

**SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES**

**SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD WEDNESDAY,  
FEBRUARY 28, 2018, AT 7:00 PM. CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT  
06484**

**PZC Commissioners Present:**

**Virginia Harger, Chairman**  
**Anthony Pogoda, Vice-Chairman (phone conference)**  
**Elaine Matto, Secretary**  
**Jimmy Tickey**  
**Charles Kelly**  
**Mark Widomski**  
**Ned Miller, Alternate**  
**Nancy Dickal (absent)**

**Also Present: Richard Schultz, AICP, Planning and Zoning Administrator**

**Anthony Panico, Consultant (phone conference)**  
**Sandra Wasilewski, Recording Secretary**  
**Pat Gargiulo, Stenographer**

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

**I. Call to Order**

Chairman Harger called the meeting to order at 7:02 PM.

**II. Pledge of Allegiance**

**III. Roll Call**

Chairman Harger identified members present.

**IV. Public Hearing**

Comm. Harger: If anyone needs an agenda, they are here on the corner table. The first item on the agenda is a public hearing.

**A. Application #18-01, Perry Pettas for Modification of PDD #65 including Basic Development Plans, Detailed Development Plans, and Statement of Uses and Standards (Riverwalk Place: 25 apartment units and retail) 356-368 Howe Avenue (Map 117B, Lots 58, 60, 61 and 62)**

Comm. Harger: Mr. Schultz, are there any correspondence?

Richard Schultz: Yes, and the Secretary is going to read the Call of the Hearing.

Comm. Matto: (Reading the Call of the Hearing as well as correspondence pertaining to Application #18-01).

John Ruffalo: John Ruffalo, Architects, here in Shelton. I am representing Mr. Pettus here tonight and I'm here to explain the project. I also have Mike Obymachow here from NOK and he will explain the Civil Engineering portion of it. As you heard, the project is a four-story project at 356-368 Howe Avenue. The first story is four tenant spaces. The next space contains 25 ground units. There are at least two bedrooms on each floor and the rest single bedrooms; eight per floor except for the second floor which has an efficiency unit for a 24/7 custodial person. The parking area is along the side of the building and in the red. There are 26 spots; one of those is handicap and we did make a unit on the second floor, which is handicap accessible for anyone who has a disability. I would like to turn this over to Mike to explain the site conditions and everything.

Mike Obymachow: Good evening, my name is Mike Obymachow, Land Surveyor, Nowakowski Obymachow Kane & Associates, here in Shelton, Connecticut. I would like to just point out different features. With this proposal, this is the existing parking spaces that we are still going to utilize for existing parking for the project. Off Cornell Street, we will have our loading area. For our drainage system, basically what we're going to be doing is catch basins here; a 36" here; basin, basin, basin into individual systems to retain the water. A 36" pipe is going to be holding water also. The overflow will be going into the drain system on Howe Avenue. There will be no disturbance of pavement on Howe Avenue.

Comm. Matto: Is this a pretty common practice?

Mike: With the situation on Howe Avenue and the utilities, it's probably a lot safer to do it that way. The state would highly recommend that also.

Comm. Harger: That part of Howe Avenue is so old, what are the chances of there being something in there?

Mike: God only knows. We have to take precautions by calling 'call before you dig'. Just like when they were doing all the sewer work down on Canal Street, they were finding all kinds of stuff. Also, with the site restraints, to the back of the property here is an elevation. We're proposing a catch basin here; it's going to be like a 3' difference – a drop, so we are proposing a 3' wall, westerly. Grading wise, it's going to fix the contour of the property and parts of the building – with a gentle slope coming down. We are also proposing sidewalks here and here.

Comm. Harger: Wasn't the one on the left relatively new? I thought it was supposed to be gated off or something.

Comm. Kelly: Yes, it is.

Mike: That's proposed.

Comm. Harger: It's there but it's not something pedestrians are going to be using.

Mike: Correct.

We are going to have are utility over here; AC units, transformers, gas meters and all that coming off Cornell Street.

Comm. Harger: Are they going to be contained behind a fence?

Mike: Yes. I think John has more details on that, plus we are proposing brand new sidewalks, bituminous pavement on the existing pavement right now, basically we are just going to re-surface it.

Comm. Harger: So it doesn't need to be torn up and regraded.

Mike: It's not going to have to be regraded; it will be the same pitch as it is right now. Once we start putting in these gallery systems, we are going to have to re-pave. Basically, the system is just going to retain the water – drainage from the road to the parking lot.

Comm. Harger: On this drawing that shows an arrow across from 16 and 17 and runoff?

Mike: Basically it's just going to come down and hit this curb and come across.

Comm. Harger: How high is the curb?

Mike: Six inches.

Comm. Harger: Adequate to direct water?

Mike: Basically, that's what it is right now. There's no ponding there. We're just trying to control it a little bit.

Comm. Harger: Parking spaces – 22-26.

Mike: There's a building back there. Everything will get directed out.

Comm. Harger: Sometimes you get these extreme storms; I wouldn't want to see people with weighters on to walk back there.

Mike: I understand. I don't know if you're familiar with this here. There are double basins here under the Burying Ground Brook, when she gets clogged up, she floods the roads.

Richard Schultz: Mike, are you going to talk about the 12" easement or is John going to do that? Matto's property?

Mike: We are also proposing this parcel here. This parcel here is existing city parking lot and what we're proposing is a 12' easement so they're using it now to get access back there.

Comm. Harger: Is that becoming practice?

Richard Schultz: Yes, that was discussed by all parties.

Comm. Harger: The driveway, that's an easement so that the tenants in this house - .

Richard Schultz: Multi-family back there.

Comm. Kelly: Who owns all this?

Comm. Harger: The city owns it now.

Mike: The whole parking lot is city property.

Comm. Kelly: Are they going to continue to own it? Who is going to own it?

John Ruffalo: Mr. Pettus will own that property.

Comm. Kelly: The city is turning it over to him?

Comm. Widomskj: Rick, the city sold this property?

Comm. Harger: John, do you have some kind of document you want to share with us please?

John Ruffalo: This is a document that Mr. Pettus has given to me, the contract between he and the city based on the fact that zoning approves it and of course the city Alderman.

Comm. Widomski: My question is, we're taking downtown parking from the public to use for private; we're very limited on parking as it is.

Comm. Matto: I wouldn't categorize it entirely that we're taking it from public for private.

Comm. Widomski: The public won't be able to use it after it's purchased.

Comm. Harger: How much is being utilized now?

Comm. Kelly: We're adding a parking lot down below.

Richard Schultz: The Commission did a favorable 8-24 referral on that.

Comm. Matto: The doughnut shop is going to be affected.

John Ruffalo: It's not going to be there. They have the opportunity to add four tenant spaces.

Richard Schultz: The Commission had an 8-24 referral on that transfer of property, the disposition of that property and the Commission had a lengthy discussion on it; there was a lot of back and forth but the Commission ultimately recommended it to the Board of Alderman to proceed. There was a lot of discussion. It wasn't unanimous but there was a lot of discussion on it.

John Ruffalo: Mike, do you have anything else to say?

Mike: Does anybody have any questions?

Comm. Harger: Everybody is comfortable with what Mr. Obymachow had to say?

John Ruffalo: I'm just going to go over the project. I think most of this is in your drawings. The rendering on the top is of Howe Avenue. As we're facing Howe Avenue, the lower levels are tenant spaces and commercial and the upper three floors are for apartment use.

Comm. Harger: John, the first floor retail is a maximum of four tenants.

John Ruffalo: Yes.

Comm. Harger: If a tenant came along and wanted more space what can they do.

John Ruffalo: What we've done is that it's four spaces and someone can take two spaces. We had to pitch with the level of the sidewalk. What we're doing is brick phased on the side of each building and in the center portion, we're looking to do color porcelain or metal used to accentuate the building. This is the side rendering where the parking area is. You could see brick and the lower portion is brick too. These are the tenant spaces; this is Howe Avenue. To get to the lobby area, there's a walkway that we have and we created a handicap space up here for easy accessibility to the lobby easier. The lobby will direct up to the three floors of the apartment units. The tunnel area here; the tenants could come and put their trash in and there is a utility work area to get into the building. We have a room here for the electric meters; an area for water meter and some of the outside gas meters are out here in the Cornell spot. We have five units here for the tenant spaces; the rest of the AC units are up here on the roof. We left pretty much Cornell open as a service area we will fence this off and there will be a wall back here, a retaining wall for the drainage situation.

Comm. Kelly: The trash is enclosed and for pick up?

John Ruffalo: Yes, it's enclosed and we'll have a door, for pick up.

Comm. Widomski: Is that going to be a dumpster or is that going to be other type containers?

John Ruffalo: That's going to be a dumpster.

Comm. Widomski: Okay.

Comm. Harger: How high is that block retaining wall? Right in back of the existing building, right below where it says transformer and gas meters.

John Ruffalo: The fence area? That's probably going to be 6 ft. high.

Comm. Harger: What kind of materials would you use in there?

John Ruffalo: Probably fence that looks more like siding – to tie into the building.

Comm. Harger: Exactly.

Comm. Widomski: The dumpster, is that a retaining wall I see?

John Ruffalo: Property line and a drainage screen.

Comm. Widomski: So the garbage trucks will be able to pull right into that area, okay, I wasn't sure what that was.

John Ruffalo: Yeah.

Comm. Harger: It's all paved in back of there.

John Ruffalo: Yes, it's going to be all paved back there. It's going to be cleaned up; I imagine some of you noticed that area and it will be a big improvement.

Comm. Harger: How many feet wide is that driveway area?

John Ruffalo: I think it's 35' wide. The property is not very large.

Comm. Harger: There's no other kind of parking that's planned for back there?

John Ruffalo: No.

Comm. Widomski: Will it be permitted or will you have signage? How are you going to control people from parking in there?

John Ruffalo: My guess is there will have to be signage.

Comm. Harger: So, at the time, it's just going to be left open.

Mike: It will be left open.

Comm. Harger: It will certainly have to be lined.

Comm. Widomski: Deliveries will be – so it won't be out on Howe Avenue.

John Ruffalo: Right. Each tenant has a back door area.

Comm. Tickey: Are you envisioning that the tenants will be more retail-based or do you think there will be food or eateries?

John Ruffalo: I doubt there will be food or eateries. We are going more retail. We're trying to get a variety of people in there; possibility like a donut shop possibly but that's stretching it.

Comm. Harger: You do have security measures in place for the tenants.

John Ruffalo: Yes.

Comm. Harger: Anybody can get into the lobby but no one can get-

John Ruffalo: Yes, there is a first door for mail and everything and a secondary door into the lobby area.

Comm. Harger: Are the doors treated at all so if someone is handicapped and in a wheel chair, they're going to be able to hit a button?

John Ruffalo: Yeah, we are providing for this here; there will be that kind of access.

Comm. Harger: Is it possible, I don't know if this occurred to you, the kind of doors that you see that are sliders.

John Ruffalo: I think because of the code, you have to have swinging doors. Well, you could have sliders as long as you could push them out.

Comm. Harger: Right, in case of an emergency.

John Ruffalo: Right.

Comm. Harger: Wouldn't that be something that they were designed for anyway?

John Ruffalo: We're not looking at sliders. It's an option we still have; all the details.

Comm. Kelly: How about lighting for the parking area? Do you have ample lighting for the parking area?

John Ruffalo: I don't think we proposed any but off the building area, there is lighting back there right now.

Comm. Kelly: You have to have it by the lobby, anyhow.

John Ruffalo: Yeah, there will be and if there is a light pole here.

Comm. Harger: How about that rear parking lot?

John Ruffalo: There is a wall light here.

Comm. Harger: An exterior light on the wall and it's aiming in that direction.

John Ruffalo: Right.

Comm. Harger: Those areas are illuminated and towards the front?

John Ruffalo: Towards the front, we don't have other than the lighting -.

Comm. Kelly: When you go into the lobby, you have to have some light.

Comm. Widomski: What are you going to do to make the person parking in that parking lot feel safe at night in terms of lighting?

Comm. Harger: That's the whole point.

John Ruffalo: We'll revisit that.

Comm. Kelly: I think you're going to have to revisit that on the lighting.

Comm. Harger: I would be concerned a public safety issue for sure.

Comm. Kelly: Yeah, I agree.

Comm Harger: What else do you have Mr. Ruffalo?

John Ruffalo: We'll go over quickly, this is the rear of the building and the other side of the building similar brick and party board siding; roof over the lobby area.

Comm. Kelly: You're going to treat the parapet like you have on your drawing?

John Ruffalo: Yes. These are the second and third floor units. You could see the darker shade ones are the two bedrooms; the lighter shades are the single bedrooms. The second floor, the smaller area is for management office. The next unit to that would be the accessible unit. The third floor will be -.

Comm. Harger: How many one bedrooms on that second floor?

John Ruffalo: There will be six, one bedrooms and two, two bedrooms.

Comm. Harger: And one handicapped and the management.

John Ruffalo: Yes. The handicapped is one of the singles.

Comm. Harger: It is already included in that count.

John Ruffalo: Yes.

Comm. Harger: Okay.

John Ruffalo: The third floor, similar count except that we have the efficiency on the third floor there so that's where the odd number comes from, the twenty-five. The fourth floor is similar to these two floors but this unit gets larger; it's pushed into the corner here so there's two bedrooms on the fourth floor and six singles on the fourth floor.

Comm. Harger: Give me the fourth floor again.

John Ruffalo: Fourth floor has two, two bedrooms and six singles.

Comm. Harger: And the third floor has two, two bedrooms?

John Ruffalo: Two, two bedrooms and six singles and one efficiency.

Comm. Harger: So one large room, a studio.

John Ruffalo: Yeah.

Comm. Widomski: And the second floor had six again?

John Ruffalo: six singles and two, two bedrooms and one efficiency.

Comm. Harger: And the handicap is in the count. So we have six, two bedrooms overall? Eighteen one bedroom and one studio and that brings us to twenty-five.

John Ruffalo: Correct.

Comm. Matto: In the previous plan, there were no two bedrooms?

John Ruffalo: The earlier plans when we first started didn't have two bedroom.

Comm. Matto: The plan we saw?

John Ruffalo: The plan you saw has two bedrooms.

Comm. Kelly: That was the Subcommittee right, the one we saw.

Comm. Widomski: So we have a total of twenty-five apartments; eight singles, six doubles, and twenty-five spots.

John Ruffalo: Twenty-six; twenty-five plus one handicap.

Comm. Widomski: So we can't count that for regular tenant use unless the tenant is handicapped. So I guess, this is going to be a crazy question but what if you have people with husband and wife, where are the extra cars going.

John Ruffalo: They will have to go on the street or across the street.

Comm. Harger: They're guaranteed one.

John Ruffalo: Yes and we will label the parking.

Comm. Harger: No visitor parking?

John Ruffalo: No visitor parking.

Comm. Harger: Do you have anything else, Mr. Ruffalo?

John Ruffalo: No, I don't. Any other questions?

Comm. Kelly: No, I think we're good.

Richard Schultz: I just have three notes. This is to benefit both the public and the newer Commissioners.

1. The original 2007 approval was for the construction of a courtyard design building, which is now consisting with the current architectural direction that the Commission wants to see.

2. This project is located in the two-block area, which is currently being studied by the Planning & Zoning Commission and has been included in their rendering. Copies are available to the public in the Planning & Zoning office. Commission is studying the Conti Building block and this block across the street and renderings are available and we are meeting again the second Tuesday in March.

Lastly, the building height is four stories as presented, which is consistent with the adjacent Victorian condominium building and is recommended as the maximum height for this area of downtown. The Commission is really putting a lot of emphasis on the building height and this is consistent with the rendering that has been prepared by the consultant for this two-block area. That's it.

Comm. Tickey: I just want to make a comment. Every time we take out proposals in downtown, and it's great to see the developing in downtown, the parking always becomes an issue and we've made it to our regulations and our standards to allow for parking for the buildings but our Downtown Subcommittee over the past couple of years, we've developed good renderings and good planning for parking, structured parking and for future parking downtown there are good plans and we do have them and we just need to continue to keep pushing so when the rubber meets the road, we can get to a place where we can work whether it's with a private partnership or with the mayor's office, but finally move forward on actual parking for downtown because the development that we're seeing downtown is good for the city and good for the region. We need to compliment it with good public parking.

Comm. Kelly: You're absolutely right; we have to implement those plans.

Comm. Harger: There's been a lot of discussion with the Downtown Subcommittee for sure and hopefully we'll see something very soon. If there's nothing else from the Commissioners, we will be open up to the public. Any sign-up sheets there?

Dominick Thomas: Attorney Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, Connecticut. I'm the only one signed up. I represent Pam John, the adjacent property owner. I've been involved with this, since initially my clients were contacted about the parking lot. I've

been involved with the Board of Alderman, with Alderman Anglace discussing that the access to the parking is maintained. There is the two buildings on Coram Avenue that use that parking; one is a six family and the other is a three family and they use the parking area behind. Because of the topography of the area, there is no access to the rear parking from Coram Avenue so I attended, I'm drawing a blank on the exact Subcommittee for the Board of Alderman, I think it's the highways, the Street Subcommittee and discussed that and was assured that it would be maintained and I'm glad to see it maintained on the plan because there is a substantial amount of parking that is taken off of Coram Avenue and parking behind there, so I would just hope that any approval would maintain that parking access. That parking access has a history of having actually been approved but only orally by the Parking Commission many, many years ago because of the unique topography, so we just ask that it be maintained. Thank you very much.

Comm. Harger: Thank you Attorney Thomas. Is there anybody else from the public who would like to speak in favor or against this particular project? Any Commissioners, questions, comments?

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to close the public portion of the meeting regarding App. #18-01.**

**B. Application #18-02, Dominick Thomas on behalf of Ricar, LLC and Mianus Holding, LLC For Modification of PDD #66 including Initial Concept Development Plans and Statement of Uses and Standards (105 unit multi-family, restaurant, clubhouse, maintenance building and marina), 704, 712 and 722 River Road, (Map 22, Lot 1 and Map 32, Lots 16 and 17)**

**RECESS 7:45 PM TO 7:50 PM**

Comm. Harger: Okay, we were at the point where the Secretary was going to read some correspondence.

Comm. Matto: (Reading correspondence From City Engineer to Richard Schultz, Chief Jones from the fire department dated 2/21/18).

Comm. Harger: Elaine, do you have another one?

Richard Schultz: No, that's it, that's just a memo to you.

Staff has two quick comments: DEEP report has not been received and is forthcoming.

The Traffic Authority report has not been received as the study was submitted this week. The Chairman has advised to keep the public hearing open.

Comm. Harger: Rick, could you just confirm on the letter that was received from Chief Jones, see attached, Map A for the location and number of desired hydrants? That's the turning radius; did you get that other one?

Richard Schultz: No, I have to find that so make that as part of the record and make that 'so noted'.

Comm. Harger: Okay, is the applicant ready?

Dominick Thomas: Dominick Thomas, 315 Main Street, Derby Connecticut, representing the applicant in this matter.

Comm. Harger: Excuse me Attorney Thomas, can I just interrupt for a minute?

Dominick Thomas: Yes. Commissioner Widomski, what was your comment?

Comm. Widomski: Were you going to read that?

Richard Schultz: No, that's a memo; it's not in the report.

Comm. Harger: Go ahead, Attorney Thomas.

Dominick Thomas: Very briefly, this is the third time that this project is before you. The initial approval was, I believe, in 2007 and involved condo projects and a restaurant and it involved a substantial number of boat slips. Approximately a year ago or a little over a year ago, I came before you with 164 apartments, the first time, the proposal in 2007 was approved for the connection under the intermodal agreement to the sewer system in Stratford, which in the south end, for those of you who don't know this, the south end of Shelton is connected to the Stratford sewer system with a specific amount of gallonage. In 2016, we came before you with a proposal of 164 apartments and we presented marketing studies to show that the condominium projects would not sustain the development. If you check with the other condominium projects down the road, you could probably see why. So there was a proposal, but it did not have a restaurant and it had a smaller number of slips still providing slips for the emergency services and through the evolution of the public hearing, there was public access incorporated into that proposal. The unique thing about that proposal was that after numerous meetings with the WPCA, the WPCA expressed a desire and had always expressed desire to bring the south end of Shelton into the Shelton sewer system and so that proposal included a connection to sewer system in which the applicant was going to lay a 10' I'm sorry, 10" pipe into the same trench of its own sewer connection which would have saved the city a couple of million dollars. That, on the way of getting approved, got denied because at some point, for whatever reason in the hierarchy of Shelton, there was the desire NOT to hook up the south end of Shelton to the Shelton sewer system. So at this point, my client has – he had already been approved once in Stratford. There were some issues between Stratford and the City of Shelton. Stratford has a new administration. He has been talking with the new people elected and he had been talking before with the other people and he is in the process of obtaining, going through the approval. There's one thing concerning the engineer's report. A couple of things I want to address but the first thing is on the sewer. It creates a chicken and egg situation; Stratford is not going to approve or give up capacity to someone who doesn't have the zoning approval. The unusual thing here is, when you have an interlocal agreement, you have to another town. Anybody doing a project on the south end of town, comes in with the

understanding that they will have to get approval and it will be a condition of your approval to hook up to Stratford. There were some bumps in the river during the interlocal agreement. I'm not aware of what those bumps were but I'm aware that they are there. Apparently at this point, Shelton has made the decision that it doesn't want to sewer the south end so that means going to Stratford. At the present time, there is a substantial amount of capacity and my client has begun the process. If you'll excuse the 3-hole punches; they were not intentionally, just when you hit the wrong button, they don't clear your computer and that's what happens. So just to confirm, I have here the agenda for the Stratford Water Pollution Control Authority for February 6, 2018, with our project on the agenda and my understanding at that point I believe what they do is they table it for referral to their consultants which is very common. Your WPCA does the same thing.

Comm. Harger: Attorney Thomas, is there any indication as to when Stratford would hear back?

Dominick Thomas: Rick Krall would be able to address that; I'll have him address that. Secondly, with respect to the engineers report, he does address his November 2016 report, in which Redniss and me, who is here tonight addressing – we did address and all the issues concerning the flood line were addressed in detail. In addition to that, and I'm willing to resubmit it, I know the public hearing is going to be open and there was a letter from the DEEP and the CAM and I addressed it with a very lengthy response with respect to the CAM. So all the issues, the floodway and everything had been addressed. The fire marshal and fire chief report, which contrary to the engineer report, we did get several days ahead of time, I think that the engineers were able to speak to them because, not totally, but in basic concept, they are in conflict with each other. I'm going to let the engineers deal with it. The fire marshal talks about lack of turning radius where the site plan complies with the turning radius. So we're more than willing to sit down with both of them and address all of those issues, the issues with respect to the covered parking was addressed in the last and it was determined that it was appropriate but we were willing to take whatever steps would be necessary. Now, and by the way, I'm going to be operating the computer so I'm going to just ask for your indulgences. I'm not the best operator with the computer but I'll do the best I can. While you were talking, I was busy monkeying with it to see if I could get it to operate right. This is what I call the site plan 'green dot' to give you an idea.

Comm. Harger: Do you want us to dim the lights?

Dominick Thomas: Oh the lights - dim them a little bit. We have our architects; we have our engineers we have our traffic here tonight so I'm not going to play their roles but I do want to point out some of the significant things that have occurred here. With respect to this proposal, from the last proposal, I know I believe Comm. Widomski was the only one who wasn't here for the last proposal. The apartment buildings are basically the same but instead of 164 I believe and architect Joseph Mingoello will confirm that there are 98 units in this proposal and three

buildings. The three buildings are now and basically the same location as the approved condominium buildings. You might remember that this is comprised of three properties so what you see here are the areas that is there's no basic river view, these are two homes with a substantial amount of trees or anything that block the view of the river at that point. The walk around has been maintained, which was been put in. A restaurant has been added with the boathouses. Very soon, I will have Rick Krall talk a little bit about the type of focus; what type of boats and everything. We're talking about the fact that we have 100 boat slips of 75 boat slips that exist right now. But there will also be a lot of storage in there for kayaks and other small boats. There will be, and I believe this is for the crew, a dock and there will also be access for emergency vehicles. Now a restaurant and we're back to the original proposal in a sense in that you have substantial access. When I say public access, the public will be able to park here and go around the walk, they will have access. Obviously now they have no access; it's private property and really with respect to this kind of access, there is really, other than the Riverwalk, there's no such access up and down the Housatonic. So with the restaurant here and again, Joe Mingoello will explain and address those issues, there is certainly an abundance of parking and everything for these uses; there is parking down here and there is underground parking, so that's taken care of and then there are small pools so what you have similar to the 2007, you have the residential down here and the other uses up here. Before we get into the technical stuff, I would like to call up Rick Krall, the Principle in the LLC's to explain to you both the Stratford sewer issue and also the operation of the boat and restaurant end of it.

Rick Krall: Good evening Commissioners, my name is Rick Krall. I am the owner of the property. I've been before you for a number of years. Hopefully we've come back addressing a number of the issues that we've discussed in these forms and with the public in the past. I did have about two weeks ago, a meeting with our neighbors, an open form meeting at the fire house locally to address any of the concerns of the neighbors and listen to their input in a more relaxed form. It went very well. There was some constructive input. I hope I was able to address everybody's concerns. At that point, so they could come here this evening and if they had any additional to offer, I'll look into and try to address. I think we addressed a number of the primary concerns as far as the view and opening up the south end of the property if you will with the concern of the condominiums across the street. There are no residential structures or high structures in that area. You have the parking lot over there and it opens up all the way to the back where the original restaurant was approved, we brought back the public restaurant; that would be the two story building and that's a two story structure that Joe Mingoello – we'll go over the architecture in a minute, but on the top floor of that building will be the restaurant. Below the building, because of the regulations and floodway, we have restrictions of use so that will be a storage area and will be used for storage of boats, our crew boats predominately and kayaks and other boats will be used as part of the club. The building south of that is also going to be used for the club use. On the first floor again, will be storage of the boats and our crew

boats and crew programs so all predominately passive use boats will be stored in these areas and the floors above will be our workout center and other training facilities we'll be using for our programs for both our masters and junior programs that we run on site, currently. Hopefully, growing those programs and getting more of the recreational use on the river. The apartment buildings on the north are very similar to the ones that we bought to you in the past. We didn't change a lot of the architecture and again, Joe will go over that in a minute. What we did do was eliminate the larger pool that was located down, next to, at that time, was a club house and now become a public pool and decided to go with two smaller pools in the courtyards between the three buildings that will facilitate for our tenants use only in this application in that capacity. So as far as the site plan goes, we made some the changes based on the comments that we got from Commission members and the public to try to open up the views to create more public access to the site to incorporate the public restaurant, all the concepts in the original proposal, we've actually expanded the public access walkway to incorporate the whole side to be able to walk entirely around the entire site and not just along the river and we were able to change the grades with this plan so that there's no heavy grading on the north end there's no changing of the existing grade actually along the bank of the river at any point. All the docks will have fixed piers crossing over the banks and then ramps going down to the floating docks on the river so there will be no dredging or any work in the area per say other than some additional bank stabilization, which is just eroded from our current conditions. We are working, as Mr. Thomas pointed out, with the Stratford WPCA. At this time, we had to wait until this application was accepted by Shelton in order to file with the WPCA in Stratford, which we did back in January. They also went through a bit of a transition; have some new elective officials. We had to wait for them to get sworn in and for them to get through their first meeting before they would accept our application. They accepted our application this past Monday and reviewed it. It was tabled at their meeting so that the application and all the numbers that we gave them from our consulting engineers to be passed on to their consultant. Their consultant is going to incorporate it and review it according to their reports, the WPCA and Stratford has also commissioned their Commission to go forward with the town wide capacity analysis, so they're working very diligently to put all this together at this time. They're hopeful to hear from us at their March meeting. They're going to let us know when they'd like us to come in and finish the presentation but they understand where we're at, what we had previously and where we'd like to go with this current application and hopeful that they will be able to accommodate us. I can't elude to any sort of approval or anything at this meeting nor would I until we get through the process but we are in the process. There was no 'here's how you go about it'. We had to work with them as they came in as new Commission members and the process that they are kind of developing at this point in time to handle these types of applications. It's been a little bit of a learning for everybody. I'm asking that you as Commission members also be a little patient and understanding that we're dealing

with two different municipalities and this kind of capacity is a little tricky. I'm doing my best and I believe that we're following the rules and trying to keep everybody up to speed and transparent about what's going on and I think, hopefully, we will get it all put together. There were some other questions as far as the use of the boating abilities and I just want to address very quickly and the concept of the club and that's really a little bit more of what we're trying to embellish on with this application in order to really justify the water dependent uses and a little bit more of the public access to the waterfront. The public will be able to come down and launch a kayak or a rooftop boat as we might call them, for a small fee. It's usually around \$5.00 per launch, that's how we work it at our current facility. If however, if you want to become a member of the club, we'll have a club membership there. Our current membership in our Greenwich location range anywhere from approximately \$100 up to \$500 per month depending upon the amount of usage you want to have in the club. I will point out that Greenwich has a private clubhouse so that's why it's a little more expensive. That may not be the case in Shelton so the rates will obviously be reduced. We have not set the rates yet. We're still in the preliminary stages. Members would have use of the training facility our crew boats, the boats we have on site, paddleboards, and our crew-training program. The boat club is popular especially in the southern states. We'll have those kinds of amenities here so that members of the public could come and join that club and use the boats and slips will also be available for members of the club. Our tenants would also in essence have to join the club. The tenants will not be required to join the club or be part of the marina operation but we feel as though there will be a balance there. We probably see about 50 or so of our members, or I should say 50 of our tenants that would want to be members of our club or keep their boats there and then the other 50 would be available to the public or leasing as part of the business operation of the marina and club. So with that being said, I know I said a lot in a short time, I'm going to turn it over to Joe Mingoello.

Comm. Harger: Mr. Krall, can you just restate what your trying to do about the docks, the slips?

Rick Krall: Okay, there's approximately 100 slips, the fire chief is asking for a couple of those; around 100 slips will be available by tenants of the marina and by that I mean we figure about 50 of our residential tenants would want to keep their personal vessels potentially in the marina and about 50 additional slips that would be available to public folks that are not tenants or part of the facility to come and use those slips so there would be an outside lease if you will.

Comm. Harger: Okay, thank you.

Rick Krall: Thank you.

Dominick Thomas: The only thing I was going to mention are conversations with Shelton concerning the issues with the sewers. There's also a request to communicate if there isn't an approval here communicate with property or a specific property along this area property that has is on septic and has some issues to see whether or not they would join to potentially

resolve that issue. Ray has expressed an interest in doing that. With that, we will go to the architect, Joseph Mingoello and I will have some boards there.

Joe Mingoello: Good evening members of the board, my name is Joe Mingoello, Architect. Can you bring the site plan back up. I just wanted to discuss that really quickly. Dominick mentioned and so did Rick about the view. I know there was concern with the previous application about the view; the construction of the apartment buildings; the height. I'd like to address that the relationship to the restaurant and its height in relationship to River Road to its vertical dimensions. This building right here – all three of these basically are your residential apartments. Building #1, I'll call it 1, its relationship in dimension to River Road; its set back 140 ft. and the curb elevation at that location right there is elevation #49. The ridge elevation for that building right there is at elevation 83 so the difference is from the road to the ridge is 34 ft. You have to remember that our entrance is much lower so when you come here you're going down so when you get down here you're like 13, 14' below the road as our grade elevation. Building #2, the same thing, the building is set back. Building #2 is 120 ft. here. The elevation is 50' and the ridge elevation is 81' so in front of the road to the ridge, you have 31 ft. Then we have building #3 and that building is set back at that location 65' from the curb, River Road to the front of the building; the curb elevation is 49 ft. So its relatively flat from Murphy's Lane all the way over to this building here. The ridge elevation is 78', so basically the difference between the curb and the ridge is 29 ft. Your typical residential zone here in Shelton, the height is 40 ft. max, so we're below that; way below that, considering it. The restaurant building, since the view opens up, its a really nice view from Murphy's Lane and the restaurant building to River Road, we're at 265 ft. from the road. The curb elevation at that point is 55 ft. and the top of the ridge is 50 ft., so if you can imagine, the roof of this building is 5 ft. below the curb on River Road and the same thing right here the club building set back here is 280 ft. from the curb. The curb elevation is at 60 ft. thats the high point on this site and the top of this ridge is 65 ft. so where really 5 ½ ft. actually, above the road. So I just wanted to give everybody sort of an idea as to the different elevations and whats happening in relationship to River Road because when you look at the elevations of these buildings from the waters elevation from the river, they're five stories six stories tall to the ridge. So this is the view. We have parking level underneath so as you come on down here, you park under the building; each residential building has 24 parking spaces. Then we have patios at each level taking advantage of the views; those are all the living rooms and the master bedrooms have use of the river. Then we have the three buildings, we have six, three bedrooms so they're basically. We have a total of six, three bedroom unit out of the three buildings, total. We have stone along the bottom here; shingles, gables, dormers; so we're trying to be consistent with whats happening here in the neighborhood. The three residential buildings are basically the same. Heres your parking under the building. You have parking on the left side and the right side. We have a fire stair on each end. If you come in here the parking, you come into this

elevator corridor. There's an elevator, a stair and then this is where your trash room is. All the trash from up above comes into this lower level and it gets picked up. This is the first level of the residential. Here's the elevator. We have some tenant storage here. These are the apartments that face the water. There's two bedrooms on the corner and then there's three, one bedrooms in between. This is a two-bedroom unit on both ends. Next plan. The plans are the same. They repeat themselves. Next plan. So these are levels 2, 3 and 4. Again, the corner units here and here are two bedrooms. Two one-bedroom units in the middle. Two bedrooms on the outside. A one bedroom and a one bedroom that face River Road so we have some decks that face River Road. So these are some elevations. This is the east elevation with the parking underneath and this is typical end elevation of the apartment. Asphalt shingle roofs. Some vertical siding. We have a nice atrium here; actually, it goes up and down for the five floors. There's a rendering of the front elevation. This is basically what you'll see. This is building #1; it's three stories. So if I'm up on River Road, this ridge elevation is 34 ft. from the road to the top. There's a glass atrium space so you'll enter in here up and down and then we have some parking, covered parking. In this building, we have 34 units; we have 24 that's covered and then we have some balance back here. Everyone who is a renter there or a tenant will have some covered parking. You have views between the buildings right now in this perspective. If you look at the site plan, you could see the space where the pool and patios are.

Comm. Widomski: Where's this view from?

Joe Mingoello: This view is from -.

Comm. Widomski: Would this be from River Road?

Joe Mingoello: That's correct.

Comm. Widomski: So this black spot in the corner is River Road.

Joe Mingoello: That's correct, River Road is right here. The nice part is that you have some view between buildings. You want to go to – we'll talk about the restaurant. So this is the view from the water looking at the three apartment buildings.

Comm. Kelly: What is the total for bedrooms? Six, three bedroom; how many two bedrooms for all three buildings?

Joe Mingoello: Dominick could probably give you that after. We do have that. He has that breakdown.

Comm. Widomski: How many handicap units there?

Joe Mingoello: How many handicap?

Comm. Widomski: Yes.

Joe Mingoello: There will be 10%; the code requires 10% of the units to be handicapped.

Comm. Widomski: So the parking.

Joe Mingoello: The parking is different; One handicap parking per 25. In terms of the apartments, the way they are fit out for ADA, it's 10% so if we have 98, we have to have to have

10 fully accessible. The other 88 units what they call B type units, which could be set up for somebody with a disability.

Comm. Widomski: Where would the handicap parking be for those units?

Joe Mingoello: They have to be accessible to the entrance.

Comm. Widomski: Underneath?

Joe Mingoello: They could be either or.

Comm. Widomski: Okay.

Joe Mingoello: They have to be on both levels.

This is the lower level. This is basically where we store the crew boats. One here and one here. This is storage. This is a working kitchen area; a storage kitchen for the restaurant above. Mechanical equipment storage and this is the entrance, which is really for the restaurant. The restaurant has a beautiful deck around it. There's a little waiting area – a reception area. Here is a party room. We have a little fire place – so this is dining here and this is the bar. Around here is a really nice porch so you can enjoy the view and then we have the bar that really wraps around that whole area. This is the elevation that faces the river. This is the elevation that faces River Road. This is a little patio right here. This here is the north elevation and this is the south elevation. There is a lot of glass for our entrance. It is a two-story entrance way. We think that will be a very attractive entrance way. This elevation is where you bring your crew boats in. This is the lower grade elevation. This is storage. We have three bays. This is a pool where they practice to do rowing. And then we have our entrance here; we have an elevator, stair that goes up and toilet rooms that will serve this level. This dotted line here represents a mezzanine and it's basically for rowing equipment and it has a view down and you look down to the boats below. There are locker rooms at this elevation and then we have some mechanical equipment and some offices and then you go up one level; you have a mezzanine level then you go up to the second level and this is basically a wide open gym and then we have a deck that overlooks the river from the gym. One is cardio and one is strength training. Following the same type of architecture and the restaurant next door. This is our entrance. We have some vertical siding. This is the side that faces the river. That's pretty much it in terms of the architecture. Are there any questions?

Comm. Miller: Is there rack storage?

Joe Mingoello: That's correct, yes, rack storage.

Comm. Tickey: How many total floors are there for those residential buildings?

Joe Mingoello: Total floors including the parking? Including the parking, it's a five story building and we do have two dormers in the back so that makes it six stories.

Comm. Kelly: The last project had five buildings – how many apartments were in the five buildings?

Joe Mingoello: 164.

Comm. Widomski: The view is of the buildings. Driving down River Road, the view is of the buildings, so you're going to lose the river view.

Joe Mingoello: Where the apartments are going, there is no view. There's two houses there, it's heavily wooded so if you come down Murphy's down and you make a left, there is no view. The real view is when you hit south of Murphy's lane, then you have a view.

Dominick Thomas: I turned in the notices and because this was three properties, I posted it three different locations, granted, they're just of the sign because that's all I'm required to do but you can look at two of those – you see the one that you were able to see where – that's the one opposite over where the boat house is now, that's 722. The other two properties, you may be able to see behind them, what you see behind them is trees and a house; you can't see anything. That is in the same location where the condominiums were approved in 2007. There's no view now you're actually going to have more view now after the proposal. The only thing blocking that is the gas line equipment.

Comm. Tickey: In the proposal with the 164 apartments from last year, how many floors were there in those?

Joe Mingoello: The same amount of floors; it was the same architecture; we took two buildings away. We didn't change the architecture on the apartments.

Comm. Widomski: Are you going to pump the sewage out of there?

Joe Mingoello: I'm not the engineer but my gut feeling is some sort of sewer pump system that will pump it up to River Road and then gravity feet from that point. The third floor has nine units. The fourth floor has nine units.

Comm. Harger: That's what I think we're asking, how many total overall?

Joe Mingoello: Residential building #1 has 34, and #2 and #3 have 32 and 32 for a total of 98.

Dominick Thomas: While the engineers are talking, I will look at that. I have to look at each of the plans.

Comm. Widomski: 98 units total?

Joe Mingoello: Total, correct.

Dominick Thomas: If there are no more questions for the architect, we will move to the engineers.

Comm. Matto: How many seats for the restaurant and how much seating roughly and how big is that restaurant?

Joe Mingoello: The restaurant gross is 6,300 sq. ft.

Comm. Widomski: Is that the whole building is that just the restaurant for itself?

Joe Mingoello: That's the footprint of the building and that includes the covered porch. So it says it here 6375. The dining room holds 90 seats and the taproom is 100 seats. So it's 190 say 200 seats.

Comm. Widomski: So did you say there's a party room there?

Joe Mingoello: It's a dining room and then we call it a tap room.

Comm. Widomski: You will be able to host private events at that location.

Joe Mingoello: Yes, you can. This has a sliding glass, folding glass wall system.

Comm. Widomski: You can have an event going down there and still have the taproom open.

Joe Mingoello: Yes, that's correct. This could be a private party; you could open it up so this including the deck area could be a private party, yes.

Comm. Widomski: What was the total count on that again, 200?

Joe Mingoello: 90 in the dining room and 100 seats in the taproom.

Comm. Widomski: What about on the deck in the summer – I'm assuming there's going to be tables out there?

Joe Mingoello: Yes.

Comm. Widomski: So you're going to add a few more to that.

Joe Mingoello: Yes, you can add a few more to that.

Comm. Matto: Is there any winter boat storage?

Dominick Thomas: No, there's no boat storage.

Comm. Matto: Outdoor.

Comm. Widomski: If I have a 22' boat there docked there, where is it going in the winter? Is that what you're asking Elaine?

Comm. Matto: Well, yeah because you see shrink-wrapped boats.

Rick Krall: There is some rack area on the south port of the site. There are some racks and we will be able to store our smaller boats in here for our club boats and some smaller boats so depending on how many boats we have in the club, we'll be able to store boats about 26'.

Comm. Matto: I'm just talking about the big – what you have now.

Rick Krall: Well, again, the majority of boats that we do work with – our average sized boat is 28.2' that we work with within storage or service so now we do have some of the bigger boats that do come up to us for winter storage that will not be on site anything over the 27' that we can store in this area will no longer be with us, that's correct.

Comm. Matto: I guess what I'm asking is what is it going to look like in the winter with the boat storage?

Rick Krall: There will be no white shrink-wrapped boats or anything in the parking lots if that's what you're asking. We're not doing that kind of work. The only area where you will see the white shrink-wrapped boats will be when they get put in the rack storage that's in this area. It is very neat. We do that same sort of application now in our facility in Greenwich.

Comm. Kelly: Is it covered?

Rick Krall: No, it's not covered and it's not enclosed, they are open racks but the boats are shrink wrapped before they are placed into the racks.

Comm. Harger: How many levels?

Rick Krall: It would be three.

Comm. Widomski: You're pretty much going to shrink wrap it, pick it up with a forklift and drop it onto the rack.

Rick Krall: That's correct.

Comm. Harger: And that includes tenant, any boats that tenants might have.

Rick Krall: That is correct.

Comm. Widomski: How do you get them out of the water there?

Rick Krall: A travel lift and also a fork lift capability.

Comm. Widomski: So you won't have a boat ramp per se that you can drive a trailer in there, or will you?

Rick Krall: No, there's no boat ramp. We don't use a ramp.

Comm. Widomski: Okay.

Comm. Harger: What kind of equipment is this that Mr. Widomski is asking you about?

Rick Krall: The gantry crane is something we refer to or a travel lift as it's referred to now in the industry is a machine that will be able to drive out on these two rails if you will out in the water and drops the slings down and lifts the boat up and bring the boat onto dry land. We also use a forklift that could lift the boats out and then put the boats in the racks.

Comm. Harger: So that has to stay visible on site.

Rick Krall: It will be part of the site but located on the very southern end, is where the grade is going up and we have that retained section so it would be up against that wall.

Comm. Harger: I just don't want it to turn into an unattractive nuisance.

Comm. Kelly: It would be your personnel that would put the boats in and out too.

Rick Krall: That is correct.

Comm. Harger: Anybody else, any questions?

Dominick Thomas: David Ginter will review the engineering. By the way, I've tasked architect Mingoello to do the count.

David Ginter: Good evening, David Ginter, Professional Engineer from Redness & Mead, Stamford, Connecticut.

We are the site engineers for this property and before you last year and we were the site engineers for the property that was approved in 2007. I won't go into the details of the overall site plan. I think we've talked about that enough. In regards to the town engineers comments regarding the drainage design, or lack thereof for this particular plan, the drainage concept is the same that we've shown you a year ago and what was approved in 2007. It's going to consist of underground concrete galleries in a couple of locations. The plan that you saw a year ago given the layout of the existing site; I had it in three different locations. Because of the removal of the two southern residential buildings, we're not proposing only two infiltration systems, we are proposing one underneath driveway along the river and the north portion of the property and the other one is going to be in the area of the parking lot on the southern portion of the building here. The overflow from those systems will be directed to the 48" pipe

that runs through the site and discharges into the river. There is an existing pipe that is picking up a fair amount – I don't know the exact, but it is a large area to the left of our site and comes through our property and discharges into the river and we will tap into that. That meets the requirements for drainage treatment from the town, and again was reviewed in 2007 and is a significant improvement of what is currently existing now. All runoff from this property discharges into the river.

Comm. Harger: This is just surface runoff.

David Ginter: Correct. This is just surface runoff. I don't know the exact percentage but it's almost 100% of paved surfaces and somewhere in the 90% of the entire site will be collected and treated in these infiltration systems before getting discharged.

Comm. Harger: What exactly is it when you refer to and say treated, filtering through something?

David Ginter: The standard protocol for these type of sites is water quality treatment could be done through infiltration into the ground so the storm water will get collected in catch basins which will have sumps and covering over the pipes which will allow flowable materials like cups, sticks and things like that. It gives an area to sump below the pipe to allow sand and other sediments that might be picked up with storm water runoff, to settle out in the bottom of the structures before carrying downstream and the infiltration units themselves are hollow concrete boxes underground where the water is able to flow into it and then percolate into the ground as the ground absorbs it and that provides additional filtering for solids and other materials and again, any overflow will be discharged to that 48" pipe. A 1" storm event is the standard that the state has set forth. The majority of pollutants and storm water and things like that, get washed away within first inch of rainfall and the first inch of rainfall or 1" storm event is 85% of all storm events you see throughout the year is 1" or less, so we are treating and improving the quality for the vast majority of the storm events.

Comm. Widomski: Where are these infiltrator tanks on your map here? If you could just point where they might be?

David Ginter: Yes, there's going to be an area right here and an area over in this location here. So this area up in here, the north side, we are proposing 632 linear ft. and in the area to the south, we are proposing 784 linear ft.

Comm. Widomski: What's the elevation of those gantries?

David Ginter: The bottoms of those will be set above the water.

Comm. Widomski: What are the chances during a flooding event on that river of the water backing up into those tanks and flooding that parking lot and those buildings; water goes both ways; it goes the easiest route and if that's the easiest route then that's where it's going.

David Ginter: In relation to the flood elevation, it doesn't matter; it's connected to the 48" pipe. Those will fill up.

Comm. Widomski: What are the chances of that filling up, coming back through the system backwards, and flooding those parking lots?

David Ginter: Yes, it will happen. When the river reaches an elevation that will reach the parking lots, yes.

Comm. Kelly: It would be at flood stage.

David Ginter: Yes, when the river is at flood stage.

Comm. Widomski: But how much quicker is it going to come up through- it's not going to come up quicker because you're giving it an easy path.

David Ginter: No.

Comm. Kelly: That 48" pipe, is that also used to drain the development across the street, across the river?

David Ginter: I would have to go back and study what the drainage area is. There was another engineer in 2007 that was involved with this project and he did all that and we kind of recycled it if you will. So I can't tell you exactly how much land area, but it is a substantial amount of land. Where exactly it falls and what developments it picks up, unfortunately I couldn't tell you tonight but I could get that information for you.

Comm. Kelly: It's a big pipe, too.

David Ginter: It's a very large pipe, yes.

Comm. Harger: How often do these have to be cleaned?

David Ginter: We recommend cleaning them twice a year. Generally it's once in the fall once all of the leaves have come down because that tends to be what clogs things the most, and then once in the spring after the last snowfall. Generally, in winter time, you are salting and sanding your parking lots and again, that's where you get most of your build up in the catch basins and within the infiltrate system and as it needs to be cleaned more often, then it should be cleaned more often.

Comm. Widomski: Mosquito control?

David Ginter: None.

Comm. Widomski: You have standing water.

Comm. Harger: It's self-service.

David Ginter: It's self-service. There's a chance that there could be standing water when the flood is above – when the elevations are at a standard point.

Comm. Widomski: No, I'm talking about the catch basin. The way you were describing it before, the water goes in and it sits there and it's constantly in there. There's always some water in there.

David Ginter: That's correct. It's standard catch basin construction. Every catch basin will always have standing water in them.

Comm. Widomski: Are we going to do anything for mosquito control because your adding a little puppy farm down there for lack of better terms. Right now, do you understanding what I'm saying? We have a problem with mosquito born disease as it is; we're adding more to that.

David Ginter: I would argue how much more we're adding to that. The catch basins are 2' x 4' so we're not talking about a lot of breeding ground. I've heard people talk about that before. Have I heard of municipalities going through their catch basin system and dropping some kind of chemical there to kill the larvae and everything, yes, but it's not something we contemplated here but I can discuss it with Mr. Krall and see if there is something we could propose doing. Every town has these things.

Richard Schultz: They use the donut.

Comm. Widomski: That's what I'm talking about.

Comm. Harger: Is that something Valley Public Health would -?

Richard Schultz: They initially provided that to the municipalities during the outbreak a number of years ago. It's really up to the town to continue with that.

Comm. Kelly: What does the town do now?

Richard Schultz: I don't think they do anything.

Comm. Kelly: Okay.

Richard Schultz: Because the outbreak has subsided.

Comm. Kelly: Right.

Comm. Widomski: Could we find that out?

Richard Schultz: Yes.

Comm. Harger: The Valley Public Health has some kind of jurisdiction over that.

Richard Schultz: Yeah, they did. They are the ones who initiated the program.

Comm. Widomski: Snow removal; where are you putting the snow removal down there?

David Ginter: Do you have a program for snow removal down there, Rick?

Rick Krall: We don't have a program but there's a number of islands.

Comm. Widomski: Do you have enough space to put snow so it's not eating up your parking spots?

David Ginter: Absolutely.

Dominick Thomas: You can't put anything in the river.

Comm. Widomski: Thank you. He answered the question. Thank you.

Dominick Thomas: By the way, the numbers are in.

44 One bedroom

48 two bedroom

6 three bedroom

Comm. Kelly: Thank you.

David Ginter: Another comment the tenant raised originally that we addressed a year ago, is in regards to the flood drainage, flood damage prevention ordinance #847. We think that we've

addressed the concerns of the three sections of that ordinance that apply to this site in particular. Sections 512-9 and 512-10, equal conveyance and compensatory storage; those two regulations are for parcels that are on non-tidily influenced properties – this property is on the river that is tidily influenced. The river is tidily influenced up to the dam so with that being the case, any activities that we are proposing here do not have to meet those two requirements. We are subject to section 513, which is any work within the floodway filling the installation of buildings, things like that. We do have to prove that flood elevations will not increase as a result of these improvements. I submitted a memo a year ago indicating that we had done a heck model, heck study, along the frontage of this property and there is no heck study in this area because we don't do these types of models for tidily influenced areas. Using our engineering judgement, we put together a study –comparing the existing to proposed conditions and indicated that because of - even though we are filling and we are putting buildings in, with the size of the river that we have here, the minimal work we are doing within the floodway is not raising the flood elevations. We have not updated that to represent the current model and we'll certainly do so. We don't anticipate any issues with the flood way. We could just quickly talk about fire comments and or Fire Chief comments. As Mr. Thomas said, they're some things that conflict with each other. Certainly from a hydrant standpoint, that's easy enough to do. In terms of access around the building, we'd be more than happy to meet with the fire marshal and fire chief to make sure they are satisfied. With access throughout the site, one thing we have looked at numerous times is the ability for their largest truck or ladder truck to maneuver through this property and we've done that with our simulation tools and feel that we have adequately provided access for those vehicles to maneuver entirely through the property. I know there's some questions on the north end with the turn-a-round that we're providing up in this location here. Again, the simulations proved that the fire truck can maneuver and get back out. If it's a couple feet short we'll work with the fire marshal to get those details worked out and on the south end, you could see this is big wide open spaces access to for the boat storage areas. You need to have wide-open areas for the skulls or shells that are over 60' long. There is ample area in here to some extent here for the fire vehicles either to turn around completely without backing up; just do a cul-de-sac turnaround if you will, or be able to come in, back out and go. We will be happy to meet with the fire marshal and the fire chief to work that out.

Comm. Harger: Can I just ask, is there a specific reason why the road system did not continue on the northerly end to connect to the upper drive parking lot?

David Ginter: The grade change is the primary concern. There's so much grade change from this curb cut on River Road down to the lower driveway here. I believe the elevation changes on the order of 40' and to have safe driving conditions, the maximum radii I would recommend for driving out of there would be a 10% slope - 400 ft. driveway which we obviously do not have that there so that's why we provided the hammerhead of source for them. It's also why when

we made up the site originally a year ago, the driveways – that they come down from the driveways and meet roughly in the middle here because when you have parking, 5% slopes in the parking lots, and then this area because it was in between buildings previously, we could steepen that area up a little bit about 10% up to get down to these lower areas but you need all of this length to be able to get onto those lower levels.

Rick Krall: We would also like to just add to that In the approved application in 2007, we did, and as you can see, our property extends way out in this area here, we had designed a driveway for emergency access only that came way out here and turned around and came way back in this area. It required a great deal of filling all along the embankment here and a lot of excavation and changing of grades and also it took all this green area out of the plan. So it's really a nice natural area. Along this walkway you could even see we put a switch back in the walkway to keep it as a reasonable grade for the people that want to walk in and use this as open space area and there's some great views of the river here and it's just a nice area to be so in working with the fire marshal and fire chief, we're able to talk about this turnaround and not have the connected driveway so that was a huge benefit. He didn't need to circulate around because when he got out here, he was so far away from the buildings with his apparatus, it didn't help facilitate – with the ladder truck.

Comm. Harger: Were you planning any special landscaping in that green space?

Rick Krall: We'll try to keep it as natural as possible. Obviously, we're going to come in this area with the walkway so it will be a little bit of a switchback – do some clearing; a little bit of retention. We are working with natural elements in this area – some natural type timber – the same program we used at our other site.

Comm. Harger: Not a formal lawn?

Rick Krall: No, this will be more natural. Thank you.

Dominick Thomas: If there's no question for the engineer, we'll move on to Dave Sullivan on traffic.

David Sullivan: Good evening, David Sullivan with Malone & McBroom, Traffic Engineer and Transportation. We did a revised report and as we dusted off this file, found there was no report in 06 so started in 07 but we updated last year's report for this report. The data that was used is verified for current conditions and updated as required. Our scope of work – we look at the existing traffic conditions. Our study area on River Road went from Long Hill Road to the intersection with Coram Road. We did have the morning peak hour counts and we verified that they're still valid .16 and did those for the morning and afternoon hour periods. We updated the accident information and looked at the past summaries that we've done and the conditions have been stable and we updated to validate our site lines. The development analysis was much of the same and one of the things is the safe side lines which is very important because of the high speeds and high traffic volumes on River Road, the speeds are posted at 45. Travel at an 85% rate of the traffic is traveling 50 mph and using ConnDot standards, we have to be able

to see coming out of – to exit 555 ft. and both of these locations you can see in excess of that requirement.

Comm. Harger: Mr. Sullivan, would you mind going over that one more time.

David Sullivan: Okay. The posted speed limit is 45mph and when you're designing for safe visibility, the posted speed is interesting but it is not the criteria. What we need to know is what the speed actually is and the state indicates that we should find what 85% of the traffic is traveling what that upper limit is and this upper limit was 50mph and for a car approaching at 50mph to a safe decision, you have to be able to see that car 555 ft. away and that's what we're measuring for that site to see. When we measure it, it's beyond the 555 ft. so if you have the ability to make an informed choice whether to enter the traffic stream or not.

Comm. Harger: Okay, thank you.

David Sullivan: The second thing we looked at was the trip generation. It's a slightly different version; restaurant was in; restaurant out; the restaurant is back in. The residential went down and then we the rowing use, the dry storage boats – we have the boating slips. So we looked at the current package of uses and made our estimates. In the morning peak hour, in one hour we estimate around 60 vehicles entering and 35 exiting. On the PM peak hour, now the restaurant becomes active, in that case, we have 130 trips we are estimating. On a Saturday, midday peak hour, 135 trips. The next step in the study is to look at the future traffic volumes, so we project what we counted up to when we think this is going to be open or we hope to be open or Mr. Krall hopes it to be open – we take the existing balance and – we call normal growth, which isn't specific to any development, people just drive more which we know may or may not be the case but the numbers have gone down over the past decades. So we put that growth in and then we add it in the development that had been approved – and that's what we call a background traffic which is – nothing changes on this site and you take the traffic that I just mentioned where we estimate that the new traffic and add that in the background and that's our build then we put those numbers into our analysis model and we look at what we call levels of service, for with the site traffic and without the site traffic. The difference between those two is what we call traditionally, the traffic impact. In this particular case, what we found in our analysis – that we were not impacting existing levels of service. All of the levels of service are a D or better. Most are C's and B's and one exception is taking left turns out of Long Hill Road and that condition is going to remain. At the site driveways themselves, we have similar conditions as you would expect up and down River Road where you could enter into the site fairly easily with very good levels of service meaning A's and B's and C's, depending on the time of day and there is enough width out there so if someone is waiting to take a left turn, you could easily pass by them so there's really no impact or disruption to the traffic flow on River Road. Coming out of the site, it's a little different and what's different is in the afternoon, peak hours, just like on Long Hill Road even with the small amount of left turns we have here compared to Long Hill Road, there's going to be delays. So if you're taking a left turn out of

there in the afternoon, two things, 1. You have to wait for the gap in traffic and two. You have to be able to see far enough away so when you see that gap, you can make an important decision, so that condition will exist. But operations otherwise, certain times of the day, and taking right turns out will function fine.

Comm. Harger: Mr. Sullivan, would you mind Long Hill meets River Road down by Cumberland Farms down by the Sport's Center; that's the Long Hill that you are referring to?

Dave Sullivan: Yes.

Comm. Harger: What's that, a half a mile?

David Sullivan: I'm not sure. Let me take a look.

Comm. Widomski: I think it's further.

David Sullivan: Yeah, it's about a half a mile.

Comm. Harger: How is that something a half a mile away would be impacted?

David Sullivan: It's not. That was my point.

Comm. Harger: It's not. It's just that you brought it up a couple of times and I just wanted to make sure that I was on the same page.

David Sullivan: There's not a lot of intersections to analyze here so we selected the major intersections of the south which was Long Hill and the next major intersection north is -.

Comm. Harger: What about Murphys Lane?

David Sullivan: Murphys Lane is a relatively low volume. It does have some cut through traffic. Our driveways kind of straddle Murphys Lane. So unless there's a specific desire to go somewhere we would expect traffic to use Murphy's Lane.

Comm. Harger: Okay, thank you.

Dominick Thomas: We do understand that you said in the beginning that you are going to keep the hearing open. With that in mind, it's my understanding that the hearing will be open through April because of the Chairman being away.

Comm. Harger: We're not having the second meeting in March, no.

Dominick Thomas: I would just state for the record that your first meeting in April, I will be away. I know I will be available the second meeting. Just to cover the month of March into April, you have 35 days to complete the public hearing. There's a letter granting a 30-day extension for that which by my mathematics will take it technically the beginning of May which would cover -.

Comm. Harger: The 25<sup>th</sup>?

Comm. Miller: I just have one other question and I may have missed it. In the outside boat storage, you say three levels; what's the total number of boats? Is it one continuous rack or is it-?

Comm. Kelly: 26 I think.

Rick Krall: Each one of the pods – each section holds two boats. So 8 sections is about 16 a level; So about 48 boats.

Comm. Widomski: Are you going to be doing pump outs for the boats from what I read?

Rick Krall: Yes.

Comm. Miller: Is that going to be put into a storage tank and connect into the Stratford system?

Rick Krall: It would connect into the sanitary system, correct.

Comm. Widomski: You'll have a fuel pump on the dock somewhere?

Rick Krall: We have not designed a fuel pump at this time, no. There are fueling stations on the river.

Comm. Widomski: That's not in the plans or anything?

Rick Krall: Not at this time.

Comm. Widomski: Okay. Public access? You're going to charge \$5.00 or something or is that if you put a boat in.

Rick Krall: If you want to launch a boat off one of our – so if you wanted to use are docking facilities, there would be a launching fee for that, yes.

Comm. Widomski: So if I wanted to put a kayak in there, I have to pay you \$5.00.

Rick Krall: That's correct.

Comm. Matto: But there's a public launch, right?

Comm. Widomski: You have to pay \$5.00 so it's not truly a public access then.

Rick Krall: Well it's open to the public but there is a fee.

Comm. Widomski: I interpret public access as if I want to put a boat in, I can go put a boat in Sunnyside boat ramp or other accesses on the river. What I'm saying is that that's not a true public access, it's access for a fee.

Comm. Harger: But you do have public access to the -.

Comm. Widomski: To the walk, yeah; not to the river is what I'm saying.

The conversation that we had regarding public access – we pointed out that the boat ramps – those have to be public property.

Comm. Widomski: I just want to make sure that because it says public access in some of your paperwork that they just can't go down – I just want to clarify. That's all.

Rick Krall: In the marine world, generally it's public access.

Comm. Tickey: Attorney Thomas, that was actually my concern, talking about the public access, talking about the parking and people being able to enjoy the riverfront so if someone came in and wanted to just walk, is there going to be guest parking for that?

Rick Krall: Well the whole lower lot on – it's all public parking; it's all open for the use of the restaurant and the public. We had our original application; it was more of a club, a private club. Now that we've changed and not gone with the private club, we're going with the restaurant, all that parking out front and there's 200.

Comm. Tickey: So someone can park somewhere to use the sidewalk. This is much improved as far as public access obviously for the restaurant but for the ease of someone being able to

come and park anywhere as I'm hearing and to use the sidewalks and enjoy the view is much improved over what we last heard.

Rick Krall: Thank you.

Comm. Harger: What about lighting in the parking lot?

Rick Krall: We have not put together a lighting plan but obviously we have the islands and we'll probably have some trees and some lighting in the parking lot just to break it up a little.

Obviously, we want to keep it as nice as we can.

Comm. Harger: Attorney Thomas, I don't think anyone really went into the entrance and exits that you have.

Dave Sullivan: There are really two means of egress and two means of access – this will be a full access driveway here and that will include one inbound lane and two outbound lanes. One that's wide enough for a right turner and a left turner to come out there. This is an exit only driveway. It will be restricted for right turns at that location and the entrance driveway is this one right here. So, there's two ways to get in and two ways to get out.

Comm. Harger: There has been no discussion or contemplation regarding signalization?

Dave Sullivan: We did look at that in great detail last time and to mention again, there is certain criteria on the state highway which the state basically has to give you permission and they have criteria including the number of cars going by; the number of cars coming in and out. It has to do with accidents. They have a number of criteria and we looked at all of those and this site, because it's a relatively low traffic generator. Most of the side streets wouldn't warrant the signal. The only one that may warrant signalization would be over at Long Hill and that's even questionable whether they have enough traffic throughout the day. Signalization would not be an alternative here.

Comm. Harger: For the record, it's a good reminder that while local residents have always called this River Road, it is a state highway. What are we doing about trash?

Dominick Thomas: In buildings, the trash is interior. It down shoots to a compactor.

Comm. Harger: The residential?

Dominick Thomas: I'm not sure about the other buildings. We have to create a dumpster location.

Comm. Widomski: Who is picking up the compactor stuff?

Dominick Thomas: It would have to be private.

Comm. Harger: The other ones have to be very well engineered so that we're not getting stuff blown into the water.

Dominick Thomas: Correct.

Comm. Harger: Does anybody else have any comments, questions? Mr. Thomas, are you all set?

Dominick Thomas: Again, We're prepared to address even more things to continue with some issues that were brought up today. If there's nothing else, I know you have more business tonight.

Comm. Harger: Okay, we're going to go into the public portion. There are just two people who have signed up to address the Commission. The first is Deb Kerouac, 3 Murphys Lane.

Deborah, come up to the podium. Identify yourself for the record, please and your address.

Deborah Carawack: My name is Deborah Kerouac. I'm actually a resident of 3 Murphys Lane in Shelton, right at the corner of River Road. I purchased my first home here three years ago with my son who is now eight years old. One of the things that I saw on this property was the view. In the winter when the trees are bare, I have a pretty nice view of the river and in the summer it's mostly a canopy of trees, otherwise it's a nice anecdote to the traffic that I hear daily and it is often quite loud and quite dangerous. One of my concerns about this proposal is about the dearth of bus stops. For example the middle school kids have to stand on a steep hill at the corner of River Road and Murphys Lane. It is very dangerous on a nice day not to mention if it's snowy and one may trip or fall so that's a concern of mine and my son. I pay for him to be in before care so he doesn't have to be put in that position, being at a dangerous bus stop. When I drive on River Road after I drop him off at Sunnyside, I see many students either waiting along the road, which is very dangerous or in their parent's car parked to the side, so I guess for me, just as a resident, I would like public access to the river but I'm concerned about the safety of the road. For me to walk across the street I have to worry about the traffic, the impact with the construction and also the noise of the construction – my windows do actually face the road. So I just wanted to speak up in terms of my concerns about safety of the road, even my son too, with the Sport's Center down the road, he wants to cross the street and go to Rita's for an icy and I don't feel comfortable with that. Anytime Long Hill has had a fundraiser there, they hire someone to actually cross the students to take them across the street safely. So my concern really is an influx of traffic and Murphys Lane especially, if you're coming from Howe Avenue and the slab area, it's a very sharp right turn as it is. So those are my concerns about this construction.

Comm. Harger: I would suggest you talk to the superintendent's office about the bus stops.

Deborah Kerouac: Yeah, it's amazing to me and it's not the only one; there are other ones too. – I'm just worried for this construction if there will be an influx of traffic and that will be more worrisome.

Comm. Harger: Thank you for addressing the Commission. The next person who signed up is Glenn Swanson.

Glenn Swanson: No comment. I changed my mind.

Comm. Harger: Is there anyone else from the public who would like to speak for or against this?

Chris Russo: Chris Russo with Russo Rizzio, LLC., Post Road, Fairfield, Connecticut on behalf of Deborah Bowles, Kyles Way. Just for efficiency sake, I would plan to hold my comments for the public hearing that's being held open. There's a number of incomplete items with the application. There's a lot of comments that come back and we'd like to see that – the traffic study and continue to take a look at that and then comment at the public hearing.

Comm. Harger: Okay.

Comm. Widomski: Ginny, since we're not closing the public hearing, could we still give the opportunity to the public?

Comm. Harger: Oh yeah. Anyone else from the public who would like to address the Commission at this time?

**On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to accept, with 30-day extension and keep hearing open until April 25, 2018 regarding App. #18-02.**

## **5 MINUTE RECESS**

(Comm. Widomski and Tony Panico conversed during recess – Secretary has tape recording)

## **RECONVENE**

### **V. Old Business**

**A. Application #17-18, Dominick Thomas for Initial Development Concept Plan and PDD Zone Change approval (mix use development): 801 Bpt. Ave. (Map 28, Lot 19): IA-2 District (public hearing closed 12/27/17)**

Comm. Harger: We had the discussion about this particular project in January and we did request that Mr. Panico prepare a favorable resolution on this particular proposal and I'd like to read that as follows. (Reading resolution).

Richard Schultz: There's a correction on page 10.

Comm. Harger: On page 10, the sentence that reads 'the applicant has applied to the Inland Wetlands Commission' should be changed to 'United Illuminating has applied' to and has received approval from the Inland Wetlands Commission; top of page 10, first line.

**On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to continue with discussion on App. #17-18.**

Comm. Tickey: For discussion purposes we went through the draft at the last meeting so we had an opportunity to kind of go through some of our thoughts. I think that elimination of those two buildings was wise and made the project less dense and I am happy to see that not only did everyone agree with that but also the applicant was willing to make those changes and as we've talked about, and I know Comm. Pogoda and I spoke about the interest in having more green space and I think this pocket park and sitting area brings us closer to the balance development and I appreciate the changes that were made to the plan, I think that it will make it for a better, more well-rounded development.

Comm. Matto: I would agree with that.

Comm. Widomski: During one of the discussions, we had talked about maybe it's the wrong time to bring this up but I thought we were going to make all the restaurants full service, sit downs. At one point, I thought we had this discussion at the beginning.

Comm. Harger: Rick, what do you think about that?

Mr. Panico, do you recall anything along that line, that that was going to be a requirement?

Tony Panico: I recall the subject was brought up but never any discussion with the exception of expressing satisfaction – the one restaurant with the drive up service.

Comm. Kelly: There was one, yeah.

Comm. Widomski: I thought we were going to make it like a Duchess or something where you have a full sit down.

Comm. Tickey: I think they even said that there was a tenant that was interested that was a drive thru and I thought we ultimately said that we'd allow for one.

Comm. Harger: Right, it wasn't just strict drive thru.

Comm. Kelly: It wasn't just strict drive thru.

Richard Schultz: We'll clarify that in the Statement of Use.

Comm. Widomski: And I just have a second. I want to go back to the sidewalks on Parrott Drive. After I read this resolution again, there's no handicap access from Parrott Drive into this project. There's a large set of stairs that need to be built. I think we are eliminating a segment of the population by not having a sidewalk along Parrott Drive to get access to that project. I discussed that last time and I just want to go on the record. I think that eliminating the sidewalk along Parrott Drive we are eliminating people from Scinto's property and the factories above from getting into that project. I know I was on crutches for quite a while. I can't do a set of stairs like that.

Comm. Kelly: It's a long walk. Wouldn't you drive down there? If you were handicapped, wouldn't you drive down there, and it's steep.

Comm. Widomski: I don't know, to me, I went a lot of places on my crutches.

Comm. Harger: A wheelchair is another -.

Comm. Matto: Isn't it steep for a wheelchair?

Comm. Kelly: It is steep, yeah.

Comm. Widomski: I just wanted to bring that up again. I mean it was just my opinion.

Comm. Harger: Mr. Panico, does that have to be specifically addressed in this resolution?

Tony Panico: If you want to change it, of course. I don't think it's fair to look at the illustration of that sidewalk and say that that's what it's going to be. Certainly, it would not be one large flight of stairs that one would – it will be broken down with various kinds of sidewalks.

Comm. Harger: There was quite a bit of discussion and I had, well I was the second Commissioner that agreed with Comm. Widomski. The consensus was that the sidewalks would not be included in this particular proposal.

Comm. Widomski: Just the front, right?

Comm. Harger: Just the front, right.

Comm. Widomski: Other than that, I think the project looks good. It's better than what we have there now. I still would say that I would prefer a convention center than a hotel just to bring in something with more opportunity but I think the project overall is a good project.

Comm. Harger: I think the applicant has carefully researched a good re-use for this particular property. We have to rely on their judgement. They have to do diligence as to what they can acquire as tenants. I think they definitely put in a lot of time and energy and thought into this particular proposal. I think it's going to enhance the area. I'm very pleased with the way it looks and I'm really looking forward to a shovel getting into the ground to get this off the UI property. It's just past its time; it needs to be re-used again in a different manner and I think it will compliment everything in the area.

Comm. Kelly: So do I.

Comm. Harger: Any other discussion? We have a motion so we're doing a Roll Call Vote on this.

No one voted in opposition; the motion is passed.

**B. Application #17-19, R. D. Scinto, Inc. for Modification of Initial Development Concept Plan and Detailed Development Plans for PDD #63 (mix use development), 899-905 Bpt. Ave. (Map 8, Lots 15 and 16) and modification of Future Land Use Plan from Office/Light Industrial to Mix Use Economic Growth Area (MUEGA) (public hearing closed on 1/9/18)**

Comm. Harger: This is something we talked about back in January and we had directed our consultant to prepare a favorable resolution. (Reading favorable resolution).

Comm. Matto: (taking over for Comm. Harger. Top of page 3).

Comm. Harger: Okay, thank you very much. So we have our resolution. Can I have a motion to proceed forward with this please?

**On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to move forward on App. #17-19.**

Comm. Harger: Any discussion?

Comm. Widomski: Yeah, the applicant's representative said he would be putting in the sidewalks along the front. Do we need that in this resolution at all?

Comm. Matto: It's like 12' above.

Comm. Harger: I think he was going to take that under serious consideration.

Comm. Widomski: Right, do we need that in here or no?

Comm. Harger: Mr. Panico, did you hear what we were talking about?

Tony Panico: Yes, about the sidewalk and there was some discussion and the topographic circumstances that exist and how difficult it would be to build a sidewalk coming from nowhere and going to nowhere.

Comm. Harger: I know that the applicant was open to it.

Comm. Kelly: He was.

Comm. Harger: So how can we insert that?

Tony Panico: Is that what the Commission wants, a sidewalk that starts nowhere and goes nowhere?

Comm. Harger: Okay, let's think about this seriously. Mr. Panico has a point. I know we have mentioned before starting some kind of basis for a sidewalk plan. The one that we were talking about having to do with the UI -

Richard Schultz: From that stretch to Commerce Drive.

Comm. Matto: Isn't it too vertical.

Richard Schultz: There's topographic issues there.

Comm. Matto: Along Bridgeport Avenue. Is anything better looking on the other side of the road?

Richard Schultz: It drops off there and goes into the wetlands area.

Tony Panico: To put a sidewalk in this location would require blasting and retaining walls and quite a bit of work.

Richard Schultz: You know as discussed, we have to be more creative with our walkways in some areas.

Comm. Widomski: I think we need to get together as a Commission and come up with some sidewalk plan for the entire length of Bridgeport Avenue. We're going to have tolls in town on Route 8. We're going to have a lot more traffic. This is a retail complex and we should be addressing it but, I mean it is a concern in the future that we need to start looking at.

Comm. Kelly: None of the other - the vets -

Comm. Widomski: We can go back and request that they voluntarily put them in.

Comm. Kelly: I know, but they're not going to do that voluntarily, you know that.

Comm. Harger: What about discussion or whatever we have to do with ConnDot. Does something like that have to be run by them?

Richard Schultz: Absolutely. Just like I did with the Greater Bridgeport Transit. There's no funding for shelters. That's another issue.

Comm. Widomski: Could we put the same thing in like we did for the UI property were they need to take a look at it and even if it's get built today, it's ready to go if we ever get to that point like we did at the UI?

Tony Panico: In the case of the UI property, it looks like it may turn out to be reasonable to create the separation for the sidewalk. I don't think that could happen here but you could certainly ask the applicant to do the necessary engineering to demonstrate what will be involved in installing this piece of sidewalk and then you could look at it again.

Comm. Harger: I think that's a more practical approach.

Comm. Widomski: We need to come up with a plan here.

Richard Schultz: This applicant has always been cooperative.

Comm. Kelly: Yes, he has.

Comm. Harger: Absolutely.

Comm. Kelly: And it's a good project. Much better than what they have there now.

Richard Schultz: So do we have a consensus to insert the language?

Tony Panico: Shall we do that?

Commission: Yes, yes.

Tony Panico: So we'll add a provision for them to do the engineering and bring in a potential solution to the Commission.

Comm. Kelly: Should we approve it with that stipulation today?

Comm. Harger: Yes, we could approve it with that stipulation. So the motion would include everything that we read into the record in addition to the applicant doing an engineering study for the feasibility of a sidewalk. Is that clear to everybody?

Commission: Yes.

Comm. Harger: On a Roll Call Vote. The motion is passed and no one voted in opposition.

## **VI. Adjournment**

**On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to adjourn the meeting at 10:40 p.m.**

**Respectfully submitted,**

*Sandra Wasilewski*

**Sandra Wasilewski, Recording Secretary**

