

## SHELTON PLANNING AND ZONING COMMISSION MEETING MINUTES

### SHELTON PLANNING AND ZONING COMMISSION REGULAR MEETING HELD TUESDAY, JULY 10, 2018, AT 7 P.M., CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

#### **PZC Commissioners Present:**

Virginia Harger, Chairman  
Anthony Pogoda, Vice-Chairman  
Elaine Matto, Secretary  
Jimmy Tickey  
Charles Kelly  
Mark Widomski

#### **Also Present:**

Richard Schultz, AICP, Planning and Zoning Administrator  
Anthony Panico, Consultant  
Sarah Vournazos, 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 are available on the City of Shelton website at [www.cityofshelton.org](http://www.cityofshelton.org) (tapes on file).

#### **I. Call to Order**

Chairman Harger called the meeting to order at 7:05 p.m.

#### **II. Pledge of Allegiance**

#### **III. Roll Call**

Chairman Harger identified members present.

Comm. Harger: In attendance this evening, we have Comm. Kelly; Comm. Matto; Comm. Pogoda; Comm. Tickey; Comm. Widomski; myself, Comm. Harger; we have Alternate Comm. Dickal; Alternate Comm. Miller; we have Richard Schultz, our Planning and Zoning Administrator; Anthony Panico, our consultant; Pat Gargiulo, our stenographer and Sarah Vournazos, our recording secretary who is starting with us tonight.

### **III. Executive Session: pending litigation**

First item on the Agenda tonight is an Executive Session to discuss pending litigation. Can I have a motion to go into Executive Session and to invite our consultant, Anthony Panico? We will also be including our Corporation Counsel, Attorney Fran Teodosio and our staff member, Richard Schultz.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, it was unanimously voted to go into Executive Session.**

Comm. Harger: All right Ladies and Gentlemen, we thank you for your indulgence. Can I have a motion to come out of the Executive Session?

**On a motion made by Comm. Kelly, seconded by Comm. Matto, it was unanimously voted to come out of Executive Session.**

Comm. Harger: We can now reconvene to our regular meeting.

### **IV. Public Hearing**

Comm. Harger: Next thing on our Agenda is the Public Hearing and there are some guidelines for those in the audience for a Public Hearing. The procedure for tonight's Public Hearing is as follows: All members of the public who wish to address the Commission on the item being discussed will need to clearly print their name and address on the sheet at the front podium. This is to assist the recording secretary and stenographer to correctly identify speakers when doing the minutes and the transcript of the public hearing. The applicant and/or his associate will make a presentation to the Commission. During the presentation the Commission and/or staff may ask questions to which the applicant and/or his associates will be given the opportunity to answer during or at the end of the presentation. After the presentation has ended and there are no further questions from the Commission, the public will be given the opportunity to address the Public and Zoning Commission about the item being discussed. All comments or questions are to be directed to the Committee Chair, to the Chair only, not to the applicant and/or his associates.

During the public hearing, dialog is not permitted between the public and the applicant and associates. Members of the public are expected to practice appropriate etiquette by being quiet, observant and respectful. Disruptive attendees may be asked to leave. All comments should be informational, directed to the criteria of the Zoning regulations and not personal feelings. Unless a member of the public has new comments to or questions of the Chair, members of the public are asked to briefly indicate whether or not they are in agreement with a previous speaker and not repeat the same testimony verbatim when it is their turn.

The applicant's attorney and/or consultants will be given the opportunity to address any comments or questions from the public after the last person from the public has been given the opportunity to speak. If the public hearing has not concluded by 10 p.m., the public hearing will remain open and a date for continuation of the public hearing will be announced, at which time the public hearing will pick up from the point when it was left open. If the public hearing does remain open, the Planning and Zoning Commission is

not allowed to make any public comment, discuss any part of the applicant's and/or his associate's presentation or receive any additional information from anyone. After the Chair is satisfied that the applicant and/or his associates have concluded their presentation, has answered all questions and has addressed all concerns from the Planning and Zoning Commission and/or public the Chair will ask for a motion to close the public hearing.

Comm. Harger: Can the Secretary please read the call . oh we don't need to . thank you. So Public Hearing is continued from June 27, 2018.

A. **Application #18-11**. Bridge Street Commons, LLC. This is Application #18-11 for Modification and Detailed Development Plans and Statement of Uses and Standards for PDD #67, conversion of storage room to one apartment unit. At Bridge Street Map 129D Lot 37 . Mr. Bellis.

Attorney Bellis: Yes, thank you. Thank you, Commissioners. I'll be brief. I know you have a lot on the Agenda. For the record, I'm Attorney Stephen Bellis and I represent Bridge Street Commons, LLC. I've already handed in to Rick the certified mail receipts from the Hearing and copy of the photograph of the posted sign. We're asking that as you know the work on the buildings has been built, it's the brand-new apartment building downtown. We thought originally that there might be a need for storage, apparently, we were wrong as nobody signed up. It's space no one is using at this time. So, my client has asked to convert that to a one-bedroom unit and it would be the same as all the other one-bedroom units that are in that building. It fits the space perfectly. The reason we are having a public hearing is that it changes obviously the density and the number of units. I've given everybody a copy of what it's going to look like. If there are any questions, I'll be glad to answer them.

Comm. Kelly: Is there room for parking? There is supposed to be one for one so is there a spare space?

Attorney Bellis: Two things on that: We're in negotiations now for up to 16 spaces for city owned, some land right behind this parking garage. It's adjacent to where they did the Chromium Process parking lot, it's a triangular piece, so we're going to have enough spaces, more than enough spaces.

Comm. Pogoda: So, you're in negotiations now . are you going to get it?

Attorney Bellis: Yes, the Lease hasn't been signed.

Comm. Harger: What stage are you in now with that negotiation . ready for the Contract or Lease?

Attorney Bellis: Yes, I think Fran, I met with him before, he's the Corporation Counsel.

Comm. Widomski: So as of right now, you don't have anything in writing?

Attorney Bellis: Well I do have it in writing.

Comm. Widomski: But nothing's been signed, that's what I mean.

Attorney Bellis: So that's additional parking. If we had to, there are also enough spaces on the underground garage for this additional one.

Comm. Kelly: But that's not the space that was asked.

Attorney Bellis: Oh, ok I apologize.

Comm. Widomski: Which one are you using? I have two different plans here.

Attorney Bellis: I'm not sure which ones you have. I don't know what they gave you, should I approach?

Comm. Widomski: Yes, you can come take a look.

Attorney Bellis: It's on the second floor.

Comm. Widomski: One's got the formal bedroom.

Attorney Bellis: They've got the same dates, I'm confused.

Comm. Widomski: So, we're going with this one?

Attorney Bellis: I believe so.

Comm. Pogoda: So, you're saying there's still parking available in the garage as in the building?

Attorney Bellis: Yes, for one space, yes.

Comm. Pogoda: And that's completely public?

Attorney Bellis: That does. I think it does. I think that the additional spaces that I wrote for it were used for private, we used those for commercial tenants.

Comm. Matto: And is the number handicapped?

Attorney Bellis: Yes.

Comm. Harger: On the plan it's referred to as Studio 212 but there is a wall that shows the bedroom.

Attorney Bellis: It's one-bedroom unit, it's not a studio. There's no question about that.

Comm. Widomski: That's what my picture showed.

Comm. Harger: Yeah, me too.

Comm. Harger: Do any of the Commissioners have any questions?

Comm. Matto: I think we just want to make sure there that it is one space per unit.

Comm. Kelly: That's correct, there's an extra space . one for one. According to the downtown zoning regulations.

Attorney Bellis: And that's not changing.

Comm. Kelly: Ok

Comm. Harger: Request to change that on the final plans.

Richard Schultz: Yes, the final plans have to show that. You have a public hearing because you're amending the Statement of Uses and Standards and the final plans.

Attorney Bellis: We come in with a final plan and I show it to Rick.

Comm. Kelly: Ok.

Comm. Harger: Steve, is there anybody that signed it?

Attorney Bellis: No.

Comm. Harger: Is there any members of the audience that would wish to comment for or against this particular proposal? Is there any members of the audience that would wish to comment for or against on this particular proposal? If there are no further members of the audience that would wish to participate and make comments on this particular proposal, I take a motion to close this Public Hearing.

Comm. Pogoda: So moved.

**On a motion made by Comm. Pogoda, seconded by Comm. Tickey, it was unanimously voted to go close the public hearing.**

Attorney Bellis: Thank you very much.

Comm. Harger: Thank you, Attorney Bellis.

Attorney Bellis: Madam Chair, I have a matter of 18-17, just needs a date for a public hearing. It's Calandro and Guerrera.

Comm. Harger: It's under Old Business . we did that already. Is that the only thing that you have on the Agenda?

Attorney Bellis: It needs a date, we're not presenting anything and they're accepting it as is.

Comm. Harger: Right. Commissioners, would you want to address Attorney Bellis's application down under, second from the bottom.

Comm. Widomski: Yep.

Comm. Harger: B. Application #18-17 . Calandro and Guerrera, LLC., for Initial Development Plan Approval and PDD Zone Change (five [5] story mix use development; 27 residential units and commercial), 509 Howe Avenue (Map 129D, Lots 27, 29). Can I have a motion to accept and schedule a public hearing?

Richard Schultz: Staff is recommending September 26 . that's the fourth Wednesday.

Attorney Bellis: Is there any room in August or no, we couldn't get August?

Comm. Harger: No, we're full.

Attorney Bellis: Oh, you're real full . ok.

**On a motion made by Comm. Kelly, seconded by Comm. Pogoda, it was unanimously voted to accept Application #18-17 and schedule a public hearing for September 26, 2018.**

Attorney Bellis: Thank you very much, I appreciate it.

Comm. Harger: All right, we're going on to Applications for Certificate of Zoning and Compliance.

## **B. Applications for Certificate of Zoning Compliance**

1. **Application #2550**. Paraco Gas, 484 Bridgeport Avenue, for propane cylinders within a cage.

Richard Schultz: Is John here?

Comm. Harger: This was tabled from our last meeting, wasn't it?

Richard Schultz: Yep, and staff, unfortunately, is going to request it being tabled again.

Comm. Kelly: Ok.

Comm. Widomski: Motion to table.

Comm. Harger: Ok, there's a motion to table.

**On a motion made by Comm. Widomski, seconded by Comm. Kelly, it was unanimously voted to table Application #2550.**

2. **Application #2587**. Related Properties, 862 Bridgeport Avenue, for a sign.

Richard Schultz: Ok, does the Commission have its packets that I gave all the signage?

Comm. Harger: This is Shelton Square.

Richard Schultz: This is Shelton Square.

Comm. Harger: You're representing the Applicant?

Paul Dumont: Yes, good evening, Commissioners.

Comm. Harger: Could you just state your name and address for the record?

Paul Dumont: Yes, I will. Yes, my name is Paul Dumont and I am here with my Associate, Sherry Wilson. We are representing Shelton Square Limited Partnership. We are the owners, developers, and managers of Shelton Square Shopping Center on Bridgeport Avenue. We're here to request a change to our entrance sign. We went before the Board in 2010, I think the Fall of 2010, and we put up the sign that you see on the easel. We're really here on behalf of our smaller retail tenants. We would like the Commission to consider a change to the existing sign along Bridgeport Avenue to include some identification for some of the smaller retailers.

Our small business retail tenants really are your next-door neighbors. They've meshed into the fabric of the community and they provide many of the services that I'm sure all of you partake in. The community has come, and some of our tenants have been with us since 1980, they're original to the Center. I'm sure the community has come to rely on them. They're cleaners, hair salons, food vendors, restaurants and so forth. They really need your help in considering our change and we'd go through the actual change to the sign in a minute. They're operating in a very tough retail environment right now and there's pressure from all sides. You know, online retailing and so forth. When we originally developed this Center, we were the second plan development district in the town. It was 1980. I think now, Rick you can correct me if I'm wrong, it's close to 100

PDD: I guess, I don't know - maybe more. 1980 of course was a different time. The Center was designed to be set back from, quite a bit from Bridgeport Avenue. There was a large, natural woodland buffer of approximately 75 feet along Bridgeport Avenue that separates our Center from Bridgeport Avenue. Our small retail tenants are set back 550 feet from Bridgeport Avenue. The existing sign is set back 50 feet from the curb line. Most of the new Centers along Bridgeport Avenue are within a couple of hundred feet . 200 feet and they have a clear view from the road. There's no real buffer like we have.

Our small retailers we feel really need help, you know, in this changing marketplace for them. They really need to have some visibility on Bridgeport Avenue. It's the key to their success. We do have some members of, some of our tenants that would like to speak after when we're finished and go through our presentation. Our Center is about 186,500 feet. Our small stores make up about 40,000 feet of that. There are approximately 15 stores. Since 2015, I think it's important that you understand we had a vacancy of approximately 1.7%. Of the small stores, the vacancy, we have no real, the anchors we have no issue with in terms of vacancy. Of the small stores, if you take their percentage in 2015 we were at 7.8% vacancy that climbed in 16 to over 16% vacancy and in 2018 now we're up to 21% vacancy and we're about to add another point onto that.

We haven't had a tremendous amount of activity. There's no interest in our space. It's very difficult. It's a very competitive market as you know. You've granted other approvals for other retail centers that are closer to the street. So, we have some real competition in terms of renting our stores. We need your help as well, it's not only the small tenants. We see this trend continuing, we see nothing that is really going to ease our vacancy. We think it's probably going to get worse before it gets better.

I'll go through the sign. This is our existing sign but it's 15 feet tall. Of course, it meets all of your standards that were set at that time. It had space for the four major retail anchors. What we'd like to propose is . the way the sign printed out here, I just wanted to point out that the colors of the sign won't change. The dimensions, width wise or setback don't really change. The structure of the sign to basically move the sign-box that was a little lower. We would move this up and we would create another equal of the same size sign-box for the smaller retail tenants.

We'd also like to point out and I don't know if I should hand this out. I didn't bring enough for all of the Commissioners, but I did print out some pictures of some of the other signs along Bridgeport Avenue and some of our competing shopping centers.

Commissioners: We have them.

Comm. Harger: No, those are done from City Hall.

Paul Dumont: I actually took these myself, they're a little bit different than what you have but some of them may be the same. Split Rock Center, this is their sign on Bridgeport Avenue . it has room for 10 tenants plus there was an add on the bottom for one more, so it's 11 on that. This is Stratford Road and that has nine tenants plus an additional tenant but of course it was added in its own somewhere so I can't find it. This is one I don't think that you saw. This is a 10,000-foot Crowne Point Center. It has 10,000 square feet of rentable space and it's 14 tenant signs. Nicely done but 14 signs. This is

525 it may have been in your package. This is a 12,000 square-foot building with 12 slots for 12 tenants. 515 . 16,500 square feet and eight tenants, eight tenant signs. Of course, the Marketplace has 132,000 feet, a little bit less square footage. It has 10 signs for smaller tenants and one major anchor sign which is probably the size of our entire existing sign now, maybe even larger. This also is as you can see clearly visible from the street. It's quite a different situation.

Comm. Harger: Mr. Dumont, can we see that spare one that you have?

Paul Dumont: Yes.

Comm. Harger: Thank you.

Paul Dumont: That would complete our presentation. We do have a couple of tenants that are here with us that will speak. But my associate, Sherry Wilson, has a couple of letters that were submitted to us and we've sent them to Rick.

Sherry Wilson: I'd like to read them to you if I could.

My name is Sherry Wilson by the way, this letter is from Elise Jaffe, who is the senior vice president of real estate for the Ascena retail group. And that is the Roz & Ali tenant and the Roz & Ali Woman tenant that we have and she writes to the Planning and Zoning Commission of the city of Shelton.

We represent 9,000 square feet in Shelton Square Shopping Center with our two stores Roz & Ali/Dress Barn and Roz & Ali Woman/Dress Barn. We have been in this Center for almost 35 years, serving the Shelton community. We have been very concerned about not having any identity or signage on Bridgeport Avenue, given the set back of the center. We see other retailers with signage and feel we too should be entitled to this excellent source of marketing. Traffic in the center and our sales have been impacted by the increasing competition from other retail centers in the market. We feel pylon signage is essential to level the playing field. We appreciate your consideration for our application and hope to have a positive response. Thank you.+

The other letter is from Alan Klein, who is the owner of AJ Klein Jewelers.

To Planning and Zoning Board, I would like to express my opinion regarding the need for a tenant listed sign located at the main entrance on Bridgeport Avenue for the Shelton Square Shopping Center.

As an original tenant of Shelton Square since October of 1982, this concern was always on my mind. I understood and respected that decisions by the city wanted to keep Bridgeport Avenue a very rural type shopping district, but the landscape of Bridgeport Avenue has dramatically changed over the past 36 years. Our tenants are now at an unfair advantage to other centers where every tenant is boldly listed at the main entrances. In addition, the shopping center is located far from the road, which makes store recognition almost impossible from the street. With the amount of hotels located on Bridgeport Avenue, there is a need to list all of the tenants to accommodate out of town visitors. With increased competition, there is also that need to level the playing field. I appreciate the opportunity to be heard, I apologize I am not able to attend this meeting due to prior commitments. Please allow the tenants of Shelton Square to continue to prosper and contribute to the city of Shelton. Respectfully.+

Now we have a couple of tenants that are here that would like to get up and say a few words. Will call Kirk Hopkins of Super Saver Spirits up first.

Kirk Hopkins: Good evening, I'd be brief. Within the last year and a half, a major shopping center, 2 miles down the road from where we are located, Bridgeport Avenue, opened with a major anchor being Big Y. Big Y has apparently had some impact on our shopping center in reduced traffic. People now have other choices for doing their grocery shopping. As you know, the anchors are the big draws into the shopping centers that allow us as small retailers to thrive, help us along. So, they are on the sign. The big stores are on the sign, so we do need some help because we are starting to see some revenue diminishment and things don't, prices don't go down. Taxes don't go down, utilities don't go down, so we are asking that you please consider this in a favorable manner. Thank you.

Sherry Wilson: And lastly, we have Laurence Wang and he is the owner of the Red Lotus Restaurant at Shelton Square Shopping Center.

Laurence Wang: Thank you Planning and Zoning Commissioners for hearing us, some of you know me, some of you don't know us. We took over the space that was formerly Happy Family. We have been there approximately five years now and we encourage the entire community to come see us and try our food. But it really hurts us when the community doesn't even know we're there after five years. They stumble across our restaurant and then they finally found, hey this is a wonderful restaurant. So I'd be brief and we hope that the commission will approve this application for signage for our small group of mom and pop independent stores and I will see you at my restaurant. Thank you very much.

Comm. Harger: Excuse me Laurence, could you just for the record spell your last name?

Laurence Wang: Sure, it's W-A-N-G, thank you.

Paul Dumont: Thank you, that's it.

Comm. Harger: Do any of the Commissioners have any questions or comments?

Comm. Kelly: Yes, do we have an address on that site?

Comm. Harger: Yeah, Bridgeport Avenue . a number. One of the things that we've always tried to be consistent about and promote is having the street address at the top of the sign. And, if there's a time that it can be done it is now.

Paul Dumont: We can do that, it's not an issue.

Comm. Harger: Staff would have specific guidelines on that and some of the monument signs that you provided pictures of tonight certainly show the style that we're looking for. It is interesting that so many monument signs have grown in town. There have been a lot. I think years ago, and Comm. Pogoda may back me up on this, only the major ones were included because Commissioners at that time felt that if we have numerous business names on the monument sign at the entrance, it would cause some safety matters if someone was driving by and if they can't really even read it. So, we have to have some give and take there, but we do feel for your particular tenants. Do any of the other Commissioners have some other way of addressing this? Any comments on that?

Comm. Widomski: What's the regulation now?

Comm. Harger: Comm. Widomski asked "what's the regulation right now?"+

Richard Schultz: Our regulations as amended four years ago, state that six tenants can be applied to a shopping center arrangement like this with the understanding that the Commission can allow that. Now you've looked at the whole range. The biggest one is Crowne Point which is at 14.

Comm. Matto: Every single one.

Comm. Tickey: I have a question for the applicant.

Paul Dumont: Yes.

Comm. Tickey: Four blanks on the bottom of the monument sign are those to account for the 4 vacancies you have in store?

Paul Dumont: They are, yes.

Comm. Tickey: So, you would have one per.

Paul Dumont: We would have one per unit, yes.

Comm. Harger: Comm. Widomski, did you have a question or comment?

Comm. Widomski: I just think with all of the other signs on Bridgeport Avenue. It's getting messy looking and just doesn't appeal to our town, I think. Some of them that he showed there are four or five signs but I think we should kind of stick with whatever our regulation is.

Comm. Matto: I would think out of fairness, that out of support for these businesses, I think it would be reasonable to let them have signs.

Comm. Pogoda: So do I, so do I.

Comm. Harger: We cannot not do for one what we do for someone else.

Comm. Widomski: That's the problem. At some point we need to revisit the regulations.

Comm. Matto: It doesn't do anybody any good to have businesses that aren't doing well. It doesn't help anybody here to have any businesses not doing well when you're just asking for a sign. I think you did a very thorough reasonable presentation.

Paul Dumont: Thank you. We respected the board's wishes in the past, we've held off as long as we could. But times have changed and we would like to be treated in the same manner as some of the others have been. Quite honestly, we're at a disadvantage right now competitively.

Comm. Harger: Can I just ask the shopping center as a whole? Do you do any marketing any events that everybody participates in? Years ago, downtown Shelton had sidewalk sales and everybody did something.

Sherry Wilson: We have had many sidewalk sales. We have had done all kinds of things where we brought in other professional people to do kiddie rides, radio promotions many, many radio promotions.

Comm. Harger: How is that marketed?

Sherry Wilson: It's marketed on the radio. Oh, yeah, we've done radio, our latest we did a hotel guide that we put into the hotels. It helps but something that I've been requested whenever somebody calls about renting a space. They want a place on the pylon sign and I can't tell them that they can have that.

Comm. Harger: I was just asking about the marketing because, with so much on social media these days, it seems like everybody has.

Sherry Wilson: Shelton Square does have a Facebook page.

Comm. Harger: I just don't know how much you get out of just doing radio advertising.

Sherry Wilson: Understood.

Paul Dumont: We do have an active merchants association. We participate, the landlord participates continuously with them.

Comm. Pogoda: I think one major problem with your sign, which I see as a detriment. It's perpendicular to the road, you can't see anything driving by. OK, you have to go inside of the Shelton Center to see any of those things.

Paul Dumont: I agree, unfortunately .

Comm. Pogoda: To me, I don't think people are going to see that. They would have to be stopped and driving in you're really not going to see it. There is a chance of an accident happening because of somebody slowing down to take a look or not moving when that left signal turns and tells you to go.

Paul Dumont: Commissioner, that is valid; however, if I can capture just the people that are sitting in waiting for that light, it's a big benefit to the small retailers. We are in the advent of people texting and doing a lot of different things on their phone. I don't know that that sign is going to be that distracting.

Comm. Harger: You know the Trumbull Shopping Park; don't they have an electric sign?

Comm. Pogoda: Yes, they do.

Comm. Harger: I don't know if that's something that you could look into or if that's something that's going to be even more of a nuisance because it's-

Paul Dumont: Quite honestly, we didn't look into that. We didn't propose it because we didn't think you'd like it.

Comm. Matto: Yeah, I don't think we would like that.

Comm. Harger: I'm just thinking that it's a

Paul Dumont: We do Vegas really well. (laughter) We do Vegas really well.

Comm. Tickey: I would just say with assuming your four vacancies become full that is 19 signs in total, which is a lot. But I understand that we, as a Commission over the years, longer than some of us have served, haven't been consistent about what goes where and we can't apply the rules to some and not to others. So, I do agree with Comm. Kelly and Comm. Matto about getting the support for the businesses that need it. But we continue to open ourselves up to other future developments that have a lot of

stores and then each business wants a sign. So, I do think 19 is a lot. However, I realize that the promotion is needed. I'm always in your Plaza because I go to the Stop and Shop. I love Red Lotus. I don't go to the Edge as much as I should. (laughter) So I'm there all the time.

Paul Dumont: Thank you, Commissioner. This is a big shopping center. It's 168,000 square feet, it's big. I understand it's, 186,000, I'm sorry. It is big, the sign is big, but, it's a big sign.

Comm. Widomski: To follow up with Comm. Tickey said. At some point we need to start to control a little bit better what's going on here or we're going to end up with signs that are going to be two or three stories tall. Like over down the street. I understand your plight, you've been there for how many years?

Paul Dumont: Since 1980.

Comm. Widomski: I get what you're saying maybe you should be grandfathered in but at some point, we need to really crack down on this.

Paul Dumont: We've done this as reasonably as we thought we could by pushing the sign up, we're not increasing the width. We're pushing it up approximately four feet. We're adding four feet.

Comm. Harger: Moving the bottom panel up. You're not extending the top?

Paul Dumont: We are extending the top an additional four feet from where it is now. That's what we have proposed.

Comm. Harger: You know, I would feel better about this, if we saw this superimposed on the picture like this.

Paul Dumont: We could do that.

Comm. Harger: I think we need to see it in perspective and that would help quite a bit and then also, if you have the ability to do this particular kind of drawing, bring us back one that shows the address on it at the same time. Is that possible?

Paul Dumont: Sure. Yes, that's quite possible if Rick can give us the guidelines that you'd like for that, we would be happy to do that.

Comm. Harger: So how do Commissioners feel about tabling this until we get that additional information?

Comm. Matto: I can't do that right now.

Comm. Harger: Can I have a motion one way or the other? We can't do anything unless there's a motion on the table.

Comm. Matto: I can make a motion to approve.

Comm. Kelly: With the address.

Comm. Matto: With the address on the side, according to the Regs.

Comm. Harger: All right, a motion is on the table from Comm. Matto to approve with the stipulation of having the address at the top, which they need to work with staff to make sure it's done properly. Is there a second?

Comm. Kelly: I'd second.

Comm. Harger: There is a second from Comm. Kelly. All those in favor of this particular motion? Comm. Widomski?

Comm. Widomski: No.

Comm. Harger: Comm. Kelly?

Comm. Kelly: Yes.

Comm. Harger: Comm. Pogoda, you are abstaining. Comm. Matto?

Comm. Matto: Aye.

Comm. Harger: Comm. Tickey?

Comm. Tickey: Aye.

Comm. Harger: And the Chair votes Aye, so it is a 4 to 1 vote and one abstention. Please make sure that you work with Rick, and I would like to still see a drawing.

Paul Dumont: We will, no problem. Thank you very much.

**On a motion made by Comm. Matto, seconded by Comm. Kelly, Application #2587 was approved with the stipulation with four Commissioners voting "yes", one Commissioner voting "no" and one Commissioner abstaining.**

**3. Application #2577.** Curtiss-Ryan, 350 Bridgeport Avenue for a sign.

Richard Schultz: This is the shopping center where Planet Pizza is, across from Curtis Ryan. Curtiss-Ryan needs to store 40 vehicles for a period of six months. The temporary shelter is in place there for the fireworks. Remember, the Commission approved it for the fireworks so the cars are parked around it. That site, it is elevated and they pointed the nose of the cars toward Bridgeport Avenue so it looks great. So, this is for six months, 40 vehicles.

Comm. Pogoda: For a sign?

Richard Schultz: Temporary parking, remember I had changed that.

Comm. Harger: This is not for a sign for Application #2577. It is for temporary parking.

Comm. Widomski: For six months?

Richard Schultz: Six months, the end of the year.

Comm. Widomski: Ok.

Comm. Harger: So, they're going to be restricted to a certain part of the parking lot.

Comm. Widomski: Is there a max of vehicles they can have there?

Richard Schultz: 40.

Comm. Widomski: Ok.

Richard Schultz: The Commission has done this in the past with success. We do usually six-month intervals.

Comm. Widomski: I did make a motion.

Comm. Kelly: Second.

Comm. Harger: Let me just ask another question. What is the start date?

Richard Schultz: July 1.

Comm. Harger: July 1.

Comm. Matto: They're already there.

Comm. Kelly: It's already happened.

Comm. Harger: Who made the motion please?

Comm. Widomski: I did.

Comm. Harger: Motion made by Comm. Widomski, seconded by Comm. Kelly to approve Application #2577, six months of unregistered motor vehicles at 350 Bridgeport Avenue. All those in favor?

Commissioners: (All) Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Widomski, seconded by Comm. Kelly, it was unanimously voted to approve Application #2577.**

**4. Application #0040**. Jeff Travesse, 469 Howe Avenue, 2<sup>nd</sup> floor for a business and a sign.

Rick Schultz: Ok, we're tabling that Application.

Comm. Tickey: Motion to table Application #0040.

Comm. Pogoda: Second.

Comm. Harger: There's a motion on the table from Comm. Tickey, seconded by Comm. Pogoda. All those in favor?

Commissioners: (All) - Aye.

Comm. Harger: Any opposed? Motion to table passes.

**On a motion made by Comm. Tickey, seconded by Comm. Pogoda, it was unanimously voted to table Application #0040.**

**5. Application #2614**. Jesse Schremmer, 132 West Canal Street, for a business and a sign.

Richard Schultz: Is Jesse here?

Jesse Schremmer: I'm here.

Richard Schultz: Can you come up?

Jesse Schremmer: Sure.

Richard Schultz: The parking lot, so everyone is aware is striped. The Conti family is going to be addressing the façade of the building. The applicant is here tonight to talk about his business and the location and what he's going to do with signage. Did you bring any more copies of that?

Jesse Schremmer: Just the signage? No.

Richard Schultz: I have that upstairs.

Jesse Schremmer: Just the one that we sent you.

Richard Schultz: All right, why don't you go ahead with that.

Jesse Schremmer: My name is Jesse Schremmer. I've been in business in Oxford for 10 years. I'm a barber. It's not like every other barber shop around, we're an upscale barber shop. We don't offer just the regular haircut. We won multiple awards over the past 10 years. I also own a mobile unit with the barber shop as well. We do all types of different events, we travel. We're in Florida, we're in Chicago, we're in a lot of different areas.

I'm proposing a second location to the one that I have in Oxford. That brings a little bit different clientele than some of the Barber shops around the area. I am, I'm proposing more business for downtown. I'm trying to bring the South Norwalk type of businesses and different things like that to the Shelton area. I believe that it's an untapped market of the new type of the way my barbering is going. Haircuts, hot towel shaves, hair color, all different types of things that aren't happening in barber shops in the area that we are successfully doing in Oxford.

What scares me is the back end of West Canal Street. I would like a sign that is neat, that looks good. I want to have a barber pole there. But I want to be able to see the future of that downtown area in Shelton, like that I am being told by a lot of people that are talking about it. I just want to bring what I have in Oxford down in Shelton. And actually, build what I have in Oxford for the past 10 years down here. This is my first time doing this. Oxford is a lot different from Shelton, as everyone might know. I've never had to stand in front of anybody. I've never had to do any of this stuff, so it's a little bit different for me. But being in business for 10 years up there, I think that I could be a little bit of a staple downtown and maybe be the start of what the future could be in the next coming years.

Comm. Harger: Where exactly in the Conti building is this? Is this something that has direct access?

Jesse Schremmer: So this is direct access. Yes, ma'am.

Comm. Harger: When you're looking at the rear you have the storage area that dips down.

Jesse Schremmer: So where I actually am, if you are looking up out of the building, there is a garage door. That would be opened up, I can see the new parking lot. The Chromium Process building. So, it would be the first store front area on that road.

Comm. Harger: So, your access is up that small staircase? Through the overhead garage door?

Jesse Schremmer: The access is to the left. It's a small staircase on the left. And I'm the first door on the left. Yes, ma'am. It's two stairs on the left-hand side, but right on the road.

Comm. Harger: But then there is a regular door.

Jesse Schremmer: Yes, ma'am.

Comm. Harger: And how many square feet inside.

Jesse Schremmer: I believe it's 850.

Richard Schultz: Yes, 850.

Comm. Harger: How many employees?

Jesse Schremmer: I'm looking to have six.

Comm. Harger: And what are your hours of operation?

Jesse Schremmer: Hours of operation should be from I would guess 9 a.m. . 7p.m., 9 a.m. . 8 p.m., maybe around there. Probably six days a week.

Comm. Harger: Six days?

Jesse Schremmer: I mean I would hope for maybe even seven days with later hours. You're seeing all of the apartment buildings going in and everything else. I'm hoping to be beneficial downtown.

Comm. Harger: What's your definition of later hours?

Jesse Schremmer: Maybe around 8 p.m. I don't like to work that much (laughter).

Comm. Harger: Any Commissioners have any questions?

Comm. Harger: I have no problem with the business but I need to see rendering of that sign. All the Commissioners need to see that.

Richard Schultz: I have that upstairs.

Comm. Harger: Do you want us to go onto something else?

Richard Schultz: Well, I have to participate. Are you around this Friday? We have a Downtown Subcommittee meeting.

Jesse Schremmer: Around this Friday? Absolutely.

Richard Schultz: 9 o'clock.

Jesse Schremmer: Sure.

Comm. Harger: But we still can't act on the sign.

Richard Schultz: We can act on that. Let's do that.

Comm. Harger: Business end I have no problem with.

Richard Schultz: OK so let's get that out of the way. We can see you this Friday. And I will give you a call tomorrow.

Jesse Schremmer: Sure, Absolutely.

Comm. Harger: The signage, though, will have to wait until our August meeting. OK, that's the understanding. Nothing to be erected until approved.

Richard Schultz: You're proposing a traditional barber pole.

Jesse Schremmer: Yes, Sir.

Comm. Harger: And what's the name of the business by the way?

Richard Schultz: Jesse's Barbering.

Comm Harger: That's it.

Jesse Schremmer: Jesse's Barbering would be great (laughter). I'm not sure exactly but it's around there.

Comm. Tickey: I will make a motion for approval of the business.

Comm. Kelly: I'd second it.

Comm. Harger: All right there's a motion on the table from Comm. Tickey and seconded by Comm. Kelly for approval of just the business use. All those in favor?

Commissioners: (All) - Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Tickey, seconded by Comm. Kelly, it was unanimously voted to approve the business only for Application #2614.**

Comm. Harger: We'd wait to get your signage, work on that for our August meeting.

Jesse Schremmer: Yes, ma'am.

Richard Schultz: And Jesse we need your help because we're asking the Conti family to do façade work on that side.

Jesse Schremmer: Yes, Absolutely.

Richard Schultz: We're going to talk about that because the Conti family is there downtown.

Jesse Schremmer: Yes, Absolutely.

Richard Schultz: This will be a good opportunity. Now that you have your business approved.

Jesse Schremmer: I believe it can be a good opportunity for all three parties. Me, the family and the City of Shelton. I really do. I mean, I'm trying to be brief but I get excited looking down there. I think that if we keep doing things that people are proposing, I think it can be you know, pretty successful. I appreciate it. Thank you very much.

Comm. Harger: We wish you success.

Richard Schultz: You're welcome.

**6. Application #2249.** R. D. Scinto, 1 Enterprise Drive for a business.

Comm. Harger: All right, we have three items on the list, having to do with RD Scinto.

Richard Schultz: OK, this is for a law office. 2,168 square feet, six employees, 8 a.m. to 7 p.m., Monday through Friday. Staff recommends approval, 1 Enterprise Drive.

Comm. Harger: How many employees did you say?

Richard Schultz: Six; small law firm.

Comm. Pogoda: Motion for approval.

Comm. Harger: Motion for approval from Comm. Pogoda. Is there a second?

Comm. Matto: Second.

Comm. Harger: There is a second from Comm. Matto. All those in favor?

Commissioners: (All) - Aye.

Comm. Hager: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Matto, it was unanimously voted to approve Application #2249.**

**7. Application #2248**. R. D. Scinto, 9 Research Drive, for a business.

Richard Schultz: Ok, this is the new business going into the corner side of Commerce and Research, Sperry Rail Service. They check flaws in rail lines. This is for the actual business. They are going to occupy 30,328 square feet of the existing building. Remember, the new building is for manufacturing.

Comm. Kelly: That's fantastic, isn't it?

Richard Schultz: 100 employees. This is a big deal. The hours are Monday through Friday. 7 a.m. to . 5 p.m.

Comm. Tickey: What is the name of the business?

Richard Schultz: Sperry Rail Service and they do rail line testing.

Comm. Matto: How many employees?

Richard Schultz: 100 employees.

Comm. Widomski: Motion to approve.

Comm. Pogoda: Second.

Comm. Harger: There is a motion from Comm. Widomski, seconded by Comm. Pogoda, for Application #2248. All those in favor?

Commissioners: (All) - Aye.

Comm. Harger: Any opposed? Motion carried.

**On a motion made by Comm. Widomski, seconded by Comm. Pogoda, it was unanimously voted to approve Application #2248.**

**8. Application #2442.** R. D. Scinto, Spadafora's Restaurant, 100 Commerce Drive, for a business.

Richard Schultz: OK, they're occupying 4,388 square feet in the new, larger building on the lower portion of the site, 20 employees. Hours are seven days a week, 10 a.m. to 1 a.m. Staff recommends approval.

Comm. Harger: Any issue with parking?

Richard Schultz: No.

Comm. Matto: How many employees?

Richard Schultz: 20.

Comm. Pogoda: I'd make a motion to approve.

Comm. Tickey: Second.

Comm. Harger: Motion to approve from Comm. Pogoda, seconded by Comm. Tickey. All those in favor?

Commissioners: (All) - Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Tickey, it was unanimously voted to approve Application #2442.**

**9. Application #2582.** Alan Flescher, 2 Armstrong Road, for a business.

Comm. Harger: We have a request to withdraw.

Richard Schultz: To withdraw yes, we need a motion.

Comm. Harger: Do we have a motion to accept the withdrawal of 2582?

Comm. Kelly: I'd make the motion to accept the withdrawal.

Comm. Tickey: Second.

Comm. Harger: Motion to accept the withdrawal by Comm. Kelly, seconded by Comm. Tickey. All those in favor?

Commissioners: (All) - Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Kelly, seconded by Comm. Tickey, it was unanimously voted to accept the withdrawal of Application #2582.**

**10. Application #2589.** Tas & Task International, LLC, 84 Platt Road, for a business.

Richard Schultz: Ok, this is the industrial building going up Platt Road. Going up Platt, you have Todd Road. Before you get to Oliver Terrace on the right, there is a free-standing building that's used for storage. They are online printers, office and storage. It's 10,000 square feet, they can occupy the whole thing. They have four employees and

their hours of operation are 8 a.m. to 5 p.m., Monday through Friday. Weekend work when needed. So this is both the printer office and storage and a nice fit for that building.

Comm. Harger: Has that been empty for a while?

Richard Schultz: Held Bright Lighting Solutions was in it before. Nice fit.

Comm. Harger: Can I have a motion please for Application #2589?

Comm. Widomski: Motion to approve.

Comm. Matto: Second.

Comm. Harger: Motion to approve from Comm. Widomski, seconded by Comm. Matto.

Comm. Harger: All those in favor?

Commissioners: (All) - Aye

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Widomski, seconded by Comm. Matto, it was unanimously voted to approve Application #2589.**

**11. Application #2592**. Puf City, 405 River Road, for a business and a sign.

Richard Schultz: This is the new commercial building for mixed use. We have the salon on the left and tobacco store on the right. They changed ownership and the name. Cigarillo was the previous name. They changed the lettering on the awning to say Puf City. So, everything's the same, hours, employees, it's just the ownership changed.

Comm. Harger: Is this Puf?

Richard Schultz: P-U-F.

Comm. Tickey: Do we have a rendering?

Richard Schultz: We have a photocopy.

Comm. Matto: It's the same. Pretty much what was there as far as design and the lettering.

Richard Schultz: We're going to have to watch the awnings, when they start peeling off the letterings. When they start peeling, they can look old.

Comm. Harger: Do any Commissioners have any comments, questions or concerns about this?

Comm. Harger: Can I have a motion for #2592?

Comm. Pogoda: Motion to approve.

Comm. Harger: Motion to approve from Comm. Pogoda. Is there a second?

Comm. Matto: Second.

Comm. Harger: Second by Comm. Matto. All those in favor?

Commissioners: (All) - Aye

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Matto, it was unanimously voted to approve Application #2592.**

**12. Application #2601.** Kirsten Lampart, 391 Bridgeport Avenue, for a business.

Ricard Schultz: Ok, this is for the Salon Suites. I thought we did that already.

Comm. Harger: My Salon?

Richard Schultz: Yeah.

Comm. Harger: But that's not the name of Kristen Lampart.

Richard Schultz: But it's My Salon Suites.

Comm. Widomski: She is a tenant in there.

Richard Schultz: That's been approved. That's all. It's just redundancy.

**13. Application #2605.** Nariman Mirhazak, 5 Commerce Drive, Suite 5, for a business.

Richard Schultz: Ok, this is an insurance business, 1400 square feet, five employees. Hours of operation, 9 a.m. to 5 p.m., Monday through Friday, 5 Commerce Drive.

Comm. Harger: How many employees?

Richard Schultz: There are five.

Comm. Harger: Yes.

Comm. Widomski: That's the one on the corner of Huntington and Commerce, right?

Richard Schultz: Next to Frascatore. Converted to BHC.

Comm. Harger: The little white house.

Comm. Widomski: They're in there already I think.

Richard Schultz: Yes.

Comm. Harger: Can I have a motion for Application #2605?

Comm. Pogoda: So moved.

Comm. Harger: There is a motion on the table from Comm. Pogoda. Is there a second?

Comm. Widomski: Second.

Comm. Harger: Second from Comm. Widomski. All those in favor?

Commissioners: (All) - Aye

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Widomski, it was unanimously voted to approve Application #2605.**

#### **14. Staff Separates – see attached.**

Comm. Harger: Does anybody have any questions about 14 under staff separates? Please clarify the detached structure, #9, Application #2616, Willoughby Road.

Richard Schultz: Yep, that's a detached garage.

Comm. Harger: Everything else is pretty straightforward?

Richard Schultz: Yep.

Comm. Harger: 100 Center St. storage area? Is that the former bank's drive through?

Richard Schultz: Yes, he's upgrading that, he needs some more space for the kitchen.

Comm. Harger: Ok. And the three family to two family, can you fill the Commission in on that? Elm Street.

Richard Schultz: Once in a while because in Shelton, if you have a 3 family or, more units, inspections required by the Fire Marshal's office annually. And some residents find that to be intrusive. And if they don't need the income, they will convert it to avoid that and that's exactly what happened here.

Comm. Harger: And your last one was for the antennae on Nell's Rock Road, that's existing.

Richard Schultz: That was approved by the Siting Council.

#### **V. Old Business**

**A. Application #18-05**. John Paul Development. LLC., for Special Exception Approval for DRD Residential Development. (Booth Hill Estates, 17 lots.) Booth Hill Road, Map 44, lots 56 and 57, R-1 District. (Public Hearing closed on June 12, 2018).

Comm. Harger: We're going to be doing it separate from #1806 Rick?

Richard Schultz: Yeah, do you want to first start discussion on it?

Comm. Harger: So, these are the interior lots?

Richard Schultz: Yes, this is the private road. Those are identified as Lots 1-17. As the Commission is aware, there are two separate applications for the same property. The first discussion is on the DRD, that's the brand-new regulations that allow most of development, bonuses to provide more open space. The second application which we'd discuss after this is for the conventional six lots.

Comm. Harger: I know there were questions as to how long ago this regulation was put into place, but this started back in December, 2016 and it was adopted after public hearings and discussion among the Commission on August 8, 2017, so it's in the Regulations, DRD Regulations.

Richard Schultz: Right.

Comm. Harger: I can pull those out.

Comm. Widomski: Did we get any new communications? Regarding John Anglace's letter?

Comm. Harger: John Anglace's letter?

Richard Schultz: No.

Comm. Harger: Nothing came in? Comm. Widomski, can I see that particular letter for a moment?

Comm. Widomski: Everyone should have gotten it, I think.

Comm. Harger: But this was a

Comm. Widomski: That was a response to our letter.

Comm. Harger: Right, and I would like to read this letter into the record. It's dated July 3, 2018, addressed to myself and to Mr. Schultz regarding the P&Z request of the Board of Aldermen to determine the sign and purchase of the John Paul property.

The purchase of city open-space property is usually a well-thought out process involving a number of city departments over a progressive period of time. The Conservation Commission usually has identified and pursued appropriate properties for consideration. The Administration then manages purchase discussions should the owners be receptive to such talks. Then an 8-24 referral is sought from P&Z. Then a recommendation would come before the Board of Aldermen to consider the purchase/funding. Once a development application is made to P&Z, land values escalate considerably; consequently, purchasing open-space to avoid development is not the best city option. Such is the case with the subject property. Consequently, in response to your request, I have made the City administration aware of this issue and I await the results of their efforts. Consequently, the process of considering the purchase will commence. You should know that we are not bound by any time frame to provide a decision and considerable time may ensue before a decision is reached. Your Board should be guided accordingly. Respectfully, John Anglace, Jr.+

Richard Schultz: Now Madam Chairman, because there's a new regulation I want to go over the objectives of the regulation. And then I'm going to go into the Special Exception, General Considerations - what you consider whether you're going to approve it or disapprove it. All right, the objectives of this new regulation are 1) To encourage a less sprawling form of community development that makes more efficient use of land, reduces land consumption and preserves suburban character. 2) To encourage a designed residential development by providing developers with an alternative that preserves open space and reduces infrastructure construction and maintenance costs due to a more compact subdivision design and road design flexibility. 3) To mandate the use of private roads and streets, maintained by a homeowner's association, thereby reducing future plus to the City for ongoing maintenance of development infrastructure. 4) To preserve plant and animal habitat, wildlife corridors and recreational opportunities by protecting large contiguous open spaces and connected corridors. 5) To preserve views and reduce development spread along travel corridors by maintaining visual

buffers and minimizing intrusions along the existing public streets. And lastly, 6) To establish an efficient procedure which ensures high quality design and planning that protects open space without increasing the processing time or the development costs to the applicant or the City.

So those are the objectives of the new regulation. It essentially replaces the PRD reg. which was no longer used by applicants in the community. Having said that, because this is processed as a Special Exception, these are also the general considerations you have to get and then obviously the Chairman's going to call upon you to see how you feel about this proposal, including 1) the size and intensity of the proposed use, 2) the effect of the proposed use on any adopted comprehensive plan of development for the City; that means it's an R1 area, are you impacting the R1 neighborhood? And 3) the capacity of adjacent and feeder streets to accommodate peak traffic loads and any hazards created by the use.

Next, the effect upon property values and taxable values in the neighborhood. Taking into account the topography of the land in the character location and height of the proposed wall stacks, constant grades and landscaping. Next, the number of locations, your arrangement of off-street parking spaces in the vehicle or access to the lot, fire and police protection needs. And, lastly, water supply suits, disposal facilities and drainage and erosion problems. Okay, so now you know the objectives and now you know the things that you have to consider on how you're going to deliberate on this application.

Comm. Widomski: I have a couple of questions actually. Look, with the letter from John Anglace and the Board of Alderman commencing their possibility of purchasing this land, I don't see how we can move forward until we hear back from them whether they're definitively going to or not going to purchase this property. If we move forward, we can jeopardize the taxpayers, like increasing the value of that property if we give the zone change. I think it behooves us to wait for the Board of Aldermen to make a decision because until we have all the information which we need and don't have at this point what they're going to do, we can't move forward in light.

Audience member: Excuse me, can we hear you a little louder? None of us can hear you without the mic. Thank you.

Comm. Widomski: Oh, I'm sorry.

Comm. Harger: We stopped using the wireless because we were getting feedback.

Audience member: I know, but we want to be able to hear what you're saying.

Comm. Harger: We understand.

Comm. Widomski: Is that better?

Audience member: Thank you.

Comm. Harger: That's much better.

Comm. Widomski: With the letter from John Anglace and the Board of Alderman that they're commencing the talk about the purchasing of these properties, I don't see how this Commission can move forward at this point, if they're going to entertain the possibility to purchase these properties. If we do move forward, we could essentially

cause a huge increase in the value of this property which hurts the taxpayers which we're here to protect, also. Um, we need to sit back and really consider what they're going to do and we need to wait for an answer from them in order to make a well-rounded, sound, educated decision on our part.

Comm. Matto: Can I add to that?

Comm. Widomski: Yes.

Comm. Matto: I think the Conservation Commission is also very interested in that subject as well. And we're not really impressed with this plan in terms of the open space available. I don't really understand exactly but we were looking for more information about what they were looking at. This land has inherent value as an R1 zone area. You don't know that changing these plans to this degree would have a big impact on the price. I don't exactly think just submitting an application, but as John Anglace said, I don't believe that would greatly impact the value of the property, but I may be wrong. It's got an inherent value as an R1 zone property with a number of lots that would be allowed regardless of what we decide. So that's baseline value of the property, we're not going to be changing that. But I agree with you about letting that process, The Board, especially because the Conservation Commission was very much interested in pursuing that.

Comm. Tickey: I just wanted to talk about the DRD because we've spoken a lot about that through this process and I remember when the mechanism of the DRD came up as a part of our POCD in late 2016 and throughout 2017 we finally adopted this new mechanism. But I remember a difference of opinion that I had with our then Chairperson, not the current Chairperson about, you know, a DRD mechanism is not a one size fits all for everywhere. It could make sense in some areas; it may not make sense in some other areas. And as we always do, we take proposals on a case-by-case basis. So, just because this came in as a DRD, I think we need to really look at what some of the objectives were that we set out that Rick read. And some of the ones that I don't think fit are that it does not preserve the rural character of the land, it does not connect corridors of open space. I still think 1 through 17 is too dense. I don't like the back lots. I'm concerned about the water runoff and I do think that this really flies in the face of the objective of the DRD, is that we are impacting the immediate neighborhood and we are impacting beyond one zone if this is approved as a DRD.

Comm. Matto: I would agree with Comm. Tickey, by and large. I liked the DRD concept, I like what we had put into the regs. However, this is a hybrid plan. I was impressed with this as a hybrid plan because you still have an R1 kind of sprawled back on one side of it. If it were, I think the concept that we had approved probably wouldn't see the developments, that the idea with doing the DRD hidden all around and you wouldn't even notice that it was there. Okay, so, I don't think it, there are parts about this that I do like but I don't think it really fills the bill here. I was very moved by what the public said about their feeling about the neighborhood and I really cannot disregard that very emotional feeling that the neighbors have about their own properties and own property values and what it means to them to be in an R1 area. So, I do think we have to give consideration to that.

Comm. Pogoda: Not to belabor the comments going, I would have to mirror the comments both by Comm. Tickey and Comm. Matto which is the opinion of the many of our constituents that had spoken at the previous meeting. It has its merits and there are a lot of things that I still don't feel comfortable with as Comm. Tickey had mentioned. I would also voice the comments that Comm. Widomski said to possibly wait to see what the comments are from the Conservation Commission and from Alderman Anglace.

Comm. Kelly: Yeah, it just doesn't fit. One of the people that spoke before, it's a good idea but at this point in this area it just doesn't fit at all and it should stay just the way that it's zoned.

Comm. Widomski: To follow-up on that it doesn't fit there. I did a little research and it may not fit. I mean the DRD has in its place, I don't think in the middle of an R1 district it fits. I just looked up spot zoning, a provision in a general plan which benefits a single parcel of land creating a zone for just that parcel and difference from surrounding properties in the area. I did some quick research on it, I'm not a lawyer or anything. I'm just reading what I saw and in Connecticut, case law suggests that there are two elements in determining whether zoning map amendment is considered spot zoning. 1) A change in zone effecting only small area of land, and 2) a change which is out of harmony with a comprehensive plan for the good of the whole community. This area is R1, it doesn't match. Is it a spot zone? I'm not a lawyer. It's not for me to determine, but what I see that's what it looks like it could be, um, it doesn't fit.

Comm. Harger: On this particular proposal I appreciate that the Applicant has gone with the DRD and the city would benefit with getting much open space. The other part of it is that there are too many lots for my particular comfort level. And no reflection on the Applicant because we know he does excellent work and he has a good reputation, but I do not feel that this is appropriate, I feel that this is just too much in this particular neighborhood for this much of a proposal. There are other areas in town where there are cluster homes. Some in my neighborhood, they're all over the place, but I really think this is too much. And, and if the city has any intent of obtaining this parcel, I think we should give them the opportunity to do so.

So, I am, anybody else have any comments? I'm just going to ask we pause for a minute because Comm. Pogoda, I mean, Mr. Schultz has stepped away for a minute.

All right, well we all have had the opportunity to make comments on this particular proposal. I have a good sense that this is not something that we would be in favor of as a Commission. Is there anybody that would complain about that?

Comm. Tickey: No.

Comm. Harger: Ok, so

Comm. Matto: Just one thing, so they have the right to go ahead with an R1 plans for this entire property. There's nothing we can do and make them wait for the city to act on this idea. Just so everyone has heard that.

Comm. Harger: In this particular application this is for the section inside. So the only thing I can say, that we would direct staff to prepare an unfavorable resolution that would be presented at our next meeting in August. So, we don't need a motion on that. So, that would end this particular discussion on this particular application.

We're just going to hold up for a couple minutes so our court stenographer can gather her equipment.

Audience members: (Applause)

**B. Application #18-06.** John Paul Development LLC for final subdivision approval. Booth Hill Estates, 6 Lots, Waverly Road, Booth Hill Road, (Map 44, Lots 56 and 57), R-1 District (Public Hearing closed on 6/12/18).

Richard Schultz: Just a reminder, this application is separate from the first one. This one is an absolute right to administrative action by the condition you can have dialogue with the Applicant. Ok? Now, we did receive an extension on this too, which ends on September 3. I have prepared a report for favorable action on that if the Commission is so inclined.

Comm. Harger: Any of the Commissioners have any comments on this particular application?

Comm. Matto: Just to clarify, it's 23, 22, 21, 20, 19 and 18?

Richard Schultz: Yes, six lots, six lot parcels around the perimeter.

Comm. Kelly: Yeah, but if he wants to change the drawing that it's square with the resolution.

Comm. Widomski: He says, ~~%No+~~.

Comm. Matto: He said, ~~%No+~~, we asked him last time.

Comm. Kelly: Ok.

Comm. Matto: Are we all set with Wetlands then?

Richard Schultz: Yes, it's in my report.

Comm. Widomski: Ok. Now if we're waiting for the City to make a decision.

Comm. Panico: We can't act upon it. It's on the perimeter, he's entitled to it, he doesn't have to wait. If they don't act it's automatically approved.

Comm. Harger: All right, we have a couple of conversations going on here so let's have Mr. Schultz read his report.

Richard Schultz: Okay. This is addressed to the Planning and Zoning Commission, dated July 10, regarding P&Z Application 18-06, six lot subdivision, Booth Hill Estates Subdivision, Waverly Road, Booth Hill Road.

%d have reviewed the subject proposal and plans entitled Subdivision Plans Booth Hill Estates, prepared by James R. Swift engineering dated 01/30/18 and revised on 5/22/18. Based on this review, we offer the final comments. The Applicant is seeking final subdivision approval for a six lot conventional development. This application was submitted separately from the pending DRD application for the remaining undeveloped portion of the lots. Lots 20, 21, 22, and 23 will have direct access to Waverly Road. Lot 21 contains an existing single-family dwelling and has an existing driveway to Waverly Road. Lots 18 and 19 will have direct access to Booth Hill Road. All lots will be served

with onsite subsurface disposal systems and public water utilities will be installed underground. 2) The application was for the City Engineer, Conservation Commission, Fire Chief and Planning Consultant. 3) The Applicant received approval from Valley Health Department in the letter dated March 6, 2018 for subsurface sewage disposal systems installation. 4) The Applicant received approval from the Inland Wetlands Commission for all regulated activities associated with this application as reported by the Inland Wetlands Coordinator. 5) The property is located within the Far Mill reservoir or watershed and was referred to the Aquarion Water Company. A letter dated March 6, 2018 was received from Aquarion with recommendations and comments; the properties are not located within the flood hazard area. 6) The Applicant has submitted an acceptable site development plan. Staff has examined the existing road layout for the area and the overall traffic circulation needs of the neighborhood. The properties are completely surrounded by one-acre residential lots with no sidewalks. The balance of the property will be served by either a private road or public road with a permanent cul de sac. This report was completed before you had your deliberation tonight, so it will be a public record with the cu-de-sac, permanent cul-de-sac.+

Comm. Harger: We're talking about the interior lots.

Richard Schultz: No, I'm talking about the balance.

Comm. Panico: The balance of the land is capable of being all on its own.

Richard Schultz: Right. It's a separate application where you have to look at the overall.

Comm. Panico: They're not interdependent is what I'm saying.

Richard Schultz: Applicant has provided an acceptable sediment erosion control plan. A Certificate of Sediment Erosion Control Permit will be issued prior to the construction of a sidewalk. Applicant is requesting that the conveyance of open space be deferred to when the balance of the property is acted upon by the Commission. Essentially this will be Phase One. Phase Two will be the balance of another conventional subdivision and at that time that's what the applicant requests, the conveyance of open space to the City of Shelton. Once again, referrals will be made to the Conservation Commission and all applicable departments, and the Commission has final decision on the location of all.

Comm. Matto: Would there be any problem with that if they retained ownership for this second portion?

Richard Schultz: No, it's still a requirement.

Comm. Matto: You would have to pick up a requirement for both?

Richard Schultz: Absolutely. And lastly, the following of staff recommendations add all standard notes to the record map. Notes to be provided by staff to all lots required and your site plans to be reviewed and approved by City departments; Engineering, Planning & Zoning and Wetlands prior to the issuance of the building permit. And also recommending adherence to comments and recommendations to the Aquarion Water Company. Does the Applicant have any comments, Jim?

Jim: No, not at this time, except to confirm the representations you made that our intentions are to convey the open-space.

Comm. Harger: The only concern I have is the, I guess would be building lot 19 and 20. There was a public hearing about water crossing Waverly Road and your systems would take care of all that. So, there is no downstream flooding backing up onto other properties.

Jim: That's correct. Waverley Road is upstream of our parcel, so nothing that we can do on our side of Waverly Road can possibly hydraulically affect that side.

Comm. Widomski: The culvert. Can I ask a question? The pipe that comes underneath, I don't know who the property owners are, it used to be Mancinelli's farm there. Where's that going to drain off to? Because I know that goes under the road now.

Jim: The pipe you're indicating is flowing from south to north. It's flowing into our property, that pipe flows down that into the wetlands and the intermittent watercourses. The Inland Wetlands Commission took great pains to look at to make sure that that flow is properly addressed.

Comm. Widomski: Are you going to pipe it from here? I think it just comes out on the other side.

Jim: That was removed. As a part of the Inland Wetlands approval the piping of that watercourse was removed. So, the pipe stays the same as it crosses Waverly Road, won't be impeded.

Comm. Widomski: So, it just dumps into the backyard of the people who live there?

Jim: Yes, yes.

Comm. Widomski: Yes, yes to whoever's going to live there.

Jim: Yes, it's flowing to our person. Yes, that's correct.

Richard Schultz: Jim, can you just confirm the conveyance of the open space is 10% of the 22.6 acres?

Jim: That's correct.

Richard Schultz: So, a minimum of 2.2 acres?

Jim: That's correct.

Comm. Panico: Our concern is we need to be protected in the event there's a sale on the balance of the property. That buyer needs to know he's got to provide open space for the subdivision.

Jim: And that should be, it's so indicated on the record subdivision report.

Richard Schultz: And just to remind the Commissioners, that was the give and take, 2.2 acres is going to be given to the city versus the 6.1, right?

Comm. Matto: They can make financial contribution instead.

Richard Schultz: Well, you're not, you're not considering payment.

Jim: It's up to this, to the city as to whether the city wants to receive a payment fee in lieu of if there's no usable open space or whether they want the actual 10% of land.

That's certainly not up to us. It's up to this Board. I find it hard to believe that the Commission wouldn't want that 10% of the land, but that will be up to this Board.

Comm. Widomski: And can you consult Conservation on that if they want deal with that?

Jim: Yeah, sure.

Comm. Harger: At this particular time, did you have any areas pinpointed with the 2.2 acres?

Jim: We'd have to consult with staff, uh, because, uh, I believe that it's staff-

Comm. Panico: We normally would not want 2.2 acres, but since it abuts an existing established area, it's a logical addition so it makes sense in this case.

Jim: We're going to confer with staff because you know, generally speaking, I mean it's not a, I don't think one part of the other application. This is where the 2.25 acres is, but certainly the city has the primary responsibility to identify where it should be.

Comm. Panico: There was a lot of discussion about the sensitivity of the lower area of the track and maybe that's where it needs to be.

Comm. Widomski: The only other thing I wanted to ask is to the property owner. The Board of Aldermen is going to commence their talks. If you can work with them and maybe work out some kind of deal to do something with the property and work with them. That's all I'm asking.

John Paul: Mark, we've done it already.

Comm. Widomski: Well, they never started talks until we sent the letter.

John Paul: Mark, six months ago we had this conversation. They've already done the appraisal.

Comm. Widomski: I know and then it ended there.

John Paul: The appraisal's done. Has been done formally, a lot of them evaluated the property. I gave three different options to buy three different parcels, full, half or 1/3. It was passed, they passed on them. I can't tell you anything more than that.

Comm. Panico: There have been active negotiations for over two years.

John Paul: This has been a year-long project.

Comm. Widomski: No, no, I understand. Now that they have actually officially commenced talks, that's all I'm asking.

John Paul: Yeah, no problem, yeah.

Comm. Panico: The format of that DRD was predicated upon what the city found most acceptable.

John Paul: Right.

Comm. Panico: That's what they would want, so that's how it was designed.

John Paul: That's why we waited to do this. I would've done one-acre zoning two years ago.

Comm. Harger: Any more comments, questions from the Commissioners? Ok, so we're at the point where we have to have a motion. Is there a motion?

Richard Schultz: Yes, I'll read the draft. The draft reads as follows: To approve subdivision Planning and Zoning Application 18-06, 6 Lots on plans titled Booth Hill Estates, prepared by James R. Swift, dated 01/30/18 and final revision dated 5/22/18, with the standard boilerplate conditions, 5, 6, 7, 9, 12, 13, 14, 15, 23, 24, 25, 27, 28, 32. And the special condition is the conveyance of open space, which is not less 2.2 acres. The applicant prefers to defer the conveyance of open space until P& Z acts on the balance of the undeveloped property. And to be noted on the record map.

Comm. Harger: Mr. Schultz, for the particular ones that are added, could you just quickly summarize them for the benefit of the Commission and the audience?

Richard Schultz: Ok, #5 is no revisits or modification in the approved site of land. That's where the location of the home driveways is until it comes before the Commission. I'm talking about dramatic changes not minor changes. A note shall be placed on the map submitted for signature stating that lots 18, 19, 20, 21, 22, 23 require an engineered septic plan. And lots 18, 19, 20, 21, 22, 23 requires an engineered plot plan to be reviewed and approved by the Planning and Zoning administrator, city engineer and the wetlands enforcement officer prior to the building permit. Lots 18, 19, 20, 21, 22, and 23 are to be served by individual septic systems and public water. 7) The Planning and Zoning Administrator and our city engineer shall be notified at least 48 hours prior to the start of any construction. 9) The record map submitted for signature and for filing with the city town clerk shall be accompanied with 5 copies for filing with the Planning and Zoning department. 12) All erosion controls shall be in place prior to the start of any construction. 13) The erosion sediment control measures shall be installed as per the approved Connecticut guidelines for erosion sediment control. 14) The applicant shall apply for a DEP General Permit for discharge of storm water and water and wastewater from each structured activity distribute for more than 5 acres. 15) All utilities shall be installed in the ground. 23) Adherents to the requirements of the Aquarion Water Company in a Memorandum dated March 6, 2018. 24) Adherents to the recommendations of the Planning and Zoning Administrator in his Memorandum dated July 10, 2018. 25) Adherent to the requirements of the Inland Wetlands Commission. 27) A note shall be placed on the record that which prohibits the removal of existing vegetation and stone walls within the street right of way except for permitted curb cuts and other required improvements that's associated with development. 28) Existing street trees may be used to satisfy the street tree requirements. 32) The developer shall be responsible for the purchase and installation of all required street signs, traffic control signage; the location and style of signage is subject to approval by the City. It is recommended that the City's Highways & Bridges Department be contacted for guidance. And the last is the conveyance of the open space shall be a minimum of 2.2 acres and shall be deferred until the Planning and Zoning Commission acts on the undeveloped portion. Essentially that will be Phase Two.

Comm. Harger: Mr. Schultz, thank you. I think it's important that those particular were components, particular approval be stated for the record because I don't want people to walk away with hearing an approval and there are no controls or nothing that the

Planning and Zoning office looks at after the fact. So, is there a motion to approve Application #18-06 from anyone?

Comm. Kelly: I'd make a motion to approve.

Comm. Harger: There's a motion on the table from Comm. Kelly. Is there a second?

Comm. Pogoda: Second.

Comm. Harger: Second from Comm. Pagoda. Should we do a roll call?

Richard Schultz: It's not needed.

Comm. Harger: It's not? Ok, but I'd prefer to do a roll call.

|                   |                |     |
|-------------------|----------------|-----|
| <u>Roll Call:</u> | Comm. Widomski | Aye |
|                   | Comm. Kelly    | Aye |
|                   | Comm. Pogoda   | Aye |
|                   | Comm. Matto    | Aye |
|                   | Comm. Tickey   | Aye |
|                   | Comm. Harger   | Aye |

**On a motion made by Comm. Kelly, seconded by Comm. Pogoda, it was unanimously voted to approve Application #1806.**

Comm. Harger: At the request of the Commission we're going to take a five-minute recess.

**C. Application #1807**. Manuel Moutinho for Initial Development Concept Plan and PDD Zone Change Approval (retail shopping center), 6 Todd Road (Map 77, Lot 25), OP District (Public Hearing closed on 6/12/18).

Comm. Harger: Mr. Schultz, do you have any comments on this?

Richard Schultz: Mr. Panico is going to take over on this.

Comm. Harger: Did you want to give any background here?

Comm. Widomski: What are we talking about, Todd Road?

Comm. Panico: It's a corner lot, on the corner of Todd and Platt Road. There was a prior building on this site and many, many different needs.

Comm. Kelly: It was a gym.

Alt. Miller: It was Curtiss-Ryan originally.

Comm. Panico: The proposal is to create one single building in the center with parking in the front and along the side, and a circulation route along the back, with a single point of entrance from Platt Road at the corner furthest away from Bridgeport Avenue. Other than that, it's pretty straightforward. Everybody, you've seen all of the architectural?

Commissioners . All: Um-huh, yes.

Comm. Panico: The proposed use is for retail stores.

Comm. Harger: All right, is there anyone on the Commission that has any comments, questions, concerns?

Comm. Pogoda: Yeah, comments, I have comments. I live in that area and I go by that road at least two or three times a day. And I could just see the problems existing with the traffic, not as much in the morning but in the evening, in the afternoon with cars, backed up, finishing when Sikorsky comes down. Traffic is backed up sometimes with the overpass of Route 8 and now the heavy traffic entering and many times, even though I've seen cars, come entering in or out nothing being near trying to commit to the traffic flow onto the road and they're blocking the traffic going Northbound because they're trying to enter it and their back end is sticking out into the road. I think putting the retail space, which we heard today, they have empty spaces right now that they're looking for at the Stop and Shop Plaza and they want to put more retail mom and pop stores, at this place, I think to myself that this is not a viable spot for this retail center.

Comm. Matto: Do we have some other idea of what they could do with that property? As I understand it, it's been sitting there and they've tried to do a lot of other things. Is that correct?

Richard Schultz: No, this is the first.

Comm. Kelly: What is it zoned for?

Comm. Matto: But, it's an empty office?

Richard Schultz: Office Park District, that was a new zone that we created.

Comm. Kelly: So, it cuts the end off?

Richard Schultz: Yes.

Comm. Kelly: Well, wouldn't that cause more traffic in and out at retail because that's correct? It's not at one time in, one time out.

Comm. Matto: That's what I'm getting. I mean, we can't say they can't do anything there.

Comm. Kelly: They can build on it. I agree, I agree.

Comm. Harger: The point with empty storefronts.

Comm. Kelly: That's not our problem, is it?

Comm. Harger: Bridgeport Avenue, there could be other factors as to why there are empty storefronts, it could be the rent and we have no control over that.

Comm. Matto: We're not the regulators.

Comm. Kelly: Correct.

Comm. Widomski: But we are there to make sure we plan properly and make sure it fits in with what we have, and what the future's going to bring. And Comm. Pogoda said Stop and Shop Plaza was here tonight saying that they're having trouble getting people in. The gentleman said he doesn't see a turnaround for retail in the very near future. Here we are putting in more retail. All we're doing is stealing from each other's closets

and we're putting other people in. The liquor store's been there, how many years did he say that the Big Y Plaza is going to hurt them because there's another liquor store down there. The more stuff we put in, the more we're driving each other out of business.

Comm. Matto: We're still not the arbiters of competition.

Comm. Widomski: No, we're not the arbiters of competition but we're the arbiters of smart planning. We are a planning Commission.

Comm. Matto: All right, but again, what would you put there? What would you have them do? Can I ask you something? Anything that goes there will generate traffic and some of it would be more concentrated.

Comm. Kelly: If they put retail in now, if the retail doesn't go, they have the right to turn that around into an office, don't they?

Comm. Widomski: They can do that now. They could do that now.

Comm. Harger: Right. Now they have the right to put an office building.

Comm. Kelly: No, no, no, if they put in retail.

Comm. Harger: Comm. Kelly is saying if they do, we give them permission, do retail, and then that doesn't seem to work out for them, can they go back and turn this into an office park?

Comm. Widomski: I don't believe if they will build it they would come.

Richard Schultz: They would need a zone change.

Comm. Harger: They would have to come back to us with that particular zone change.

Comm. Matto: We're making a zone change, for retail; if retail is not built it would revert to the original zone.

Comm. Widomski: I just don't trust the retail portion of it and as a planning commission, I think that's our duty to plan properly and smartly and that's not a good plan.

Comm. Harger: I don't think that's the point of our planning as to that particular site as whether or not it's suitable for retail.

Comm. Widomski: I'm not talking to that site specifically, I'm talking over Bridgeport Avenue.

Comm. Harger: That's what we're discussing right now; this particular location and I don't think we could hold it against this particular applicant because there are other storefronts in town that are empty. There's always going to be empty storefronts. We're never going to be at 100% occupancy in town.

Comm. Matto: Opposite words actually, right?

Comm. Panico: I think what you're saying now, is do we need to create more opportunities for more retail development?

Comm. Kelly: I understand what he's saying. I think we all understand what he's saying.

Comm. Panico: That's a legitimate question to ask.

Comm. Widomski: Do we want to start maybe saying, hey you know what, retail may not work there? Let's keep it as is and see if he can get something else in there. He hasn't tried for anything else with that current zoning. He just said, hey, let's just do this because it's a PDD.

Comm. Harger: Well, not necessarily.

Comm. Matto: It's zoned for office and it's also noted to be over saturated in more than retail.

Comm. Widomski: Didn't we just approve of something tonight? Right next door.

Comm. Kelly: No.

Richard Shultz: The print shop.

Comm. Widomski: I mean we can bring in something like that, change his zone for something more sustaining.

Comm. Harger: We cannot bring it in. We do not source occupants.

Comm. Widomski: I understand what you're saying, but we have to plan and say, hey, is this in line with what we want to do on Bridgeport Avenue?

Comm. Harger: Bridgeport Avenue for the last 40 plus years has been designated as the commercial retail strip. A major one. And this is a commercial retail development.

Comm. Widomski: Not on Bridgeport Avenue.

Comm. Tickey: I would, I would say not to be redundant, but I said at the last meeting about a plan for Todd Road. There's a lot going on Todd Road and I don't really like the idea of adding in retail spaces. They were not able to talk about what they think might go in possibly how many stores. I think we will be looking at C-grade level retail spaces that fly in the face of the good development on Bridgeport Ave, and on our main corridors. And this begins that what happens down the line with Todd Road and how does Todd Road develop. And I don't want to see more C-level, low-level retail commercial buildings on Todd Road and other secondary roads. And we should be investing in our main corridors and I totally agree with Comm. Pogoda.

Comm. Harger: This is 1.1 acres. My notes have sewers, water, gas; I don't see it being overly abundant kind of development at all. The only concerns that I would have would be with the ones that the City Engineer needs to have. He says that the storm water management plan is acceptable. The small reduction in runoff was achieved. We have concerns with the single driveway that serves the development and its proximity to a driveway next door in 4 Platt Road, which he notes that is like manufacturing and that was the building that Comm. Widomski referred to. And across the street at 8 Platt Road is a car wash. So, the City Engineer said his office has not endorsed a development at this parcel into a traffic generating, retail facility with a single access point. The site is better suited for development that will not add continuous traffic to Platt Road and the location has potential to create drainage related problems due to the close proximity of the existing driveways. I don't agree with that entire statement.

Comm. Pogoda: Do you go by there on a daily basis?

Comm. Harger: Sure, but not every day, but I do.

Comm. Pogoda: I do every day, I see the traffic that's there and I see that's a traffic concern for me. That's a safety hazard with the cars are going to be coming in. Cars are backed up in the morning and at night trying to get out of that place. They're not going to be going down the other end, they're going to be coming this way.

Comm. Harger: What's the other end?

Comm. Pogoda: The other end of Todd Road. That to me is a major, major concern. That wasn't my biggest concern about the retail. It was part of my presentation, but that wasn't my main concern.

Comm. Matto: But Tony, would any development cause the same problem?

Comm. Harger: Wait a minute, one conversation at a time. Go ahead.

Comm. Panico: No, I'm trying to find out you're concerned some other use might make it more appropriate that doesn't generate as much traffic or traffic at these different times, or what? Any use you're going to put there is going to be traffic.

Comm. Pogoda: It's going to be traffic, I know, but I think this is more heavily traffic generated and I don't know what else he could put there. That's not up to me. That's up to the developer. Right now, my concern is the traffic generation, with the retail store.

Comm. Panico: Comm. Kelly mentioned if you put office use, which is consistent with the underlying zone that's there now, is that going to be more objectionable or less objectionable?

Comm. Pogoda: I think it would be less. If you've got a professional office there, or a doctor, a lawyer. I mean traffic isn't good.

Comm. Panico: A variety of things?

Comm. Pogoda: Huh? A variety of things such as that. I think there's going to be a heck of a lot less traffic generating coming out of a place like that.

Comm. Panico: In your experience, Tony, what's your worst time of the day?

Comm. Pogoda: Oh, definitely night time, definitely from about 3 p.m. to maybe 6 p.m. out of there.

Comm. Panico: What about in the mornings?

Comm. Pogoda: Not as, there are times in the mornings not all times in the mornings. Generally, it is...

Comm. Miller: It's night time.

Comm. Panico: We've talked about that in staff sessions many, many times. Is this a lack of two lanes or should you have an exclusive right turn?

Comm. Pogoda: They did put a left turn onto Bridgeport Avenue from Platt Road.

Comm. Panico: Left turn?

Comm. Pogoda: Yes, they did.

Comm. Panico: An exclusive left-hand turn?

Comm. Pogoda: An exclusive left-hand turn when they did the Marketplace.

Comm. Panico: Ok, and the other lane is through or right?

Comm. Pogoda: And then it's through or right.

Comm. Panico: And still backs up then?

Comm. Pogoda: Oh, definitely.

Comm. Widomski: You can only fit a couple cars in the left turn lane.

Comm. Pogoda: And the light doesn't stay.

Comm. Panico: Maybe the signal needs to be adjusted.

Comm. Widomski: The problem is that you have too many cars coming into a small, smaller area. You you're going, it's like taking this five-gallon jug and trying to put it into this water bottle. You're trying to jam everything in.

Comm. Pogoda: It's the quantity of cars, Tony, coming in and out of Sikorsky and the road is very narrow. These two lanes, the left-hand turn lane. 1. The light doesn't stay on long enough, so you still got cars backed up. The right-hand turn, if you got one car, it's going straight. That's it. That line is all the way backed up to the bridge, the Route 8 overpass at that point. So, now, all you got is this building up and building up with that one guy. If they were all right-hand turns, three lanes, ok, that one right-hand turn is going to continue to go.

Comm. Panico: Ok, your feeling is that retail traffic generation is more and of a different characteristic than what you could accommodate on the road. Essentially, is that what you're saying?

Comm. Pogoda: Yes. You know you're going to get somebody trying to pull in and he's going to wait and stick his nose, his tail out. Now, if somebody wants to turn in at that point, coming from Bridgeport Avenue, what happens there? Or a lot of trucks are coming there too. You got the uh, what do you call it? The waste treatment. And you've still got the 18 wheelers going up the road. So that's a problem. Then what happens?

Comm. Harger: This isõ

Comm. Kelly: So why don't you do like Huntington Center?

Comm. Harger: Comm. Kelly, can you repeat that?

Comm. Kelly: So why don't you do like Huntington Center? Where you go into the area there at the traffic lights.

Comm. Widomski: Where? Coming out?

Comm. Kelly: Coming out, right-hand turns only.

Comm. Widomski: Because it's a one-way there.

Comm. Pogoda: What do you mean? Say that again, now Charlie.

Comm. Kelly: So, if you come out, if you go on Todd Road, have right-hand turns only.

Comm. Pogoda: But they're not going to go right-hand turn. Most of those people are going onto Bridgeport Avenue or Route 8.

Comm. Kelly: It's unlikely, but I mean, you know.

Comm. Widomski: I mean Huntington Center has no turns if you're coming out of the lower entrance of Huntington Center if you want, you're not supposed to take a left turn to go towards Hugo's house.

Comm. Kelly: I know.

Comm. Widomski: And they do that.

Comm. Panico: What if the entrance were now onto Todd instead of onto Platt?

Comm. Widomski: You're still creating the traffic issue.

Comm. Pogoda: You mean stay on Todd? Go left onto Todd?

Comm. Matto: You're going to have a traffic issue no matter.

Comm. Widomski: But why add to it?

Comm. Panico: I'm saying to exit this site from Todd?

Comm. Harger: Rather than what?

Comm. Schultz: I know you've got grade issues.

Comm. Widomski: So, when the cars come out of Todd Road, where do they go?

Comm. Pogoda: Yeah, where do you go?

Comm. Panico: If this is backed up, they can take a left turn to go out to Bridgeport Avenue.

Comm. Widomski: Ok, and there's no traffic light there. So, now if the guy wants to take a left turn out of there.

Comm. Panico: Now look, no matter where you put the traffic, they've got to figure their way out.

Comm. Widomski: They just can't.

Comm. Panico: Forget the use.

Comm. Miller: The problem they have down there.

Comm. Panico: You've got that issue regardless of what use you put here.

Comm. Miller: The problem that they have down there and the way to probably

Comm. Widomski: I know, but remember factoring along those lines, you may not have so much space there, I don't know.

Comm. Harger: But with manufacturing you have shift changes, you're going to have everyone leaving and everyone at night leaving.

Comm. Widomski: All I'm saying is you're not going to have the cars like Comm. Pogoda said. This constant of in and out and in and out and in and out. And I just think it's a bad adding more traffic to a bad situation. You don't add gas to fire?

Comm. Harger: What?

Comm. Miller: They have room. My office is across the street from there. They have room to add if they want it to; a third lane or extend the right-hand lane going from J.J. Brennan down by the carwash and take a right-hand turn because a lot of those cars are taking a right-hand turn, uh, from what I see. And Tony's right, between 3 p.m. and 6 p.m. is the main issue here and what happens is, since that right-hand lane or the lane going straight that handles about three cars before the next person can't get around them. So, there's a lot of vacant land there by the car wash. And if that was opened up, you could start people coming down to taking a right hand that that would alleviate a lot of traffic going thru there.

Comm. Pogoda: That's state property.

Comm. Miller: Yes, I'm just saying that's the only solution.

Comm. Pogoda: It's tough because I know I had questioned that when Mr. Blakeman had come in initially whether they were going to try to, you know, if you've got somebody who's going straight, all it takes is one person going straight, stopping all the people that want to go right in, you know, take.

Comm. Miller: It's two or three and then we'd stop them. It's about two or three because I come that way.

Comm. Pogoda: Plus, there's I think some sort of abutment to the right where they can't go over.

Comm. Miller: There is a metal pole that holds up the traffic light, but you know, they just, they just redid this about a year or so ago for the Big Y. So, it's not an impossible thing to do.

Comm. Widomski: But to who's going to pay for it?

Comm. Miller: Maybe the developer.

Comm. Harger: That's right. It's certainly not out of line for the State to be approached.

Comm. Panico: There's a grading issue.

Comm. Kelly: Yeah, I know.

Comm. Miller: It's an issue of whether anybody goes in there or not.

Comm. Harger: You know, this particular proposal has four storefronts but we have no idea if we will have somebody who is interested in taking the whole thing.

Comm. Kelly: Right, we don't.

Comm. Miller: And honestly the one thing we learned from Big Y is that people are still taking a left-hand turn on a constant basis because you can hear the brakes screaming and everything. So that didn't work.

Comm. Widomski: On the flip side of what you just said, Comm. Harger, it's got four storefronts. It could end up being 8 or 10. They can sub-divide it down that small.

Comm. Kelly: No, I don't think so. Suppose on Platt Road they had to take a right-hand turn and then was another area down here where they can take a left-hand turn. Come up this way or go that way.

Comm. Widomski: Let me ask you a question.

Comm. Harger: Those are things that the engineer has to focus on.

Comm. Kelly: I can understand this Comm. Pogoda, because if they come this way, they'll get out there in traffic. I agree.

Comm. Panico: It sounds like what you're saying is that the site ought to have more than one connection to the public road system.

Comm. Kelly: That's exactly, that's exactly right.

Comm. Widomski: We've got to come up with better traffic pattern, to get people out of there and keep traffic moving onto our road, Bridgeport Avenue, and that's not going to help it.

Comm. Harger: What is our time frame?

Richard Schultz: There is no zone change.

Comm. Harger: Ok, so, it's possible to talk with the City Engineer and he may come back to the applicant with a recommendation.

Comm. Panico: The city engineer to come back with a recommendation?

Richard Schultz: No. Do you want staff to meet with the applicant?

Comm. Panico: That hearing's been closed.

Comm. Harger: Yes, exactly.

Comm. Panico: You'd have grade issues and whatever you do you're going to lose parking, that's for sure.

Comm. Kelly: It's smaller too.

Comm. Panico: No, the building's not going to get smaller.

Comm. Harger: That could help.

Comm. Widomski: Rick, how much time do we have left?

Richard Schultz: You don't, it's a zone change, so

Comm. Harger: So, do we

Comm. Panico: Send them back to the drawing board.

Comm. Widomski: That's what I think, send them back and tell them to come back with a better plan.

Comm. Harger: We don't have to table this, just have staff communicate with the applicant.

Richard Schultz: Yes.

Comm. Panico: Yes. I mean it's still under discussion of the Commission.

Comm. Widomski: Can we close it? I mean tonight?

Comm. Harger: Close what?

Comm. Matto: The public hearing is closed.

Comm. Harger: The public hearing is closed, but Comm. Widomski is asking if we should take a vote on this.

Richard Schultz: Well, I mean given consensus.

Comm. Panico: Yeah.

Comm. Harger: I would appreciate having further discussion on this and more information as to whether or not some of our concerns can be taken care of. If the applicant comes back and says, no, then this is the way it goes.

Comm. Kelly: Then we have to act on that.

Comm. Harger: Okay. Any more comments before we move on?

**D. Application #18-08**, Hawks Ridge of Shelton, LLC for Minor Modification of Detailed Development Plans for PDD #77 (Lot 54B: grading plan) Saw Mill City Road (Map 39, Lot 14).

Richard Schultz: The property highlighted in yellow is the last remaining piece that AJ Grasso and Fox Ridge LLC own. It abuts the Life Care facility under construction.

Comm. Widomski: What does he want to put in there?

Richard Schultz: There are no plans for a land use, but what Mr. Grasso did was to prepare the site. He prepared an area for the temporary trailer.

Comm. Harger: Mm-hm.

Richard Schultz: The office trailer on the Life Care facility was number 1 and that's a good location for it. He also prepared a sediment basin for sediment erosion control, but also clear-cutting and did regrading. Obviously, this is an economic development location. But he didn't get permission from the Commission. These are after the fact plans. It's pretty straightforward. The site now is stabilized, but this application needed to be reviewed and acted on by the Commission. I talked to Mr. Grasso today. He's out of town. He is going to be having continued discussion with staff on developing of the site.

Comm. Panico: We did not approve the grading, right?

Comm. Widomski: And he did it already?

Richard Schultz: He did it already. Obviously, he needed the room for the trailer. Obviously, we want to see detention basins for sediment erosion control because you've got water running from the state highway and from the farm.

Comm. Harger: Wasn't there some kind of concern where you sent out an email saying that because of the weather, pending weather?

Richard Schultz: Yep. He opened up a large area, obviously. And he went into this lot without the benefit of this grading print. So now this has been submitted and I'm ready to read up a draft motion.

Comm. Widomski: Rick, is there anything we can do in the future in terms of fines or something to prevent these things from happening and getting to you after the fact?

Richard Schultz: Once again, the issue with Shelton is an ordinance has to be drafted and adopted. That assigns a public official to issue infractions and then as you know, Mark, having an appeals mechanism by the review board.

Comm. Widomski: Right.

Comm. Harger: This is, I think pretty unusual for this to have happened. It's normally where people open up businesses and don't come before us; they just put up signs and don't come before us. There are two or three pictures of those I took today when I happened to be downtown. I spoke with Rick Schultz about why are these signs there, when did we approve these?

Richard Schultz: Ok. The draft motion reads to approve P & Z Application #18-08 for Minor Modification of Detailed Development Plans for Lot 54B within PDD #77, for grading of property of community entitled Grading Plans for Lot 54B prepared by NLK at hearing dated 3/21/18. Once again, the site is stabilized. That was impaired because he opened up that whole area and now he's going to be coming in for a development plan. So, a motion is in order.

Comm. Pogoda: So as of right now what he has here, is it approved and finalized grading?

Richard Schultz: No.

Comm. Pogoda: I don't mean approved by us.

Richard Schultz: It's what he needed to prepare their site so he can show potential occupants of the building. He also needed to put the office trailer and he needed to do detention basin because you may get a mud slide there.

Comm. Panico: At this point if we get any heavy rains, is that site OK ?

Richard Schultz: Oh, no that site's good enough. It's already. NOK was very helpful. They submitted the plans; they're the engineers for the whole Fox Ridge.

Comm. Harger: They got ahead of themselves.

Richard Schultz: Yes.

Comm. Harger: That's the whole thing. But I drove by myself. We pulled up in the parking lot and it looks better than it did.

Comm. Pogoda: Motion to approve.

Comm. Harger: There's a motion on the table from Comm. Pogoda. Is there a second?

Comm. Matto: Second.

Comm. Harger: Seconded by Comm. Matto. All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Matto, it was unanimously voted to approve Application #18-08.**

Comm. Widomski: Just a quick question. In the future, what do we need to do to get some type of recourse for issues like this, Rick?

Comm. Harger: Exactly what he said.

Comm. Widomski: Who do we need to work with on that?

Comm. Harger: Aldermen.

Richard Schultz: Board of Aldermen. We did it many years ago. The Chief of Police was not interested in giving a non-police officer the ability to issue infractions.

Comm. Widomski: Is there something we can maybe do to pass over to the Board of Alderman to get that straightened out and fixed.

Richard Schultz: Oh, absolutely. I've put together the whole program. Many towns have done it; Monroe, all the other areas towns have done it. It never went to the next step.

Comm. Widomski: Could we make it go to the next step?

Richard Schultz: Yeah. Tom Dingle has been promoting it for a long time.

Comm. Widomski: It just seemed strange. It seems like we're the only towns that doesn't have the zoning enforcement officer that can go out there and have teeth.

Richard Schultz: We need the Police Chief onboard and the legislative body.

Comm. Widomski: Let's give it a shot.

Richard Schultz: Okay.

Comm. Kelly: We'll see how receptive they are.

Comm. Harger: We're on New Business now and there's an add on. We'll need a motion to add on under New Business.

Comm. Pogoda: So moved.

Comm. Harger: It's under Application #18-24.

Richard Schultz: And Sarah, that'll be item 6 added to New Business. Roman numeral 6 under New Business. And 18-24 will be the add on which is 18-24, Fountain Square.

Comm. Harger: There was a motion to do the add-on from Comm. Pogoda. Is there a second?

Comm. Kelly: Second.

Comm. Harger: Seconded by Comm. Kelly. All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, an item was unanimously approved to be added to the agenda under New Business.**

Comm. Harger: We also need to add in ~~Other Business~~

Richard Schultz: No. Public Portion.

Comm. Harger: Public Portion?

Richard Schultz: The Public Portion was inadvertently left off and we need to add the Public Portion. That would be Roman numeral 7.

Comm. Tickey: Motion to add Public Portion.

Comm. Pogoda: Second.

Richard Schultz: And re-number Other Business as Roman numeral 8.

Comm. Harger: Other Business becomes 8 and Public Portion becomes 7. Okay, got it. Everybody follow that?

Comm. Panico: 18-24 was that instead of this?

Richard Shultz: Yes.

Comm. Harger: So, Comm. Tickey made the motion to add Public Portion as Roman numeral 7, seconded by Comm. Pogoda. All those in favor?

Commissioners . . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Tickey, seconded by Comm. Pogoda, it was unanimously voted to add the Public Portion to the agenda.**

## **VI. New Business**

**Application #18-15** - Dominick Thomas on behalf of Ricar, LLC and Mianus Holdings, LLC for Modification of Basic Development Plans for PDD #66 (98 residential units, sit down restaurant, marina and maintenance facility) 704, 712 and 722 River Road (Map 22, Lot 1, Map 32, Lots 16, 17): accept and waive application fee and schedule Public Hearing).

Comm. Harger: Rick, do you want to fill us in?

Richard Schultz: Okay. The application is the same. 96 units, a restaurant, maintenance building and the marina. The Commission now is aware and I'm going to be receiving a letter from Water Pollution Control to better explain where we're at with the Town of Stratford; how many hundreds of thousands of gallons is remaining on the agreement and what this means for the service area, which includes the marina all the way to the town line, the undeveloped building lots of Pine Rock Park and lower Long Hill Avenue. Basically, starting with John Anglace's house.

Comm. Harger: On Long Hill Avenue.

Richard Schultz: So, having said that, I'm recommending a public hearing on September 26.

Comm. Widomski: Do we have to go to, do we want to wait for that information before we even accept the application and it gets back to where we were last time?

Comm. Harger: This is separate than the Stratford issue.

Comm. Widomski: But it all comes back together with, we don't even know if we have the ability for the sewage and that's part of the

Richard Schultz: No, you do have the ability.

Comm. Widomski: Oh, ok we do have the ability.

Richard Schultz: It's whether or not, uh, you determine on the unit count.

Comm. Widomski: Okay. I got you; I misunderstood what you were saying.

Richard Schultz: You're going to get details; I spoke to the chairman of WPCA. He was coming tonight, but with the long Agenda tonight, he's going to give me a memorandum. I'm going to attach it because this is a PDD; I have my form letters I'm going to attach that so you have that.

Comm. Widomski: Right, I misunderstood what you were saying. That's all.

Comm. Harger: The issue with Stratford is that they referred it to their attorneys now?

Richard Schultz: Yep.

Comm. Harger: To work with this particular applicant and do whatever they have to do with Stratford.

Richard Schultz: This applicant has indicated they need 40,000 gallons per day. There's 100,000 remaining.

Comm. Widomski: That gives us 60 left.

Richard Schultz: That's right. So, you are going to be looking at a big surface area now.

Comm. Widomski: The entire South end?

Richard Schultz: It was part of the public hearing. Staff's going to present that as an exhibit. So, you have all this information and you can ask the applicant.

Comm. Pogoda: But we still don't have a letter from Stratford?

Richard Schultz: Yes, we do. WPC does. So do you want that public hearing on the September 26 along with ?

Comm. Harger: Calandro?

Richard Schultz: Yes, that's not going to generate too much attendance.

**B. Application #18-17.** Calandro and Guarerra, LLC for Initial Development Plan Approval and PDD Zone Change (five (5) story mix use development: 27 residential

units and commercial) 509 Howe Avenue (Map 129D, Lots 27, 29): accept and schedule Public Hearing.

Comm. Matto: It's a new application, isn't it? So, we don't have a time constraint?

Richard Schultz: It's going to be the fourth Wednesday and that meeting will be devoted entirely to public hearings.

Comm. Harger: All right. So, is there a motion to accept and schedule a public hearing?

Comm. Panico: And waive the fee?

Comm. Kelly: I'll make a motion to accept.

Comm. Harger: And waive the fee and schedule the public hearing on September 26. There's a motion made by Comm. Kelly. Is there a second?

Comm. Matto: Second.

Comm. Harger: All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Kelly, seconded by Comm. Matto, it was unanimously voted to accept Application #18-17, schedule a public hearing on September 26 and waive the fee.**

**C. Application #18-18.** Michael Montanaro for Minor Modification of PDD #88 (parking expansion) 60-64 Huntington Street (Map 74, Lot 27): accept for review.

Richard Schultz: The applicant is requesting a minor modification; that's an administrative action by the Commission. This property is in a PDD. Grades are an issue; the parking layout is an issue. This is a pretty drastic deviation. So, the first thing you have to get over is do you want to handle this administratively or take it to a public hearing? Because the way we left it off, is we approved the zone change without final detailed plans for that portion of the property. Do you see the parking?

Comm. Matto: Parallel parking in a straight line?

Richard Schultz: The geometry is pretty.

Comm. Matto: Parallel parking?

Comm. Kelly: 12%

Comm. Widomski: Hey Rick, looking at the map, the cars at the bottom here, up against the fence. Where are they backing out to get out of that parking lot?

Richard Schultz: Very difficult. It's always been an issue. We wanted the property owners to work together and open up that fence. That still hasn't happened.

Comm. Widomski: I just see that as, I know it's private property, but where, here? If you back your car up, where are you going? You're going to have to make a nine-point turn in that parking area there.

Comm. Panico: He's got a pretty large paved area, he's going to have to maneuver.

Comm. Harger: It's easier to get in (laughter by Commissioners).

Richard Schultz: The Commission needs to be aware there was interest from property owners that they would like us to take it to a higher level.

Comm. Widomski: Where do most accidents happen?

Comm. Panico: Backing up.

Richard Schultz: The public hearing.

Comm. Kelly: It says that the fence can be removed.

Comm. Matto: Does this add parking?

Richard Schultz: Yes, this is to add parking. Parking is the high priority.

Comm. Matto: This is Arabella's right?

Richard Schultz: Yes. It's not under Dr. Montanaro's control.

Comm. Matto: Arabella's is the restaurant.

Comm. Harger: But will they have access to Arabella's?

Richard Schultz: Oh, absolutely.

Comm. Panico: It's terrible to do parallel parking on a 12% grade.

Comm. Kelly: Pump the emergency brake.

Comm. Widomski: So, the first snow storm we get will be at the bottom of the hill.

Comm. Kelly: Or an ice storm.

Richard Schultz: No, I'm talking about the side streets.

Comm. Widomski: Just out of curiosity, where's the handicap, on the hill? I'm being facetious (laughing).

Richard Schultz: As anyone would know, there are no easy solutions. He has a right to build a building which is going to create problems in itself because you've got to have parking.

Comm. Kelly: You're right.

Richard Schultz: He sees the need right now to provide more parking. It's just that the design solution that he's coming up with is very difficult, so I think you should have a hearing, so does everyone agree on that?

Comm. Harger: So, public hearing in October?

Richard Schultz: You can't have Huntington Center over the other two.

Comm. Harger: Would a public hearing resolve it?

Richard Schultz: Staff is going to spell out the deficiencies. You're going to have an unfavorable recommendation from the city engineer; you know how his reports have been. The Fire Marshal the same thing, fire chief.

Comm. Pogoda: There's no sense in going into the public hearing if it's not going to get resolved.

Richard Schultz: But the property owners want to be able to comment on it, the adjacent property.

Comm. Matto: Ok.

Richard Schultz: October 9 is our regular meeting, October 24.

Comm. Widomski: The property owners wanting to speak against it or for it?

Richard Schultz: It's in opposition.

Comm. Widomski: So, I mean I think we're all kind of questioning it ourselves and it looks like it's not going to go through. Why are we wasting time on another public hearing?

Comm. Tickey: If you do it administratively, perhaps there could be another solution to this and not waste several months of the applicant's time.

Richard Schultz: The city engineer is going to recommend a ~~No~~

Comm. Widomski: So why don't we just axe the solution now?

Comm. Panico: It's not something you can massage and make it work.

Comm. Kelly: Right, it is what it is and it's not going to work.

Comm. Panico: Let's process this administratively and then reject it?

Richard Schultz: Ok.

Comm. Harger: Do we need to do something then?

Richard Schultz: You're accepting it tonight then, with that understanding.

Comm. Widomski: What are we accepting?

Richard Schultz: That staff conveyed to the applicant that design is unacceptable.

Comm. Kelly: Ok, right.

Comm. Pogoda: Even with a cursory review here tonight.

Comm. Harger: I don't see how a public hearing would make us come up with a better plan.

Comm. Matto: They're going to come and present this to us

Richard Schultz: But you're already hearing issues by staff tonight.

Comm. Widomski: So it's just, it's just a waste of everybody's time.

Comm. Panico: If we had the time to do the public hearing, Rick, there would be no harm in doing it, but you don't have the ability to do it under a timely fashion. It's three months before there's the hearing.

Richard Schultz: Ok. Let's accept it with the understanding that staff conveyed to the applicant that there are major deficiencies in design problems, which will result in an unfavorable action.

Comm. Harger: Ok, so is there a motion that we need for that?

Richard Schultz: Motion to accept the application.

Comm. Pogoda: Motion to accept.

Comm. Harger: There's a motion to accept the application from Comm. Pogoda. Do I hear a second?

Comm. Kelly: Second.

Comm. Harger: There is a second from Comm. Kelly. All in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, it was unanimously voted to accept Application #18-18.**

**D. Application #18-19.** Russell Speeder's Car Wash of Shelton for Modification of Site Plan Approval (vacuum cleaners installation/landscaping), 811 River Road (Map 12, Lot 25); accept, discussion and possible action.

Comm. Harger: I think we need to table this. Can I have a motion to table Application #18-19 unless the Commissioners feel otherwise?

Comm. Matto: The applicant's here, been waiting all this time.

Richard Schultz: I told the applicant how long the agenda was and he wants to tell the Commission he wants to get real flowers (laughing).

Comm. Harger: Sir, why don't you come to the podium?

Julio Pinyatti: Hi everyone, my name is Julio Pinyatti and I'm the site manager at this location for Russell Speeder's Car Wash on River Road. So we would like to -

Comm. Harger: First we need to do a motion to accept.

Richard Schultz: Yes, go ahead.

Comm. Harger: Can I have a motion to accept Application #18-19?

Comm. Pogoda: So moved.

Comm. Tickey: Second.

Comm. Harger: There is a motion to accept from Comm. Pogoda, seconded from Comm. Tickey. All in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Tickey, it was unanimously voted to accept Application #18-19.**

Julio Pinyatti: So, we would actually like to take away some of the existing landscaping down in front of the building to make possible six spaces for cars to park there and use free vacuum cleaners.

Comm. Harger: Mm-hm.

Julio Pinyatti: We, um, would like to do that because you know, we want to stay competitive with some other carwashes in town. Also, we would like to uh, give also value to our customers coming to our carwash to not only for washing their vehicles but also have a free vacuum at the time of exiting. So as the cars exit out from the tunnel, the carwash tunnel, we'll be able to park on the left, we'll get easy access because it's kind of like angle for six cars to fit and it will be also easy to exit out from the property on the Route of 110.

Comm. Harger: How far back off the property line on Route 110 would these units be installed?

Julio Pinyatti: I believe, uh, I believe it's about the 10 - 12 feet?

Comm. Harger: And on the last page there's some shrubs indicated and you would be doing some screening?

Julio Pinyatti: Yes. Everybody will want that.

Comm. Harger: And are these the only kind of units that can be installed? Look at these big arms.

Julio Pinyatti: Well, that is the type of vacuum cleaners. This is pretty much what they're doing for it's easier to maintain. Traditionally, it used to be the big cylinders in front of the face of it. But this one was more efficient than say a space saver.

Comm. Harger: Are each of these towers or poles connected?

Julio Pinyatti: That is just a -

Comm. Widomski: A swivel over the top of your car so you don't have a long hose.

Comm. Harger: That's a street line.

Comm. Widomski: Which one?

Comm. Harger: The one up there.

Comm. Widomski: Oh, All right.

Julio Pinyatti: Each one will have independent buyer console. There's a central vacuum at the end, which this is not the case.

Comm. Harger: Mm-hm. All right, do any Commissioners have any questions, comments -?

Comm. Widomski: The trees you --

Comm. Matto: This would not be screened from the road, so, I see five-foot shrubs probably are provided. Is that what you're talking about?

Richard Schultz: Right.

Comm. Matto: Is that really going to block the whole operation there from the site?

Richard Schultz: Yes, is screening something you would like or do you want a fence?

Comm. Matto: Oh, I don't think a fence right on River Road.

Comm. Harger: Is there some other location on this site that this could be handled?

Comm. Pogoda: No, not really.

Richard Schultz: No, the stackings are in the back.

Comm. Pogoda: No, there really isn't.

Comm. Widomski: Are those bushes?

Richard Schultz: Staff wants you to visit the site down there. We can ride down there.

Comm. Matto: Well, I go by there a lot and there is room there but it's going to be these structures right on the road. Maybe a string of arborvitaes, then you can't see the car wash. I don't know if that's what you're going for.

Richard Schultz: What about the quantity?

Comm. Matto: Who says you can have five when you can have one or two?

Comm. Tickey: We contemplated this a lot with another similar business model where they wanted to put something on the very close to the street, a little different situation, but we had the same conversation about having something that's right on the road and being mindful about what that looks like.

Comm. Panico: I think you're, if you do it, you have to screen the lower level, you really do. Then seeding and/or shrubbery.

Comm. Matto: I don't see fencing it right on 110.

Comm. Panico: The fence could be set back 10 feet or so.

Comm. Matto: There's not that much space.

Comm. Widomski: How much space between the curb of the road in and the parking spots?

Julio Pinyatti: About 12 feet.

Comm. Widomski: I mean, my concern is we put trees down there in 4 or 5 years, would you be able to see coming out of the driveway because they are going to grow.

Comm. Harger: I'm just not comfortable with this particular application with all of this on the street.

Julio Pinyatti: Well, we can always keep it trimmed just for them not to grow too tall.

Comm. Matto: How tall are these back-end things? How tall are they?

Julio Pinyatti: They're about six feet tall.

Comm. Matto: Six feet, so you would want to screen them out. I just can't see having a row of trees right on River Road and a six foot structure right behind it.

Comm. Tickey: You can't use this. I'm on the last page sir. You can't use this back-right corner for anything because there's cars coming through that way? This back corner, is that viable space back there?

Julio Pinyatti: No, we don't really have much there.

Comm. Tickey: I think it's because cars come around.

Comm. Pogoda: It's the flow then, it's the flow of traffic.

Comm. Matto: What if there are only one or two of these?

Richard Schultz: Is there a minimum you can live with versus the six?

Julio Pinyatti: Of course.

Richard Schultz: So, you're flexible with this?

Comm. Harger: Our consultants tossed out the idea, could these not go up against, say three of them, against the building?

Comm. Panico: Put the back things against the building swinging out and into that space. Just flip over what they're talking about doing.

Richard Schultz: Well, we've got to go there, Staff's got to go there.

Comm. Tickey: To the building.

Comm. Panico: Then you've got 10-feet of pavement and if you put some landscapes in, then it's sufficient.

Comm. Matto: But doesn't the building have all bays going into the car wash?

Comm. Panico: This shouldn't interfere with it.

Comm. Widomski: I see what you're saying. Isn't that a couple of bays?

Comm. Tickey: They're all open.

Comm. Harger: It's looking like staff will do a site visit.

Richard Schultz: We'll do a site visit.

Comm. Harger: So, do you want to table this?

Richard Schultz: Yes.

Comm. Matto: I think we still want the plastic flowers to go.

Comm. Harger: They're gone. They're gone already. Can I have a motion to table this?

Comm. Pogoda: So moved.

Comm. Harger: Second?

Comm. Tickey: Second.

Comm. Harger: There's a motion to table from Comm. Pogoda, seconded by Comm. Tickey. All those in favor?

Commissioners . . . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Tickey, it was unanimously voted to table Application #18-19.**

Comm. Harger: Thank you very much.

Richard Schultz: Ok, I'll be contacting you, we'll meet you at the site.

**E. Application #18-20**, for Highland Golf Club of Shelton, Final Subdivision Approval (3 lots), 261 Wooster Street (Map 128, Lot 78) accept for review.

Comm. Harger: Why are we calling this final subdivision for approval?

Richard Schultz: That's our terminology we use in our subdivision.

Comm. Panico: Not going through in our preliminary, going through in our final.

Richard Schultz: Tony came up with that in 1963.

Comm. Harger: All right, very good. Can I have a motion to accept for review?

Comm. Kelly: You have a motion.

Comm. Harger: Motion from Comm. Kelly. Can I have a second please?

Comm. Matto: Second.

Comm. Harger: Seconded from Comm. Matto. All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Kelly, seconded by Comm. Matto, it was unanimously voted to accept Application #18-20.**

Comm. Harger: If you're not familiar with the neighborhood, please take your time to drive up there. We'll be discussing this next meeting, so, please go up there.

Richard Schultz: We have 65 days to act on this application.

**F. Application #18-21**, - J.V. Greco Construction, LLC for Minor Modification of Detailed Development Plans for PDD #70 (free-standing commercial building: exterior materials), 385 Bridgeport Avenue (Map 77 Lot 27): accept, discussion and possible action.

Comm. Harger: This is the free-standing building to the right of Barra in the Marketplace, the building in the Big Y shopping center that was originally approved for a drive-through.

Richard Schultz: That's right, this is a commercial building and will have a combination of brick, stone and Drivet to match the main building.

Comm. Matto: Same height?

Richard Schultz: Single-story building.

Comm. Pogoda: Do you have the materials for the Commission to take a look at it before we do something like a restaurant with the, uh, I want to see what they're putting on that building before I approve anything.

Comm. Matto: It's not going to be the same? Is it going to be the same?

Comm. Pogoda: I would hope it's going to be the same as not like the restaurant, but the one that's completely-

Comm. Harger: Staff has seen, but we're not at the point where the whole Commission has.

Richard Schultz: That's right.

Comm. Harger: So

Richard Schultz: So, we'd just table it tonight? Ok?

Comm. Harger: Yes, absolutely. Is there a motion to table Application #18-21?

Comm. Pogoda: So moved.

Comm. Harger: There's a motion from Comm. Pogoda to table. Is there a second?

Comm. Kelly: Second.

Comm. Harger: A second from Comm. Kelly. All those in favor?

Commissioners . . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, it was unanimously voted to table Application #18-21.**

Comm. Pogoda: Excuse me, we need to see the paint, whatever they intend to do. I mean, I had asked for a lighter color with the stain and everything.

Comm. Harger: Mr. Schultz, would you please make sure that gets communicated to the Applicant?

**G. Application 18-22.** Dominick Thomas on behalf of GNK, LLC for Initial Development Concept Plan, Final Site Development Plan and PDD zone change approval (30 residential units), 301 Old Bridgeport Avenue/AKA, (also known as) 1 Sunwood Drive (Map 91, Lot 17): accept and schedule Public Hearing.

Comm. Harger: This is the site that is right across from Hunan Pan?

Comm. Panico: Yes, that's correct.

Comm. Harger: That was a day care center?

Comm. Panico: Mm-hm.

Comm. Harger: So, what is the public hearing that you suggesting for this?

Richard Schultz: So, we're booked for September 26, October 9 is the regular, and October 24, fourth Wednesday.

Comm. Widomski: Where's this?

Comm. Panico: You should get a letter from them.

Comm. Harger: On Sunwood Drive. This is across from the restaurant.

Comm. Widomski: Oh, ok. Yep.

Richard Schultz: All right, the motion has to indicate with the understanding that the applicant grant an extension. If that does not come to be that we got to deal with that issue, ok?

Comm. Panico: He's got to understand that what's going to happen automatically.

Richard Schultz: Put it onto another meeting.

Comm. Pogoda: Put it for another meeting.

Richard Schultz: Angelo's, we just opened. Remember?

Comm. Panico: If you tell the Applicant ahead of time, there's no reason why he wouldn't give you the extension then.

Comm. Harger: Which way are we going on this?

Comm. Pogoda: Or ask for the extension first, and if that doesn't work, we just take it, open it and close it.

Comm. Harger: So, right now, we're still shooting for October 24?

Comm. Panico: If he doesn't get an official extension of time, then we'd move it up, but all you're really doing is opening it and reassessing it.

Richard Schultz: It will be November 11.

Comm. Harger: Continuing it?

Richard Schultz: I mean, September 11. I've been here 14 hours.

Comm. Widomski: Rick, can you send out an email with all the dates?

Richard Schultz: Yeah, absolutely.

Comm. Widomski: Thank you.

Comm. Harger: So, can I have a motion as we discussed to schedule a public hearing on October 24 with the condition that it may be earlier?

Comm. Pogoda: So moved.

Comm. Kelly: Second.

Comm. Harger: Motion on the table from Comm. Pogoda and seconded by Comm. Kelly. All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, was unanimously voted to schedule a public hearing on October 24 for Appl. #18-22.**

**H. Application #18-23.** National Express, LLC for Modification of Site Plan Approval (bus storage facility) 40 Oliver Terrace (Map 63, Lot 12) IA-2 District: accept, discussion and possible action.

Comm. Harger: Next one is the add-on.

Richard Schultz: Okay. We need to accept this, but the Applicant has indicated there may be a withdrawal coming soon. So the motion is to accept and favorable action.

Comm. Tickey: Motion to Accept and favorable action.

Comm. Kelly: Second.

Comm. Harger: Did we do it together?

Richard Schultz: Yes.

Comm. Harger: So there's a motion from Comm. Tickey to accept on the table, seconded by Comm. Kelly?

Comm. Kelly: Yes.

Comm. Harger: All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Tickey, seconded by Comm. Kelly, it was unanimously voted to accept Application #18-23.**

**I. Application #18-24.** Fountain Square. Final Detailed Development Plans for PDD 91 Fountain Square, mixed use development, 801 Bridgeport Avenue, accept for review.

Comm. Harger: Some background on this, please, Mr. Schultz.

Richard Schultz: Yes, this is going to be Phase One; that doesn't include the hotel area. Staff has met with the applicant and gave him all of the proposed changes to be incorporated. Applicant has also met with DOT and the State Traffic Commission and incorporated all of the changes as needed. The grading is shown on it for the post sidewalk on Bridgeport Avenue and still needs to determine the final design for that walkway to the cul-de-sac. It's not going to be an easy design, but it is a condition for approval.

Comm. Panico: That won't be necessarily resolved in this phase over it?

Comm. Harger: This phase encompasses exactly what are the ones.

Richard Schultz: Yeah, the building on the corner.

Comm. Harger: The proposed pharmacy.

Richard Schultz: The pharmacy.

Comm. Panico: Does that include it, Rick?

Richard Schultz: Yep.

Comm. Panico: I thought he was holding up on that?

Comm. Pogoda: No, he wasn't doing the pharmacy.

Richard Schultz: No, he was not. Retail, the main retail building, the coffee shop and one other existing. The sit-down restaurant, coffee shop, free standing coffee shop, and the retail building (Phase One).

Comm. Harger: Motion to accept for review?

Comm. Pogoda: So moved.

Comm. Harger: Second?

Comm. Kelly: Yep.

Comm. Harger: Comm. Kelly, was that you?

Comm. Kelly: Yes it was.

Comm. Harger: Motion to accept to review from Comm. Pogoda and seconded by Comm. Kelly.

Comm. Harger: All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, it was unanimously voted to accept for review Application #18-24.**

Comm. Widomski: Rick, do you have the sidewalk in there?

Richard Schultz: Oh, yeah.

Comm. Widomski: All the way down?

Comm. Panico: They'd be prepared for it.

Comm. Widomski: That's what I want. We're good.

## **VII. Public Portion**

Comm. Harger: There's section seven, onto public portion. Is there any member of the audience that wishes to address an item not on the Agenda?

Thomas Harbinson: Thomas Harbinson, 15 Soundcrest Drive, Chairman of the Conservation Commission. Just wanted to reiterate a couple items because of the discussion regarding purchase of open space earlier. In all respect, your role for evaluating an application for development should not take into account whether or not the City is looking to purchase the property. I understand the comments made that if you make an approval, it's going to increase the value of the property, cost the taxpayers, but that really has to be separate. When you consider an application for development, you should consider the application on its own. It has happened many

times in the past where a property that we are interested in acquiring for open space purposes has a concurrent application upon it. That has happened on the Wiacek property on Meadow Street. It happened at 279 Soundview Avenue where the property that was on fire and the Wetlands Commission chairman, it happened very recently on a property on Pearmain Road.

So, the process of applying for development of a private individual's land should be considered by you as its own process. The process to have the city acquire open space is one that the Conservation Commission follows regularly in its advisory role. We do not take up a piece or parcel just because there is neighborhood opposition to development. We carefully consider what parcels we feel that are for the future benefit of the city as a whole, not just in the White Hills area or the Pine Rock area. We look at the city as a whole and we follow our open space plan. That open space plan has identified greenways, corridors that collectively contain the open space purchases or the dedicated set asides of open space with subdivision, uh, would benefit by creating a corridor to allow wildlife, habitat migration, better buffer between alternative uses and the potential for passive recreation opportunities such as trails, hiking, bird watching, and the like.

Since the applicant has talked publicly about it, I believe I can talk publicly about it now, as well, with the subject parcel that you were looking at earlier on Waverly Road. Normally, the Conservation Commission deals with all of these issues in an executive session manner. This protects the negotiating position of the city and the fiduciary responsibility to the city, it protects the taxpayers for what it pays for property. The applicant, John Paul, I happened to talk to him in March of last year about the potential for the city to acquire his property. Would you be interested in doing so? He said yes, we would be open to discussion of that aspect.

At our April meeting of the Conservation Commission of 2017, we agreed that since this was a parcel that was in the core of our quality of life, a list of parcels that we identified that would be beneficial to be preserved as open space. We then talked to the Mayor about how to go about discussing the planning for this, doing appraisals and so on. The Mayor directed us to obtain appraisals for the property, which we did. Sometimes that takes time. We wanted to do those known to us as a yellow book standard in case we use those appraisals for applying for a grant application. We felt that this parcel of land with its proximity to the public water watershed and the fact that the state had already preserved properties adjacent to this through Class Three Watershed Protections in class. I believe we did one watershed protection within the Means Brook reservoir area. This would be a very valid parcel for a grant application. So, we wanted to do the appraisals to yellow book standards, which takes time. That was done. The appraisals were turned over to the Mayor's office and by the applicant's comments during your public hearing, the Mayor has not negotiated with the applicant. That's where it stands. Thank you.

Comm. Harger: Thank you, Mr. Harbinson for taking the time to speak with us tonight. Next one is Section VIII, Other Business.

## **VIII. Other Business**

Richard Schultz: Yeah, we're going to recommend that you table everything except for payments and bills.

Comm. Harger: Can I have a motion for payment of bills?

Comm. Pogoda: Motion to pay the bills.

Comm. Harger: There's a motion to pay the bills from Comm. Pagoda; is there a second?

Comm. Kelly: Second.

Comm. Harger: All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly, payment of bills was unanimously approved.**

Comm. Harger: Just wanted to let everyone know that you'll be getting a packet by the end of the month of all the minutes that have to be approved. And I've gone through April. We are waiting to for the May and June minutes from our previous stenographer,. And for July, we will be relying on Sarah to submit. I went through them in detail. Jim Tickey takes a look at them first, he picked up things and I made a lot of notations. It isn't so much wording changes but there are name corrections where spelling was not done correctly. There was a lot of punctuation and just style that could have been done a little bit better. So, that's why those have been held up. It was more or less a perfect storm of things happening from the time I became Chair in December, to things that happened in the following months. So, I thank you for your indulgence on that. And, you'll be getting a package so you could see exactly what changes we're recommending. Minutes had been posted on the website, but we'll be approving them with these types of changes. Rick, do you want to make any further comments?

Richard Schultz: The Downtown Subcommittee will be meeting this Friday. Obviously emphasis is going to be in the Conti building again now that he has new occupants to the rear. The rear really needs a lot of attention as well.

Comm. Kelly: That's for sure.

Richard Schultz: We have overhead doors, several loading docks in the city right of way. So, we get to deal with this now a lot. We're going to have good weather Friday, start the meeting at 9 a.m., right Charlie?

Comm. Kelly: Absolutely.

Richard Schultz: Then we'll talk and then do a site walk right down the road.

Comm. Kelly: That's good.

Comm. Harger: I was just going to say I'd prefer to do a sidewalk acquainted with that and also see how the process---

Richard Schultz: And look at the parking lot and the work that the city did for Angelo. Those parallel, I mean perpendicular they're already doing.

Comm. Harger: While we're there, across the street is Spongex. I know we can't get close, but can we take a walk over to that site?

Richard Schultz: Absolutely. I'm going to show you the retaining wall that was done.

Comm. Harger: Can Mr. Guedes meet us there?

Richard Schultz: Yes.

Comm. Harger: Okay. Comm. Kelly, would you be okay with that as Chair?

Richard Schultz: Sure, okay with me.

Comm. Harger: Can I have a motion to adjourn?

Comm. Matto: So moved.

Comm. Harger: Is there a second?

Comm. Kelly: Second.

Richard Schultz: Sarah, did you get that?

Comm. Harger: Motion from Comm. Matto, seconded by Comm. Kelly. All those in favor?

Commissioners . All: Aye.

Comm. Harger: Any opposed? Motion passes.

**On a motion made by Comm. Matto, seconded by Comm. Kelly, it was unanimously voted to adjourn at (time?).**

Comm. Harger: Goodnight everybody and thank you for hanging in there.

Respectfully submitted

Sarah Voumazos  
Recording Secretary