

**SHELTON PLANNING AND ZONING COMMISSION**

**FEBRUARY 24, 2016**

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, February 24, 2016 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins  
Commissioner Virginia Harger  
Commissioner Elaine Matto  
Commissioner Thomas McGorty  
Commissioner Ned Miller (alternate)  
Commissioner Frank Osak (alternate)  
Commissioner Anthony Pogoda (via teleconference)  
Commissioner Jim Tickey

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

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

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL**

Chair Parkins called the Feb. 24<sup>th</sup> Special Meeting of the Shelton P&Z Commission to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that P&Z Commissioner Tony Pogoda and P&Z Consultant Tony (referred to as A.J.) Panico would be attending the meeting via teleconference phone.

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**Separate #0581: DAN DELUCA, 8 COUNTRY RIDGE DRIVE, HOME OCCUPATION.**

Chair Parkins stated that this was tabled from the last meeting.

Mr. Schultz indicated that the Applicant is here to present the Commission with the revised notices to abutting neighbors.

Chair Parkins clarified that this was for e-commerce,

Mr. Schultz added that it was called MD Shooting Sports, new and used firearms. He provided signed letters to the Commissioners. As the Applicant indicated, especially in Connecticut, because of the large stores, he had a store in Monroe but now he work out of his house subject to local zoning and then tells the Alcohol, Tobacco and Firearms.

Comm. McGorty responded that they've had a few of those applications already.

Mr. Schultz clarified that this was the third one.

Chair Parkins indicated that the last letter presented did not make reference to what type of e-commerce sales they were doing so they asked them to better explain it.

Mr. Schultz commented that this did make the front page of the local paper.

Mr. Don DeLuca responded yes and it made it into the Monroe Courier, the Trumbull Times but he didn't know about the Stratford paper.

Chair Parkins stated that it was about the timing because that guy doesn't always come.

Comm. McGorty motioned to accept Separate #0581 – to approve.

Comm. Harger commented on the neighborhood street map and located the four abutters who signed.

Mr. Don DeLuca responded that there was one house where he spoke to the husband but he never received an answer back from them as to whether they would agree with it. They never signed the letter, he stopped at the house twice after that and no one answered the door. He didn't want to keep making it a point...

Comm. Harger stated that Country Ridge is across the street and the other addresses are...

Mr. Don DeLuca responded that Alex Sarni is on the right side of his home.

Chair Parkins stated that there is 16 Country Ridge, 24 Capitol Drive and 12 Country Ridge and 7 Country Ridge.

Chair Parkins asked where the other one was because there was only four letters here.

Comm. Harger commented that 30 Country Ridge is an abutter.

Mr. Don DeLuca responded that he submitted five letters and added that the house behind him is a guy who lives in California and there are Asian people living there they don't speak English.

Comm. Harger found the fifth letter from the neighbor across the street.

Mr. Don DeLuca stated that he got signatures from his neighbor across the street, Alex Sarni next door, the guy on Capitol and the resident that didn't acknowledge the letter and the guy behind him who rents the house to the Asian people that don't speak English.

Comm. Tickey asked if that was 30 Capitol.

Mr. Don DeLuca responded yes.

Comm. Harger asked about 18 Capitol because they are an abutter. She commented that #30 is on the corner of Country Ridge and Capitol and 18 looks like it is on Capitol Drive.

Mr. Don DeLuca showed the location of the homes where people signed the letters. He reiterated that one of the residences never got back to him and he never got any response after going there a couple of times.

Chair Parkins indicated that there was a motion on the table and she asked for a second. Comm. Harger seconded.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0581 for home based business/Internet sales.**

Mr. Schultz told the Applicants to stop by tomorrow to pick up a letter and he will contact the ATF. They can contact the ATF as well.

Mr. Michel DeLuca stated that the process is that he needs to submit a letter from the City stating that it has been approved and he has to get something from the Chief of Police. It has to all be submitted with the Application.

Mr. Schultz responded yes, they actually have a Zoning Permit. He stated that he would help him coordinate it.

**SEPARATE #552: SHELTON HOUSING AUTHORITY, 91 HOWE AVENUE, HELEN DEVAUX ELDERLY HOUSING**

**Tom Arcari, Principal with Quisenberry Arcari Architects, 318 Main Street, Farmington CT addressed the Commission.** Mr. Arcari indicated that he was there on behalf of the Shelton Housing Authority who would be the Applicant in regard to zoning approval for an accessibility upgrade that they have proposed for the Helen Devaux Housing Complex.

As a part of this project they are applying to the State of Connecticut Department of Housing for approximately \$2M to do upgrades. The funding application is April 27<sup>th</sup> and they need Zoning Review prior to their Application. The project is a Code Upgrade and an Accessibility Upgrade for this elderly housing complex.

He provided a site map and architectural plans and explained that they first plan to provide four fully accessible handicapped units for the development. They are putting three small additions on the end of these buildings to accommodate these buildings being converted for handicapped accessibility. He pointed out the location of a small bump-out on the south end of the long building that would make the end unit handicapped accessible. He stated that none of these units have enough space or clearance to be fully handicapped accessible and for the upper level units – there isn't any elevator access.

Comm. Harger asked if he was talking about the width of the doorways.

Mr. Arcari responded that as a part of the renovation project in those units, all of those doorways will be widened but there is not enough space to provide clearance in the bathroom for a five foot turn so they need a little bit more space. This is literally an 8'x10' bump on the end of the building.

Mr. Arcari stated that they need to provide handicapped accessible parking. He provided an overlay of the existing parking lot to show the existing parking lot has no accessible parking. He said that they are basically widening the parking area and providing accessible parking adjacent to the accessible units. In order to accommodate access they are proposing to demolish the existing community room. He pointed out the location of the existing community room and showed the location in the back of the site where they would like to move it. There is about a 24 foot grade differential from the top half of the site to the bottom half of the site. He indicated that they are going to build the Community Center into the hill. It is a 30'x30' building matching the same footprint as the existing one; it will have access from both levels so

they will have laundry rooms at both levels, accessible bathrooms on both levels and meeting space at both levels which will make the site fully compliant for handicapped accessibility.

Comm. Harger asked if that was a laundry room right now.

Mr. Arcari responded that the Community Center has laundry, a meeting room and a bathroom – none of which are handicapped accessible. The lower level has no laundry access so now tenants have to walk up this very long walkway. He showed how the walkway goes along the whole site with a railing and a steep retaining wall. It is not even handicapped accessible because it is still too steep.

Comm. Harger asked if that meant that units don't have their own laundry facilities.

Mr. Arcari responded no, they do not. He stated that was essentially the extent of the proposed project.

Chair Parkins asked if the bump-out was just going to be a little box added on to the end of the bottom unit. She asked if the top unit would be looking out over a roof.

Mr. Arcari responded that it was on the end of the building. The ends of the building right now have no windows so it is basically a little shed box. He showed the location and added that it was essentially a bathroom on the end with a turning circular radius and a roll-in shower in that area. They are just putting a shed roof on matching the style of the finished exteriors. Right now the ends of the building are clad in brick and they are proposing to continue that brick.

Comm. McGorty asked what the height was.

Mr. Arcari responded that the eave height of the addition would be one story so 8 ½ feet. It just pitches it on a 4 on 12 pitch up against the building.

Comm. Matto asked what the heat was in that little (inaudible)...

Mr. Arcari responded that they will continue the heating systems of the existing buildings. They have heat pumps so it is very efficient. They get heat and air conditioning that is a part of the development.

Chair Parkins asked if they would well insulate that little bump out well because there is nothing worse than a cold toilet seat in the morning.

Mr. Arcari responded yes, the addition will be fully spray foam insulated. As a part of the project, as a part of the \$2M they are also doing energy upgrades so they are replacing the windows, the siding in kind and doing new exterior continuous ridge insulation. The other benefit to this application is that the energy efficiency of the buildings will increase significantly. It will in turn reduce the energy costs for the elderly residents there and they will see that directly because it is usually metered. It will be a direct savings to the affordable residents that live there.

Chair Parkins asked about the heat pump and if that was steam heat or (inaudible)...

Mr. Arcari responded no, it is air source heat pump – each unit has a heat pump. It is not hot air; it is actually like a split unit. In the bedroom and living room there is a little cassette in the ceiling – a wall unit – that recirculates and heats the existing air or cools the existing air. As an air source heat pump it is electrically driven but it takes the outside air, takes any heat out of it and puts it into the space.

Chair Parkins asked if it was electric.

Mr. Arcari responded that it is electric but they are very efficient.

Comm. Harger asked if they were all studio apartments.

Mr. Arcari responded that all of these units are basically studio apartments.

Chair Parkins asked if the energy efficiency was also a part of the grant.

Mr. Arcari responded yes, that is correct.

Comm. Matto asked how old this project was.

Mr. Schultz commented that it was one of the originals.

Comm. Harger added that it was in that neighborhood in '78.

Comm. Matto stated that it was kind of surprising that it is a walk-up apartment.

Mr. Arcari responded that this is one of the first State developments from the last '60's. There are only four states in the U.S. that have State-owned affordable housing properties; the rest of the states only have federal properties so there was probably a learning process. They started building them out of rental facilities here in the State in the early 1960's. This one was in the late '60's and since that time, as a State, they have learned more about what should and shouldn't be built. It is a financial challenge and the State has actually offered up and made a significant investment in affordable housing over the last three years.

He stated that Governor Malloy has a 10-year, \$300M/year plan where they are offering \$30M to rehabilitate, expand and do accessibility upgrades for new, affordable units. Back when these were built, the philosophy tended to be to build the most amount of units for the least cost and the units were very small. There are a dirge of these types of units in the State because they are affordable but there is a clear difference between what an affordable living unit is and what a market rate unit is. Now the philosophy in affordable housing has changed such that the design of units is trending more towards market compatible or comparable. You won't see granite countertops and shiny wood floors but the space layouts are a little more similar, more furnishable and everything is 100% accessible.

Chair Parkins asked if there was any thought about putting an elevator in that other building.

Mr. Arcari responded that there was no space to do that here.

Chair Parkins clarified that she was talking about the Common Facility.

Mr. Arcari responded that the Common Facility plan is to have an elevator so that residents can actually traverse the site and use common areas on both floors.

Chair Parkins responded OK, she added that he didn't say that, only that they were handicapped accessible.

Mr. Arcari clarified that they would have the elevator.

Comm. Harger asked if those buildings would lend themselves to having an exterior elevator attached to the building.

Mr. Arcari responded that they really do not because of the way that the units layout. Each quad is solid and there are four units in a quad – two on each side of the stack with stairs. There is no common area to connect an elevator and you would need one elevator for each.

Chair Parkins commented that it would be cost prohibitive to do something like that.

Mr. Arcari responded that they could do vestibules and do residential elevators probably but you would end up having about 8 elevators for each building.

Chair Parkins commented that she was just glad that there was one in the common building. She asked if this was a courtesy or if he needs an actual approval.

Mr. Schultz responded that this is an as-of-right City of Shelton but he wanted the Commission to see that it applies with all applicable Zoning Standards. This is not only an upgrade but they also have curb cut widening for 2016 for accessibility. There are a lot of little things going on but it is a net benefit.

Chair Parkins asked about the handicapped parking being made closer to the units that have handicapped accessibility but she doesn't see that there.

Mr. Arcari pointed out the location of the handicapped parking spaces and one spot that would more than likely be relocated.

Chair Parkins responded OK because it would only make sense to put them closer to the units that have the bump-outs.

Mr. Arcari responded yes. For the funding application, they need a zoning approval. For now there are obviously some minor details that will need to be revised. They take no exception to continuing to work the town staff to refine the development but they need a sign-off that this proposal complies with the zoning.

Mr. Schultz indicated that the motion would be to approve Application #552 and to authorize Staff to sign any applications as deemed necessary by the Mayor's Office.

Comm. Matto asked if they gave any thought to doing a tear down and starting over.

Mr. Arcari responded that at this site they did not give any thought to that. It is probably cost prohibitive at this site. It isn't that it couldn't be done but at this time the cost to do that for 40 units would probably be a \$16M project and they can make this significantly better for \$2M.

Comm. McGorty stated that it was a tight piece of property and they aren't going to expand it much.

Chair Parkins stated that they did a nice job up on Sinsabaugh Heights.

Mr. Arcari commented that he was the architect for Sinsabaugh so they renovated and they have a plan to renovate their 120 units and they have a plan to expand with 20 new units there. They are trying to pursue the funding for that particular project.

Chair Parkins commented that they have been at that for quite a while and asked why they wouldn't be eligible for the funding being given to this project.

Mr. Arcari responded that this is for a different type of funding. This is called SSHP program geared for renovation and accessibility upgrades. The other project is applying for Champ funding which is a different pot of money attributed to building new units and it also might be for low income housing tax credits as a source of funding.

Chair Parkins asked if they were close to having the funding for it.

Mr. Arcari responded that they have applied so they are waiting and will have to see. It is hard and it is a competitive process and sometimes other developments score well. Unfortunately, Shelton Housing Authority has done a pretty good job; the character of the property is well-maintained. He doesn't want to say it but unofficially they'll get penalized for that.

Chair Parkins commented that if they have a nice complex you would think that they would be encouraged to provide funding to expand it.

Mr. Arcari responded that he wasn't saying they aren't but the very distressed properties around the State go to the top of the list. There are a lot of reasons why they are distressed and one of the reasons is that they haven't been well maintained and their patronage is hard on the development.

Chair Parkins stated that they will continue to patiently await their turn then. She asked for a motion and a second.

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #552 and to authorize Staff to sign any applications as deemed necessary by the Mayor's Office.**

Mr. Schultz stated that the City Engineer's Office maintains copies of all city facilities so when he finalizes the plan he should give him a call and they will submit that.

Comm. Harger encouraged the Commissioners to take a ride through Sinsabaugh because it is very nice.

**SEPARATE #0423: JOLENE MESSENE, 216 LEAVENWORTH ROAD, SIGN**

Mr. Schultz indicated that the Commission approved the business in the White Hills Shopping Center for a fitness center which used to be the old kitchen. He provided a rendering of the proposed signage.

**On a motion made by Thomas McGorty seconded by Virginia Harger it was voted 5-1-0 to approve Separate #0423 for signage. Comm. Pogoda abstained from voting.**

**APPLICATION #16-1: TOLL, CT LP FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLAN FOR PDD #75 (BUILDING ORIENTATION CHANGE FOR UNITS 4,5,6: SHELTON COVE), 550 RIVER ROAD (MAP 53, LOT 55).**

Mr. Schultz indicated that he had received a letter from the Inland Wetlands Commission which he read into the record.

**\*See attached correspondence addressed to Jeff Minke, Project Manager dated February 23, 2016 from John R. Cooke, Wetlands Administrator.**

Mr. Schultz indicated that this fulfills everything that the Commission requested from the Applicant.

Comm. Harger asked if they considered eliminating one.

Mr. Schultz responded that was presented and the answer was no.

Chair Parkins commented that they made that last unit skinnier so if people want to live that close together it is up to them.

Mr. Minke responded that they are pretty close to each other anyway. He stated that he has a full size plan of that new orientation.

Chair Parkins commented that as long as Inland Wetlands signed off on it.

Mr. Schultz pointed out the location of the main road on the new plan, the watercourse, and the driveway with the new orientation.

Comm. Harger commented that it was too bad that one wasn't eliminated because right now the views – it's a nice green space looking down into the River seen from standing in the driveway. She indicated that she went there near where the model home and office is located and stood there thinking it was too bad because now it is going to be filled with a big building.

Mr. Minke responded that there was a building there anyway. He added that he doesn't think that the change in orientation changes that.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #16-1.**

**PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION: PROPOSED AMENDMENTS OF SECTION 33 (SPECIAL EXCEPTION) AND 36 (CENTRAL BUSINESS DISTRICT): PUBLIC HEARING CLOSED ON 2/9/16.**

Mr. Schultz indicated that this concludes the public hearing. They had three portions to it. The procedural part for the Special Exception so that they are in compliance with State Statutes for when they process a Special Exception application, and he added that as the Commission is aware, they do a lot of them.

The zone change for the two block area to PDD #82 and then the changes to Section 33 and Section 36 regarding the CBD. They fulfilled the request of the DSC to redirect the direction of that two block area with the proper standards.

Chair Parkins indicated that they instructed Staff to prepare a resolution which they did. She read it into the record.

**\*See attached dated February 23, 2016 Report regarding Proposal of the Shelton Planning & Zoning Commission to Amend Section 33 (Special Exceptions), Subsection 33.12 (Mixed Use Developments in CBD) and provisions of Section 36 (Central Business District).**

Chair Parkins asked for a motion to discuss. Comm. Harger motioned and Comm. Tickey seconded.

With no further comments for discussion, she conducted a roll call vote of members.

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously roll call voted (6-0) to approve the Proposal of the Shelton Planning and Zoning Commission: Proposed Amendments of Section 33 and Section 36.**

As a side note, Mr. Schultz indicated that he just finished the proposed budget for 2016-2017 and he is continuing to request funding to provide assistance for the Downtown review especially architectural. They had a lot of assistance when they did the Matto's and Kyle's Corner which happened to be at the same time so they were fortunate. They have Carroll's Home Improvement coming up and that is a lot of frontage so if the Commission wants to use the services of a professional architect, they will have the funding in place.

**APPLICATION #16-2: PETITION OF JOHN WATTS FOR MODIFICATION OF PDD #60 INCLUDING BASIC DEVELOPMENT PLANS (CONCEPTUAL), DETAILED DEVELOPMENT PLANS AND STATEMENT OF USES AND STANDARDS (SITE D: 23 MULTI-FAMILY UNIT DEVELOPMENT), 235 CANAL STREET (MAP 129C, LOT 17): REQUEST FOR WITHDRAWAL.**

Mr. Schultz indicated that the Applicant wants the Commission to know that in putting his team together and to update the traffic evaluation and marketing evaluation he needed more time. The public hearing was scheduled for tonight but they need to accept their letter of withdrawal without prejudice.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the letter of withdrawal without prejudice for Application #16-2.**

**APPLICATION #16-3: 714, LLC FOR MINOR MODIFICATION OF PDD #70 (BIG Y GAS STATION ATTENDANT BUILDING), 401 BPT. AVENUE (MAP 77, LOTS 26,27,28,29 AND 30)**

**Atty. Stephen Bellis representing the Applicant addressed the Commission.** He introduced Pat Rose, the architect who would be answering any questions regarding the plan.

Atty. Bellis indicated that he researched and found a plan that was approved with the PDD because there was a building that they called "Retail C" in the back area of the property in the same location where the gas station is right now. It was 1800 square feet so there had been an earlier building; however, it is not what they are building right now but he wanted to bring the plan to their attention.

He pointed out that the building they are proposing does not affect the total amount of square footage of the building that was approved – about 128,000 and this is not increasing with about 126,000. They are not asking for more square footage than what was approved.

He provided a site plan and added that Rick had provided hand-outs as well. He stated that they meant with the Fire Marshal and Tony Panico had some input. He showed the site plan and pointed out the location of the gas station and canopy, the location of the tanks and the 800,000 square foot within the setback lines that are permitted under the PDD so they aren't asking for any changes to that. He showed the 800,000 square foot building that is 20' x 40'. The last time he came they requested some renderings of this building and what would be inside it. He asked Pat Rose to explain the architecture.

**Mr. Pat Rose, Rose Tiso Architects addressed the Commission.** Mr. Rose indicated that the canopy as it has been amended is similar to what it was previously, it is just a different size at 50' x 70'. The

location of the gas pumps has changed a little bit. He stated that they have two full pumps on each of the islands and half pumps on the island against the curb. They end up with 10 stations for filling but before there were three pumps per island and it was too much.

Chair Parkins asked what size the canopy was previously.

Mr. Rose responded it was 70' x 80' – it was larger and it has been reduced because they went from three pumps on an island to two because it just works better for the flow. Mr. Rose explained the drawings and indicated that in laying out the canopy, they kept it the same – a large cornice with a sloped fiberglass shingled roof. The columns will be enclosed with effice and on the bottom they will be cultured stone that is similar to what the building will be. With this small building, they took the same details that are within the canopy and also on the other portions of the building – the lower stone piece, effice columns and the tabature of that which has a cornice and that same sloped fiberglass shingled roof.

Mr. Rose provided a rendering of the side view facing the gas station and showed the glass on the corner and the back view having all effice with stone on the bottom. The back facing the hill is the same with no windows on that side. He indicated that they added a walkway in front of those parking spaces on the plan. They moved everything over slightly but they are still keeping themselves within the 100 foot radius for a tractor trailer coming in.

Mr. Rose stated that (inaudible) allowed them to move this out a little bit and helped them keep the turning radius that they need to get in and out.

Atty. Bellis asked if it was fair to say that he has improved what was there before.

Mr. Rose responded (inaudible)...

Atty. Bellis stated that the answer is yes. He provided a floor plan that he has now and explained the entrance into the building with the cashier station on the right where they would redeem Big Y coins. He indicated that a person coming into this small building could only go down this one aisle and in this particular aisle it is about five to six feet. On the left there are coolers shown with the doors open which would be for soda, water or other drinks for purchase and that is it. He showed a door that would not be accessible by the public which would stay closed. It would be for anyone coming in to load the coolers.

Atty. Bellis showed the location of the shelf that would be for the auto related products that the Commission already approved such as wiper fluid, oil, antifreeze, ice scrapers, etc. He pointed out the location of a small rack often seen in gas stations is for gum and candy. It is not a large area and is located under the front desk. He referred to that candy/gum at the last meeting.

Atty. Bellis showed the location of the cigarettes behind the Cashier area only. He summarized that would be what is sold there. For people who use the gas station, he showed the location of the public restroom with a toilet and sink. He indicated that was what he was trying to describe at the last meeting and it was not what was referenced up in Lee, MA. It is a small area for drinks, gum, etc. There are no racks of snacks, coffee dispensers, no lottery tickets or anything like that. As Pat mentioned, it is tucked in away from the hill so he doesn't think the residents will be able to see this and he doesn't think it is going to cause any problems.

He indicated that the Fire Marshal was happy with the way it laid out and as he mentioned, the Big Y has told him that this is going to be their most elaborate the nicest Big Y that they have built. They are spending the most amount of money on it and they are asking – he is doing the lease with them and it is

signed and held in escrow. He stated that he explained to Big Y how the Commission felt about not wanting a convenience store. They would have loved it but it is not happening. They understand that and if the Commission were to approve this it would come out of escrow at the end of this month and they could move forward.

Chair Parkins stated that if he recalls back to the public hearing, one of the reasons the Commission acquiesced to allowing a gas station in this location was because it was going to eliminate that retail store in the back with the drive-through which they felt was going to impact residents there. Also, they based it upon how well Stop & Shop is working and you were the attorney for Stop & Shop and the Commission put you through the ringer there as well. It works very well there but what they have at Stop & Shop is nothing near what he is proposing here.

Atty. Bellis responded that he didn't think that they would see as much of a difference.

Chair Parkins disagreed and commented that they have traffic coming in this way and people backing out of these parking spaces. There is more noise with people getting in and out of their cars. Her opinion is that it is not a minor modification.

Comm. Matto commented that there were a lot of coolers.

Atty. Bellis responded that they are big and they are shown with the doors open.

Comm. Matto stated that it just seems like a lot of space that could end up being used for more stuff like inaudible)...

Chair Parkins responded yes, milk...it is going to become a convenience store.

Atty. Bellis responded no.

Comm. Tickey asked what a convenience store is and if there are beverages of all kinds – water, Gatorade, cigarettes, car supplies, candy...He asked if a candy bar was a snack food or candy... and with nine parking spots... He asked him to define a convenience store. He commented that people are going to come in and out and he thinks that they heard loud and clear from the residents about how they felt. He would associate his comments with the Chairwoman.

Comm. Matto added that they only thing missing is chips.

Chair Parkins commented that there isn't going to be anything from stopping them from putting a couple of loaves of bread on the shelf near the car oil.

Atty. Bellis responded that no one is trying to sneak stuff into the store. He would be willing to delineate the Statement of Uses as to what would be permitted in there. They aren't trying to put milk or coffee or anything mentioned. Nine times out of ten – and this is the purpose of this – the cars are parked at the gas station and the person has a Big Y coin and wants a bottle of water. They aren't going to move their car to one of the store parking spaces - so here they can hand this coin to the attendant, get the bottle of water and leave. It is not a desirable, easy access for someone going down Bridgeport Avenue to stop and get a drink here. It is way in the back of a shopping center. It is not road frontage.

Chair Parkins stated that it is impulse and if it is there...

Comm. McGorty commented that the other gas station by Wendy's over there has everything in that store.

Chair Parkins that it is impulse like when they have stuff at the end of the aisles in the grocery store. If you are there and when you run in for milk ...

Atty. Bellis reiterated that there would not be milk.

Chair Parkins responded that they are saying beverages so there is nothing to stop them from adding milk. She asked if the Statement of Uses would say everything to drink minus milk.

Comm. Matto stated again that it was a lot of coolers.

Atty. Bellis responded that it was soda, water and energy drinks.

Chair Parkins stated that she thinks it is a major modification – not a minor modification.

Atty. Bellis asked if they wanted to go to a public hearing.

Comm. Harger asked about the payment system and if people could scan credit cards at the pump.

Atty. Bellis responded no, not yet.

Comm. Harger commented OK then they have to go in anyway.

Chair Parkins asked if he said that they can't scan credit cards at these pumps.

Atty. Bellis responded yes, you can. He thought she was referring to the Big Y cards. Yes, you can do that.

Chair Parkins commented that this is a brand new facility and asked why they can't make it compatible and do what Stop & Shop does with their cards.

Atty. Bellis responded that they do not have that technology.

Comm. Tickey asked if they didn't say this would be their finest store.

Atty. Bellis responded that is what he was told. They are still using these coins – there are gold and silver coins.

Comm. Matto asked what you get them for.

Comm. McGorty commented that the technology is there but you have to buy it.

Comm. Harger stated that you scan your Big Y card and there is a screen, you hit play, the wheels spin and you get gold or silver – and sometimes (inaudible)...

Atty. Bellis stated that if something is on sale – it is related to the Big Y marketing...

Comm. Matto asked if you could only use these coins in the convenience store.

Atty. Bellis responded that his understanding is that if you have a silver coin and something is on sale you might get it free...

Chair Parkins commented yes, with a gold coin, you might get something like a rotisserie chicken.

Comm. Matto asked if you can use cash in this little store as well.

Atty. Bellis responded yes, of course but the purpose is to redeem these promotional coins.

Comm. Matto asked if he didn't say that they could be redeemed in the grocery store.

Atty. Bellis responded yes, they can.

Comm. Matto responded that they don't need this giant kiosk store to redeem these coins.

Comm. McGorty commented that if they are getting gas and they have coins than they can redeem them right there.

Atty. Bellis responded yes, exactly. They aren't in the food business – and he isn't either but apparently there are tight margins and they need every edge that they have. It is a competitive marketplace. If they say that they don't want them then they will lose their biggest tenant and they can leave 714 the way it is now.

Chair Parkins stated that is not fair, that is not fair. If Big Y is going to back out because they are not allowing this and if they are threatening to back out – then you know what...

Atty. Bellis responded that no one is threatening but he is saying that they don't know the market. They feel compelled...

Chair Parkins stated that they are using an independent agent, F.L. Roberts, she asked if that is who would be doing it. She showed information showing two locations for Big Y ...they run the gas stations.

Atty. Bellis responded that he never heard of F.L. Roberts.

Chair Parkins stated that this is the Big Y in two locations – they run their gas station. Big Y, just like Stop & Shop, she can't say for sure but more than likely is subcontracting out. They are in the grocery business, not the gas business so she is assuming that they are going to contract out to an entity.

Atty. Bellis responded that he hadn't heard of that.

Chair Parkins indicated that it gives more profit to this entity more profit because they are running a little convenience store in the back.

Atty. Bellis responded that he did not know the answer to that.

Chair Parkins indicated that it was not an accessory use to the grocery store which is how they approved it.

Atty. Bellis responded that he doesn't believe that is the situation because it is not going to be sold to Shell Gas Station or BP or become a Hess. That is not what it is – it is a Big Y-associated gas ...

Chair Parkins stated that they can use the same concept that Stop & Shop uses and put the coins in a drawer and (inaudible)...

Atty. Bellis indicated that he didn't want to argue with her. He didn't know how they compete with Stop & Shop but they feel that Stop & Shop has it and they are coming into town.

Chair Parkins responded that Stop & Shop does not have it. Stop & Shop has a gas station and they are allowing Big Y the same thing.

Atty. Bellis responded that he knows that they have one and he doesn't know why because this is not over the top. It is an 800 square foot building in a 128,000 square foot shopping center and while it doesn't mean a lot to you or me, it means a lot to them.

Chair Parkins stated that she didn't necessarily want a gas station there either but they acquiesced because of what it was going to be removing – it was removing the drive-through stand-alone building back there.

Atty. Bellis agreed and commented that there was a building back there.

Comm. Matto stated that she thinks he is making two contradictory arguments. One is that this is just a little nothing thing and they aren't selling much there but the other argument is that their bottom line depends on it.

Atty. Bellis responded no, he thinks that the argument is that they use these coins as a way to entice people to go to their store because people think that they are getting something for nothing.

Comm. Matto stated that they can use the coins in the grocery store so she doesn't see how the coins have anything to do with this.

Atty. Bellis commented that it would give money off of the gas. They don't have a machine to put the coin in and get a credit towards a gallon of gas so that is the problem.

Mr. Rose added that is how they differentiate themselves with Stop & Shop.

Comm. Harger commented that it was a gimmick.

Atty. Bellis agreed that it was a gimmick.

Chair Parkins commented that they would be better off with the card scan because the coins are a pain in the neck to carry.

Mr. Rose stated that they are redeemed so it works out for them probably.

Comm. McGorty agreed and he's sure they've weighed the cards against the coins.

Atty. Bellis added that he's sure some financial person has figured it all out.

Comm. McGorty commented that for practical purposes if someone comes up to the canopy and parks to get gas but then decides that they want to get a drink, she asked if they really thought anybody would move their car.

Atty. Bellis responded no.

Mr. Rose added that if they were a courteous person they would. If the gas station is busy, they will move the car.

Atty. Bellis commented that they aren't going to move the car. They will leave the car there and go get the water or...

Comm. Tickey asked if it was proposed for the same hours (inaudible)....

Atty. Bellis responded yes, it would all be tied in. He commented that he really didn't think it was going to be a big deal and because of the location of it he doesn't think that people are going to rush to go there for gas. It isn't a great, easy in, easy out location.

Comm. Harger responded that they will do it if they go to the grocery store and need to go get gas.

Atty. Bellis stated that was the whole purpose. If you are in the shopping center or the store, you get your gas and redeem one of these coins if you have them for a free Gatorade.

Comm. McGorty commented that it was for convenience. If you are thirsty, you aren't going to go all the way into the store but if you are there anyway and paying then it is a convenience.

Comm. Harger stated that people will more than likely be going to the store for the milk, bread and eggs that is why they are asking what would limit the stock.

Atty. Bellis responded no, he would be glad to limit that. He isn't trying to...

Comm. Harger stated that she thinks that they need to cut down on the footprint of the store, of the building.

Atty. Bellis responded OK...

Chair Parkins commented that it should be about this big...

Atty. Bellis asked how big that was.

Comm. Harger stated big enough for an attendant (inaudible)...

Mr. Rose commented that was probably about 8' x 14' or something like that.

Chair Parkins stated that there is a bathroom in it for the attendant. She asked why the public (inaudible)...

Mr. Rose asked if there would be a bathroom in there.

Chair Parkins stated yes for the attendant.

Comm. Tickey stated that people are going to come there, park, get the bottle of water, cigarettes, use the bathroom and once you know a place is there than that is the destination. When you know a place is available for water, cigarettes, a public restroom...and in essence, that is a convenience store.

Atty. Bellis stated that he is hearing that they want to chop this and make it a little bit smaller and then they'd be more inclined.

Chair Parkins stated that she would like to see it go back to being a kiosk. She thinks – she would like to get a consensus from the Commission if they think this is more than a minor modification which would warrant a public hearing. They will start there before...

Comm. Matto commented about the public interest so if they are changing it...she added that she wasn't on the Board for this...but if they changing it from what the public thought at the public hearing...

Chair Parkins stated that it was the Commission's call.

Comm. Harger recalled what happened on Bridgeport Avenue with the Chili's and Longhorn, there was a lot of concern about that and after all was said and done...it is fine.

Chair Parkins responded that she didn't think this was the same situation though.

Comm. Harger commented that she is going to the Derby Stop & Shop after this meeting as well as the going to the one on Bridgeport Avenue and she doesn't notice a lot of problems with the ...

Chair Parkins responded that they don't have a store.

Comm. Harger stated that they have the kiosk but she doesn't see anyone running in to get juices and everything, cigarettes are fine but she doesn't see this as...

Comm. Matto commented that they don't.

Comm. Harger stated not over there because they only built (inaudible)...she doesn't think it is going to be that disruptive to the neighborhood as long as they make it a little bit smaller.

Comm. McGorty agreed that he would be comfortable if they cut the size in half. He doesn't think it will increase activity with people driving in to go there to get water. They'll be getting gas and the other would just be a convenience. It probably doesn't need to be 20' x 40'.

Comm. Harger agreed and added that was the size of this room.

Comm. McGorty commented yes that would be a pretty good sized store. They would have a few coolers.

Atty. Bellis responded that he can understand that.

Comm. McGorty commented that the size shown is pretty big and as soon as it is said and done, they could certainly load it up with other things. He knows it could be written into the approval but asked who would police it; although they would all probably go in there. It is larger than it needs to be for that purpose.

Atty. Bellis asked Pat Rose if he brought an eraser.

Comm. Harger commented that there are nine coolers right now and suggested cutting it down to five.

Atty. Bellis stated that he asked Pat to show the coolers open so that the Commission wouldn't think there was aisles of stuff in there.

Comm. McGorty asked the size of the coolers – 18”.

Mr. Rose responded two feet.

Comm. McGorty commented OK, two feet each and the building is 40 feet long.

Mr. Rose clarified that the whole space was 40 feet – that area would be 23 ½ feet.

Comm. McGorty stated that may be the problem with it being so big because 20' x 40' is excessive for what they are trying to accomplish.

Atty. Bellis asked if they could have a shot, make it smaller and come back.

Chair Parkins stated that she was personally not in favor of it. She added that she did not see the need for it; the kiosk like they have at Stop & Shop to accept coins, get the gas and get out. If they need to go to the store for something, then they can go in and drive in or they can go to Wendy's or that other store. She reiterated that she didn't see the need for it.

Comm. Tickey agreed.

Atty. Bellis stated that he hopes he made it clear that it is for somebody who is already in the gas station and who just wants to go and get one thing.

Chair Parkins responded that they don't need to - it is a grocery store.

Atty. Bellis stated that no one is going to run in and stand on a long line for that.

Comm. McGorty added that it would be nice to just have it there to get something. You are on your way somewhere and stopping to get gas.

Chair Parkins commented that they approved the gas station as a (inaudible)...it would be nice for Stop & Shop to have it too but they were asked to put in a small kiosk. She asked if Stop & Shop would now come back because they are letting Big Y do it.

Comm. McGorty responded that they probably would not.

Comm. Matto asked if he was saying that the only people using that gas station would be the people using that grocery store.

Atty. Bellis responded no not only, but primarily. He added that it is not easy right where you can go in from the street. You have to go through a shopping center in the back to get to it.

Comm. McGorty commented that most people will have the points or coins to get the discount.

Atty. Bellis stated that is what they think it is for and that it is helping their store make more money.

Comm. Matto commented that the public bathroom would be kind of a draw.

Atty. Bellis asked if she liked or didn't like having the public bathroom. He thought it would help if people want to wash their hands.

Chair Parkins stated that if you have a kiosk with an attendant than you have to have a bathroom which is why they have a small bathroom in the back. The point is that if their gas is cheaper than the Gulf Station across the street where there is already a convenience store than people are going to come here. They don't have to be a Big Y customer to buy gas there. If they are advertising lower gas prices, than yes, it could be a draw.

Atty. Bellis responded that he really did not know how they do that part of it about the gas.

Comm. Osak asked if Big Y was going to be the operator of the gas unit.

Atty. Bellis responded that this is controlled by Big Y.

Comm. Osak commented that he knows but asked if they would lease it out as a business.

Atty. Bellis responded that was what the Chairperson was hinting at but he couldn't answer that because he doesn't know how they operate it. He knows for sure that it will not be operated by a Shell, BP or a Hess.

Comm. Osak stated that it is going to be run by another entity – not by the business unit of Big Y.

Chair Parkins indicated that there is a condition on the approval that it has to stay associated with the anchor tenant. Big Y can't move out and Whole Food moves in and that gas station keeps running. It can't be independent. They made that condition the same as they did with Stop & Shop.

Atty. Bellis responded yes and they aren't requesting to change that to be different.

Comm. Harger stated that she thinks something smaller, more the size of the one on River Road.

Atty. Bellis asked Pat Rose if he could draw that up and make it smaller. Mr. Rose responded yes he could make it smaller.

Chair Parkins stated that she thinks that they should take consensus here before they go to the expense of doing because if there is not...

Comm. Tickey indicated that he was not in favor of it.

Chair Parkins stated that she was not in favor of it.

Comm. McGorty commented that he would be in favor of reducing the size.

Comm. Harger agreed about it being smaller.

Comm. Pogoda stated that he was not in favor of it.

Comm. Matto commented that she was not there for the whole approval process but it does seem like there seems to be good reason to make it comparable to what they did at Stop & Shop and not go beyond that. She added that she does think that it is a convenience store.

Comm. McGorty stated that he thinks if they go back to that Stop & Shop application, there were certain limitation with that site. It was prohibitive to do anything larger scale because of the size constraints. It was a different situation. This one is tucked in the back.

Comm. Matto stated that it is similar in the idea though because it will mainly be used by the customers of the store.

Comm. McGorty asked what the concern would be and how it would impact the public in the surrounding neighborhood. He asked how it would impact it if it was half that size with four coolers. He asked if she thought the neighborhood would go...

Comm. Matto responded that she didn't know but with the public bathroom and as Jim said it would become a destination.

Chair Parkins agreed that it would become a quick in and out.

Chair Parkins stated that they have two in favor of making it smaller and three in favor of nothing at all – going back to a kiosk.

Comm. Matto agreed with her.

Chair Parkins told Atty. Bellis that she didn't think it was going to fly.

Atty. Bellis responded OK and that he was sorry to hear that.

Mr. Schultz stated that Staff would prepare a decision for the March 8<sup>th</sup> meeting. No motion necessary but to direct Staff.

**APPLICATION #16-4: TWO LOT RE-SUBDIVISION (LOT 5: PEARMAN ESTATES),  
PEARMAN ROAD (MAP 143, LOT 4), R-1A DISTRICT: RESCHEDULE PUBLIC HEARING**

Mr. Schultz indicated that this was scheduled for tonight but the Applicant was not ready. It is on Pearmain Road off of Birdseye. It is a resubdivision, pretty straightforward with no wetlands, septic and public water.

Chair Parkins asked for clarification on the location.

Mr. Schultz responded that it was all the way on the end on the right side. It comes in off of Birdseye Road, past all the new homes, around the bend with an older home on the right and a big open field.

Comm. Harger stated that they fly the planes on the left side.

Mr. Schultz stated that it abuts the orchard.

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to reschedule the public hearing for Application #16-4 to Tuesday, March 8<sup>th</sup>.**

**ADJOURNMENT**

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

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to adjourn the meeting at 8:08 p.m.**

Respectfully Submitted,

Karin Tuke  
P&Z Recording Secretary