Street right now to go over to Derby, the driver's fender may be out in the road a little bit so that she can turn but it is difficult to see what is coming. A tiny bit of her car might be out in the road so she can see to pull out. She added that if she comes the other way, because of the abutment and the way the bridge is constructed, if she pulls out that way she is fearful that she has to put too much of car into the road to get a line of sight as to who is coming across the bridge.

Ms. Twombly indicated that was a concern for her because she uses that road constantly. She added that in the winter this road is terrible and a lot of times she'll go all the way around avoiding Bridge Street. It is very icy in there and there are safety concerns. She indicated that she also has concerns about coming out this way on a "T" and trying to see this traffic which is always going very fast because once cars hit the top of that bridge they accelerate to get to the next light.

Mr. Panico indicated that the Valley Region has been planning on a major pedestrian walkway across the bridge and they were talking about the right-hand side. If that goes in, it would give her plenty of room to get the nose of her car out to see what is coming. It would be helpful to that situation if it in fact happens.

Mr. Guedes commented that Dave Sullivan would revisit it based on the Commissioners comments.

Mr. Panico stated that it would be a lot easier if you are coming out 90° to the traffic flow instead of looking over your shoulder.

Ms. Twombly responded that she just wants to make sure it is going to be safer and that it is taken into consideration. She sees no way that they could make left-hand turns there any way

better than they can right now but none of them make left-turns because they know it is one way so she doesn't know why that is one way.

Ms. Twombly commented that her other concern is the parking on Canal Street. She indicated that she doesn't have any reports or any maps but she lives it every day of the week. Living at the Birmingham they don't have adequate parking. Avalon doesn't have adequate parking because they are always trying to take their parking spots. She indicated that she would say that they need at least 94 parking spots just for the residents of the building. she added that they shouldn't try to utilize any of the other parking areas and if a restaurant goes in there, they just had an 1 ½ conversation about how many parking spaces you need for a restaurant.

Mr. Panico responded that he thinks that if she looked at the plans very carefully, she would find that on the commercial side of the site, there is an enormous amount of parking far in excess of what they need for the commercial. The intent is that spaces over there will be allocated to make up those 94 spaces. He agreed with her that they need to have 94 spaces available to the residents.

Ms. Twombly responded that they should be available to the residents and the residents only and that will be a difficult thing to do when you have commercial and a restaurant there.

Mr. Panico stated that he would disagree with her one comment about them being available to the residents and the residents only because there is always that peak period when the residents don't need them and the businesses need it or the businesses don't need it and the residents need it – that is when shared parking comes into play.

Ms. Twombly responded that a restaurant would be open the same hours that these people are going to be coming home.

Mr. Panico indicated that was on the far side of the lot and he can't imagine residents wanting to park out by the restaurant because it is much too long a walk.

Ms. Twombly responded that she just wants to make sure that these residents have adequate parking and don't end up in the same boat.

Mr. Panico stated that they will work with them to identify where these residents parking spaces are going to be.

Ms. Twombly thanked the Commission.

Justin Kubeck, 145 Canal Street, Unit 102, Shelton addressed the Commission. Mr. Kubeck thanked the Commission and indicated that he would make his comments brief. He indicated that he had a love/hate relationship with the plans. He would definitely like to see the new access road go in but he thinks it has to happen in conjunction with Bridge Street being closed. He commented about the snowstorm in February 2013 when the residents of the Birmingham actually shoveled Bridge Street to get out. It took them three days to get out.

He added that because of that, if they ever had two streets coming together plus getting onto the bridge it will be a nightmare. As they said, a left turn lane and a right turn lane makes sense, if not they will go straight across the bridge, back onto Bridge Street next to the Birmingham and come back down if they are trying to get into Shelton. This one way road makes getting into Derby easy, but if you are taking a left and there is only one lane, they are going to back up to Canal, they have 350 residential units between the Avalon and the Birmingham currently and they will never get to Route 34 and it will be a nightmare. It will get backed up onto Howe Avenue, having to go back onto Route 8, trying to make a loop around especially with Wooster Street currently being closed.

Mr. Kubeck commented that if they could make it work, he didn't know if there would be a traffic light necessary but he definitely thinks a strong traffic study is necessary. He commented that he knows that parking has been addressed because they have had changes.

Mr. Kubeck stated that Chromium plant is coming down and there has been talk of there being parking there. He heard John Guedes speak previously that they'll just let them park in Chromium. He stated that he doesn't think the project should be approved based on the fact that there will be parking in Chromium; hopefully it will be based upon what he has available to him on his own site because they have dealt with that issue. He commented that he knows that Avalon doesn't have any visitor parking so they either park on the street – which he believes at some point Canal Street will have no parking or be intended for no parking or they come with (inaudible) and they have to fight to get them towed. Most of the time his wife and baby park across the street, across train tracks just to park in their own spaces – well, not their own because Avalon people park in their spaces. It is a nightmare for them. They have lived there for 7 years. He's been on the Board and he's listened to people talk about it every day. Mr. Kubeck stated that he thinks about 80 spaces would give them one spot per bedroom, if they think of it that way. At the Birmingham, that is pretty much where they are at – about one car per bedroom.

Mr. Kubeck indicated that the shared use thing concerns him because of restaurant overflow and with 122 they might be giving 40 spaces approx. to support the restaurant which will have peak times at night when people come home for the night. On top of that they'll have guests, unless they aren't allowing guests to park in the lot which has run into an issue at the Avalon. It is a concern of his.

Mr. Kubeck commented that he was anxious to see the next plan and the traffic study. He thanked the Commission.

Mr. Guedes stated that when they were looking for their situation to be supported by Chromium Processing, they always said that, hopefully, Chromium would alleviate some of the pressure on the Birmingham. He wasn't sure if he ever said to anybody on any of these projects that he was looking for Chromium Processing to (inaudible)...the site will accommodate about 80 parking spaces; well, 60 to 80 depending upon how much landscaping goes in there. There will be parking that will be available. It is going to be a reality; the State has provided the funding for the demolition/clean up so it is going to happen. The intent is that, whether on this project or any other projects, that enough parking be provided to comfortably accommodate the projects that are being proposed.

Mr. Guedes stated that the reason that the Birmingham doesn't have enough parking, and he thinks the Commission knows, is that there were certain commitments that were not lived up to. It was not them and hopefully, now that will be offset by the Chromium Processing Building coming down and the space being made available. They were supposed to get 30 spaces alongside the railroad tracks but the railroad wouldn't cooperate. There were things that were supposed to happen that did not happen.

With no further comments, Chair Parkins asked for a motion to continue this public hearing.

On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to continue the public hearing for Application #15-17 until November 10, 2015.

OTHER BUSINESS

2016 MEETING SCHEDULES

Planning and Zoning Commission
Downtown Subcommittee
Zoning Subcommittee
POCD Update Subcommittee

Mr. Schultz indicated that Staff has provided 2016 meeting schedules for P&Z Commission Meetings and Subcommittees.

Chair Parkins indicated that they made a couple of notations on their meeting schedules noting a couple of meeting dates that required modifications including meetings inadvertently scheduled for Election Day and Veteran's Day.

Mr. Schultz indicated that Staff would make those changes and e-mail them to the Commissioners and provide hard copies.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the 2016 Meeting Schedules with the noted modifications.

ADJOURNMENT

With no further business, Chair Parkins asked for a motion to adjourn.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to adjourn at 9:38 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary